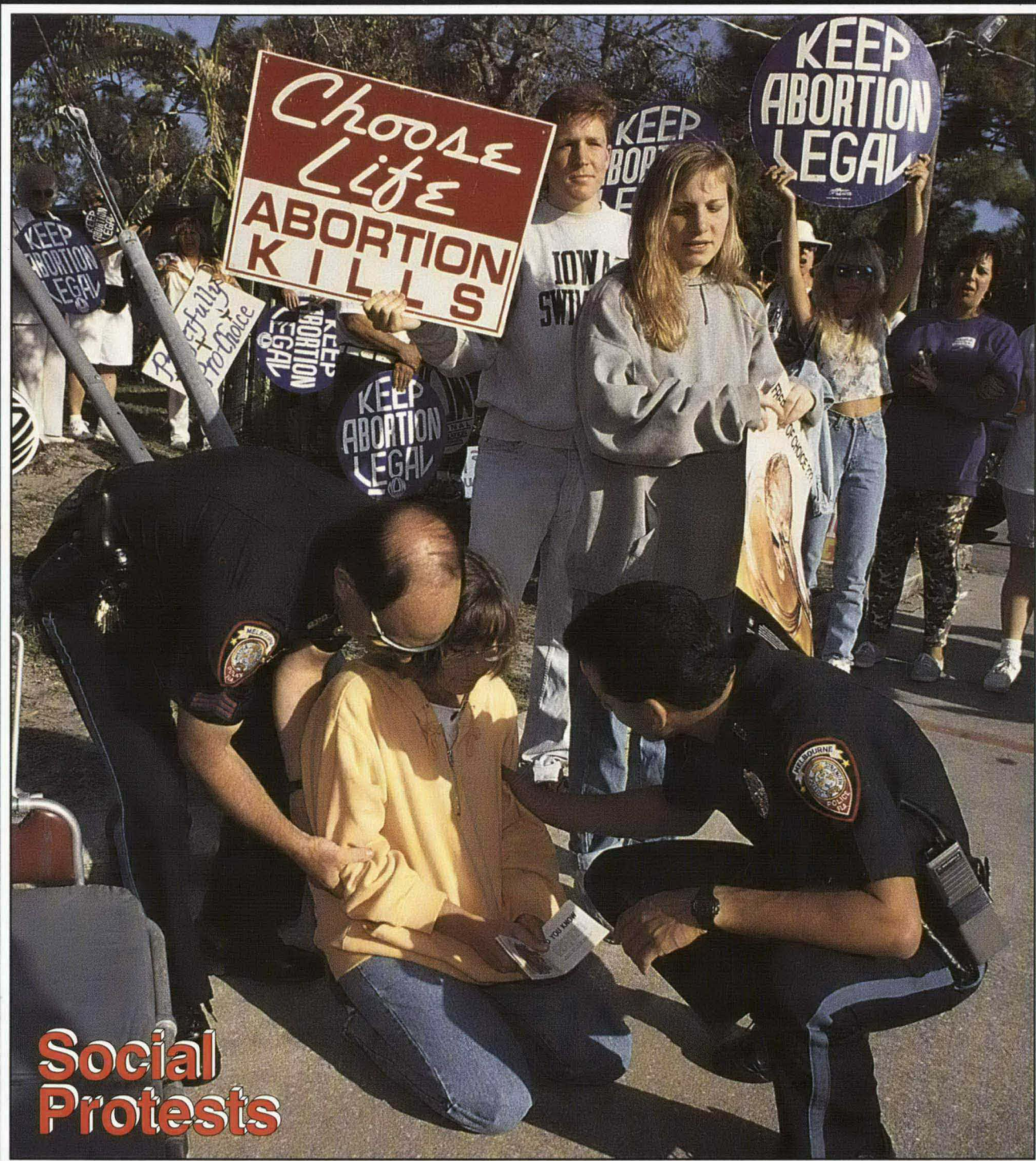




JANUARY 1996

FBI Law Enforcement

B • U • L • L • E • T • I • N



**Social
Protests**

January 1996
Volume 65
Number 1

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

Louis J. Freeh
Director

Contributors' opinions and statements should not be considered as an endorsement for any policy, program, or service by the FBI.

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, FBI Academy, Quantico, VA 22135.

Editor

Stephen D. Gladis, Ph.D.

Managing Editor

Kathryn E. Sulewski

Art Director

John E. Ott

Associate Editors

Andrew DiRosa

Julie R. Linkins

Kimberly J. Waggoner

Assistant Art Director

Brian K. Parnell

Staff Assistant

Stephanie L. Lowe

Internet Address:

fbileb@justice.usdoj.gov

Cover photo © Florida Today

FBI Law Enforcement Bulletin



Features

Social Protests in the 1990s

By Gary A. Allgeyer

1

Today's law enforcement agencies must respond to a variety of social protests and deal with new types of protesters.

Vehicle Theft Along the Texas Border

By Philip A. Ethridge
and Raul Gonzalez

10

Several agencies in south Texas formed a task force to counter the sharp rise in vehicle thefts along the Texas-Mexico border.

Neighborhood Service Team

By Robert R. Barber

17

The Neighborhood Service Team resolves once-intractable community problems by listening to citizens and coordinating resources with other municipal agencies.

Searching Locked Containers Incident to Arrest

By Edward M. Hendrie

26

The legality of searches of locked containers incident to arrest has yet to be settled, even though several courts have addressed the issue.

Departments

8 Call for Manuscripts

14 Police Practice

Detection Dogs

22 VICAP Alert

Thomas Edward Luther

24 FaxBack Response

Media Influence

25 FaxBack Question

Policing in the Next Century

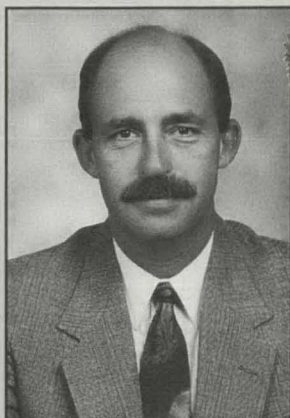


Social Protests in the 1990s

Planning a Response

By GARY A. ALLGEYER, M.S.

During the 1990s, many communities have witnessed a resurgence in protests and civil disobedience demonstrations reminiscent of the civil rights and antiwar movements of earlier decades. Major issues today include abortion, nuclear proliferation, environmental protection, service and access rights of the physically challenged, and continued civil rights concerns. Any community with product- or service-oriented businesses or military installations may be targeted for action, either by local activists or national organizations.



Captain Allgeyer serves with the Melbourne, Florida, Police Department.

“**Communities of all sizes face the potential for demonstrations and acts of social protest.**”

The City of Melbourne, located on the southeast central coast of Florida, has been the focus of such actions in recent years, primarily due to the presence of the only abortion clinic in a county with almost one-half million residents. In addition, the clinic's highly outspoken owner makes her home in Melbourne, as does the leader of Operation Rescue, a national pro-life organization. These factors have made the city a hotbed for the abortion issue.

The intensity of pro-life and pro-choice sentiments and the multitude of proponents on either side required the Melbourne Police Department (MPD) to meet this challenge head on. Yet, despite hundreds of arrests, lengthy trials, lawsuits, and attempts by both sides of the issue to challenge the department's neutrality and professionalism, the MPD continued to maintain a positive public image, as demonstrated in television coverage, press reports, and editorials.

The department has learned a great deal since its first encounter with activism several years ago. Agency administrators have identified and established methods to address several issues common to the protests they faced. In many ways, these issues represent features typical to most contemporary activist movements, regardless of where they operate or what causes they support.

NEW CRUSADERS

For the most part, the general public's perception of social protests has focused on the fringe—a picture of activists as a few misguided malcontents driven by extreme viewpoints. Images of barefooted flower children dressed in tie-dyed shirts and old jeans usually come to mind.

Protesters today are more likely to arrive at the scene conservatively dressed, some even wearing designer clothes. They are committed to a cause, but operate from what would appear to be a less radical position.

Whereas the old school proclaimed to Middle America, “We’re different,” the activists of the 1990s claim, “We *are* Middle America.”

Activism, once the domain of extremists, now is viewed as a valid form of creating social change. Christian activists, in particular, come from conservative backgrounds and depend on the belief that most Americans share their basic values to build their ranks and project an image of legitimacy onto their activities. Protesters who once would have been considered reactionary now may be seen as courageous proponents of a cause. This change in public perception creates some particular challenges for law enforcement.

CHALLENGES TO LAW ENFORCEMENT

Intelligence Gathering

Florida law allows law enforcement to collect and maintain intelligence on persons and groups if the surveillance is conducted with “a reasonable, good faith belief that it will lead to detection of ongoing or *reasonably anticipated* criminal activities”¹ (emphasis added). Unfortunately, incidents of past abuse create a negative public perception of police efforts to gather intelligence information on activist groups.

Nevertheless, the necessity for intelligence gathering cannot be over emphasized. To cope successfully with a major incident or a series of announced protests, the police must collect information about the leaders and members of the sponsoring group(s). The Melbourne Police Department assigned a full-time detective to intelligence duties with the

advent of large-scale abortion protests. The detective and the department met the challenge of intelligence gathering in a very direct way.

Every issue has two sides, and law enforcement can use this fact to its advantage with regard to activist groups. For the MPD, much of the intelligence information gained on pro-life organizers came from their opposition. Private investigators contracted by pro-choice groups tracked, photographed, and collected data on pro-life activists, and then offered much of this intelligence information to the police department.

By accepting this information, the department could have opened itself to criticism from the pro-life side. But such protests have not materialized, largely because pro-life organizations have their own intelligence groups in operation, gathering similar data on clinic employees, doctors, and patients.

The police department uses this intelligence information to plan its response to demonstrations and other protest activities. Much of the success of this effort can be attributed to the approach taken by the MPD investigator.

During the first critical months of the intelligence-gathering initiative, the MPD investigator remained open and approachable to both sides. After introducing himself to pro-life leaders, he began to attend their groups' public meetings. Although he remained steadfastly neutral on the issue of abortion, pro-life organizers accepted the detective in his official role.

Some of the Christian activists even saw his personal conversion to

the cause as a special challenge. While he may have gained little critical information from these contacts, the personal interaction enabled him to provide the department's command staff with his intuitive assessment of the pro-life leadership. His close involvement with the groups also minimized the effect of an anticipated disinformation campaign against the police department as the protests and demonstrations grew.

In contrast, efforts to infiltrate pro-life groups with undercover officers produced little benefit. Because of the successful application of racketeering statutes to their organizations, pro-life leaders avoided

“The role of law enforcement is not to impede legitimate acts of social demonstration but to enforce court-mandated restrictions and to ensure individual and community safety.”

discussing any law-breaking activity in rallies or other public forums. Therefore, it became difficult for the police department to anticipate the number and identities of participants in trespass and civil disobedience incidents prior to the actual events. Police staffing for the events became a combination of “best guess” decisionmaking and trial and error.

Staffing and Financial Concerns

Protests and mass-arrest situations are labor-intensive events that often require more staff than departments can schedule for regular duty. Thus, staffing becomes a financial challenge for any agency faced with such events.

In 1993, the MPD spent \$51,000 in overtime for peacekeeping and enforcement duties. Most communities accept such costs as a natural consequence of the rights of citizens to engage in peaceful protests. However, in the abortion-rights battle, public funds can become a propaganda tool for both sides.

Pro-choice leaders decry the need to devote tax dollars to protect abortion clinics. They attempt to influence public opinion by claiming that if not for the antiabortion activity, police could be out fighting crime. Pro-life leaders attack local governments, questioning why they spend public funds to protect clinics that perform abortions.

For law enforcement, the obvious need for overtime staffing does not justify a carte blanche approach to personnel allocation. Indeed, agencies should plan their staffing levels carefully. Overstaffing can be interpreted as overreaction and can erode public and political support for the police as expenses build. At the same time, understaffing delays an appropriate response to a fast-breaking event, opening an agency to accusations of favoritism and lack of preparation.

The MPD approach uses past experience, current intelligence data, and consensus building among the command staff to determine the department's response on a



"During a demonstration, the arrest procedures and defensive tactics employed by police become high-visibility...issues."

daily basis. Contingency plans, such as callout lists and mutual-aid requests, complement the daily plan and allow for a quick escalation of personnel levels as the need arises.

Use of Force

During a demonstration, the arrest procedures and defensive tactics employed by police become high-visibility—and potentially high-liability—issues. The public perceives how well an agency responds to incidents based on the level and type of force used in restraining, moving, and arresting nonviolent protesters.

Antiabortion protesters usually employ passive resistance techniques when engaged in trespass activities and civil disobedience. Department administrators decided that officers should not use take-downs, come-alongs, and pressure point control techniques in response to the protesters' passive resistance.

After reviewing news videos, newspaper photographs, and media accounts, the command staff

concluded that these techniques produced fewer benefits than their associated costs—images of overreaction and the appearance of unnecessary cruelty. Thus, training becomes a focal point for any agency tasked with responding to such incidents.

Training

Recognizing the hazards of overreaction, the MPD command staff developed a thorough training plan, and from the outset, communicated to officers both the policy and philosophy of the department's response strategy. Instructors briefed officers on the respective beliefs and positions of both sides of the abortion issue and juxtaposed this information with the MPD's operational plan:

The morality of allowing (abortion) is unquestionably the most passionate issue of today, and undoubtedly, the personnel of the Melbourne Police Department hold as varied a collection of outlooks

on the matter as does the general public.

However, our code of ethics requires that we never act officiously or permit personal feelings, prejudices, animosities or friendships to influence our decisions and that we will enforce the law courteously and appropriately, without fear of aggression.

Professionally, then, we cannot and will not, collectively or individually, take sides on the issue of whether abortion is moral or immoral. It is therefore our intention to safeguard the rights of holders of both convictions to the best of our ability, by enforcing the law firmly but compassionately, while respecting the constitutional rights of all persons.²

This foundation set the tone for more specific training in perimeter security, crowd control, arrest techniques, and booking procedures. Advised that both sides of the issue often try to provoke personal responses from police personnel on the scene, officers were briefed on deflection responses and the importance of maintaining neutrality. Instruction also included handling press inquiries, complaints from neighbors adjacent to the clinic, and comments from passing motorists.

Training also focused on methods of response to a frequent tactic used by pro-life groups—individuals' and groups' chaining or locking themselves to doors, fences, and one another to impede entry into abortion clinics. In these attempts, the protesters generally use steel bicycle locks or heavy chains. Therefore,

when responding to pro-life demonstrations, the MPD always comes prepared with a variety of cutting tools, protective shields, and specially trained personnel.

The emphasis of the department's philosophy and the depth of officer training paid off when the level of protests increased in the spring of 1993. An injunction granted in April 1993, restricting activities within a buffer zone around the abortion clinic, led to over 140 arrests in the ensuing weeks. During that time, no arrestees were injured, although one officer received a back injury while attempting to catch a protestor who suddenly had gone limp.

Logistics

Preparation for events likely to result in mass arrests entails tremendous effort. The wide range of potential scenarios forces agencies to prepare numerous contingencies. In other words, they must have a plan for personnel and equipment to respond to a small protest that could easily either expand or fizzle.

Implementing a response plan involves considerable risk, especially in financial terms. The MPD spent over \$7,000 during the first week of scheduled protests in spring 1993, but made no arrests. As the protests grew, the need for more flexibility in response became clear.

The MPD command staff brainstormed the logistical process by asking a number of questions. What resources are necessary for the arrest function? How many arrests should be expected? What are the best- and worst-case arrest scenarios? How many officers are needed per arrestee? How long

should the booking process take? What special equipment should be on hand—or quickly available—each day? The command staff compiled the answers to these questions into an operational plan for the continuing protests.

The plan outlined job descriptions for all personnel. Many jobs were combined for small events, but remained separate in the plan to allow for easy expansion. The plan identified eight command and logistical positions: Incident commander, field force commander, tactical commander, arrest processing supervisor, logistics officer, traffic and security supervisor, supply officer, and tactical supervisor.

“

Activism, once the domain of extremists, now is viewed as a valid form of creating social change.

”

The command staff also compiled a list of equipment that might be needed during large demonstrations. These items were gathered for quick issue to officers. Flowcharts and checklists provided incident commanders with an easy method to evaluate and control the police response.

Interagency Coordination

The police department supplemented its efforts by coordinating mutual aid with other local and State agencies. An interagency agreement

for mutual aid in emergencies had long been in place. In addition, the MPD made arrangements with agencies to provide personnel in the event of a major disturbance. To date, the police department has not found it necessary to invoke the agreement.

However, as arrests mounted in the spring of 1993 and beyond, police coordination with the Brevard County Detention Center (BCDC) assumed particular importance. Operated by the Brevard County Sheriff, the BCDC holds over 800 prisoners serving county jail terms or awaiting trial, sentencing, or transfer to other institutions. A large-scale protest easily can produce arrest numbers that equal 10 to 20 percent of the current jail population.

Many of the tactics employed by activists—such as refusing to identify themselves upon arrest—are designed specifically to land them in jail and thus heighten the impact of their protests. To reduce booking time at the jail, the police department's command staff developed an on-scene arrest procedure. Police personnel photographed arrestees (full face, with no hats or sunglasses) with the arresting officer. Officers then restrained the arrestees using flex-cuffs marked with indelible ink. This procedure simplified the paperwork process once the officers had positively identified the arrestees.

Department administrators also conducted advanced planning with the county prosecutor's office. With input from police administrators, the prosecutor's office predetermined appropriate charges for given actions and prepared sample

narratives for officers that include all elements of each separate offense. For major events, an assistant State's attorney provides on-scene legal advice to the incident commander.

Because pro-life groups often allow, and even encourage, children to engage in protest activities, the police department also included the Youth Services Division of the Department of Health and Rehabilitative Services in the planning process. During demonstrations, this agency assumes responsibility for safeguarding children who are in custody due to a parent's arrest. Policymakers decided to take all juvenile violators into custody, but to file criminal charges only against those 16 or older. Younger children are transported from the scene and held until their parents come to get them.

PLANNING FOR PROTESTS

Communities of all sizes face the potential for demonstrations and acts of social protest. Even when peaceful, these events challenge the resources of local law enforcement agencies.

Because demonstrations can escalate quickly into more menacing assaults against public order, agencies must prepare for a full range of response options. Agency administrators should use specific planning methods to determine appropriate responses. In the face of potential protests and demonstrations, agencies need to scan, plan, train, respond, and evaluate.

Scan

Police administrators should scan the environment. Does the

community have protest potential? Are there abortion or family planning facilities, nuclear plants, military bases, or defense contractors in the area? Is economic disparity an issue? Are there civil rights concerns or racial unrest? What types of protests have occurred locally and regionally?

“

Administrators should use training sessions to assess employee readiness, both on emotional and physical scales.

”

Plan

The size and type of potential protests should dictate the response. Police administrators should contact their counterparts in jurisdictions already affected by protests. Law enforcement agencies must coordinate their planning with related agencies and offices.

Local law enforcement agencies must predetermine task planning, personnel allocation, and deployment plans. Adequate supervision of the field force and booking facilities is essential. Police administrators also should arrange contingency funding through the local government if current funds appear insufficient.

Train

Effective training cannot occur on the day of the event; personnel must be trained in advance.

Agencies should review and address use-of-force issues related to non-violent or passive resistance. Officers should train in arrest, transportation, and confinement techniques. Administrators should use training sessions to assess employee readiness, both on emotional and physical scales.

Respond

When an event occurs, the established reaction plan should be implemented in increments, according to need. This measured reaction will enable the police department to escalate or scale down its response in a more controlled way.

Incident commanders should scan for new tactics, attitudes, and actions of all participants. Supervisors should monitor personnel closely for compliance with established policies. When responding to volatile situations, officers must avoid the temptation to become overinvolved or to allow emotion to overtake reason.

Evaluate

Agencies should conduct after-action debriefings and report their findings in detailed postincident reports. The reports should answer basic questions about the police response. Was the plan effective? If not, why not? How do command officers, supervisors, and line officers feel about their performances? What needs to be changed?

The evaluation stage also includes the tabulation of costs. Agencies should count on various groups—including the press, politicians, local government administrators, and even the protesters themselves—to ask how much the police

response cost taxpayers. Of course, each of these groups has different needs and motives for acquiring this information. No matter how well-executed its response, the police department should expect criticism to come from one or more camps.

PREPARING FOR THE NEXT EVENT

After completing these stages, the agency faces additional tasks. Scanning, planning, and training for the next potential incident must begin anew. Unexpected questions should be answered, and old ones revisited.

Administrators must remember that despite the nonviolent focus of most social protesters, fringe elements still exist that use firearms, bombs, and chemical agents to accomplish their goals. All aspects of the planning process should incorporate a response strategy for such contingencies.

CONCLUSION

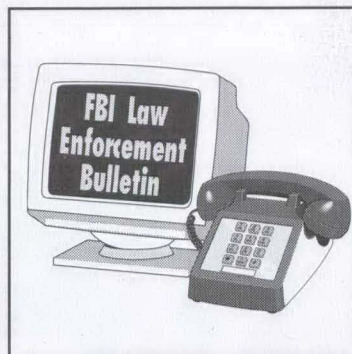
Social protest—sometimes honorable, sometimes inglorious—has a long history in the United States. The role of law enforcement is not to impede legitimate acts of social demonstration but to enforce court-mandated restrictions and to ensure individual and community safety. By following a methodical plan and anticipating problems before they occur, law enforcement can meet the challenges of contemporary protests successfully. ♦

Endnotes

¹ FLA. STAT. 119.011, d. 2.

² Melbourne, Florida, Police Department Abortion Protest Operational Plan, January 1993, 1.

Law Enforcement on the Internet



To take advantage of the many resources available on the Internet, the *FBI Law Enforcement Bulletin* has driven onto the information superhighway. We invite you to ride along by communicating with us via e-mail. Our Internet address is:

fbileb@justice.usdoj.gov

We would like to know your thoughts on contemporary law enforcement issues. We welcome your comments, questions, and suggestions. Please include your name, title, and agency on all e-mail messages. Remember, **fbileb@justice.usdoj.gov** is our e-mail address.

Wanted: Manuscripts for Focus Issues



The *FBI Law Enforcement Bulletin* is seeking manuscripts for focus issues on the following topics:

- Law Enforcement Training
- Domestic Violence
- Juvenile Justice.

We are looking for articles written by professionals from all segments of the criminal justice community, i.e., officers, instructors, administrators, researchers, scholars, legal advisors, etc. More favorable consideration will be given to submissions highlighting practical, rather than purely theoretical, programs or approaches.

Topics of interest include, but are not limited to:

- **Law Enforcement Training**—new methods of instruction, administration of training programs, innovative curriculum designs,

effects of downsizing on training, specific topic instruction, distance learning

- **Domestic Violence**—police response policy and procedures, prevention or intervention programs, specialized units to handle domestic violence calls, response training for officers

- **Juvenile Justice**—recent developments in juvenile justice, effects of rising youth violence on police operations, juveniles in the adult criminal justice system, youthful violent offenders, prevention or intervention programs, juvenile crime victims.

Manuscripts should be double-spaced and typed on 8 1/2- by 11-inch white paper, not to exceed 15 pages. All pages should be numbered, and three copies should be submitted for review. If possible, a diskette using WordPerfect 5.1 should accompany the typed manuscript. Interested authors should refer to the guidelines on the following page for additional information.

Deadlines for article submissions are:

Law Enforcement Training - March 1, 1996

Domestic Violence - April 1, 1996

Juvenile Justice - May 1, 1996

Submissions should be mailed to Editor, *FBI Law Enforcement Bulletin*, Madison Building, Room 209, FBI Academy, Quantico, VA 22135. Submissions postmarked after the deadlines will be considered for publication at a later date, as will manuscripts not selected for a focus issue. All submissions will be acknowledged, and authors will receive notification of acceptance or rejection.

Author Guidelines

GENERAL INFORMATION

The *FBI Law Enforcement Bulletin* is an official publication of the Federal Bureau of Investigation and the Department of Justice.

Frequency of Publication: Monthly

Purpose: To provide a forum for the exchange of information on law enforcement-related topics.

Audience: Criminal justice professionals, primarily law enforcement managers.

MANUSCRIPT SPECIFICATIONS

Length: Feature article submissions should be 1,000 to 3,000 words (7 to 15 pages, double-spaced). Submissions for specialized departments, such as Police Practice, Case Study, and Sound Off, should be 750 to 1,200 words (5 to 7 pages, double-spaced).

Format: All submissions should be double-spaced and typed on 8 1/2- by 11-inch white paper. All pages should be numbered, and three copies should be submitted for review purposes. When possible, floppy disks using WordPerfect 5.1 should accompany typed manuscripts.

References should be used when quoting a source exactly or when citing a concept pioneered by the source. Authors should refer to *A Manual for Writers of Term Papers, Theses, and Dissertations*, 5th ed., by Kate L. Turabian, for proper footnote citation format.

Research papers, reports, and studies should be revised to reflect the editorial needs of *Law Enforcement*. Subheadings should be used to break up the text and provide direction to readers. It also is helpful to use "bullets" when listing a series of important points.

Writing Style and Grammar: Articles generally should be written in the third person. (Point of View and Sound Off submissions are

exceptions.) Potential authors should study several issues of the magazine to ensure that their writing style meets *Law Enforcement's* requirements.

PUBLICATION

Basis for Judging Manuscripts: Material that has been published previously or that is under consideration by other magazines will be returned to the author. Submissions will be judged on the following points: Relevance to audience, factual accuracy, analysis of information, structure and logical flow, style and ease of reading, and length. Generally, articles on similar topics are not published within a 12-month period. Because *Law Enforcement* is a government publication, favorable consideration cannot be given to articles that advertise a product or service.

Query Letters: Authors may submit a query letter, along with a detailed 1- to 2-page outline, before writing an article. Editorial staff members will review the query to determine suitability of topic. This is intended to help authors but does not guarantee acceptance of any article.

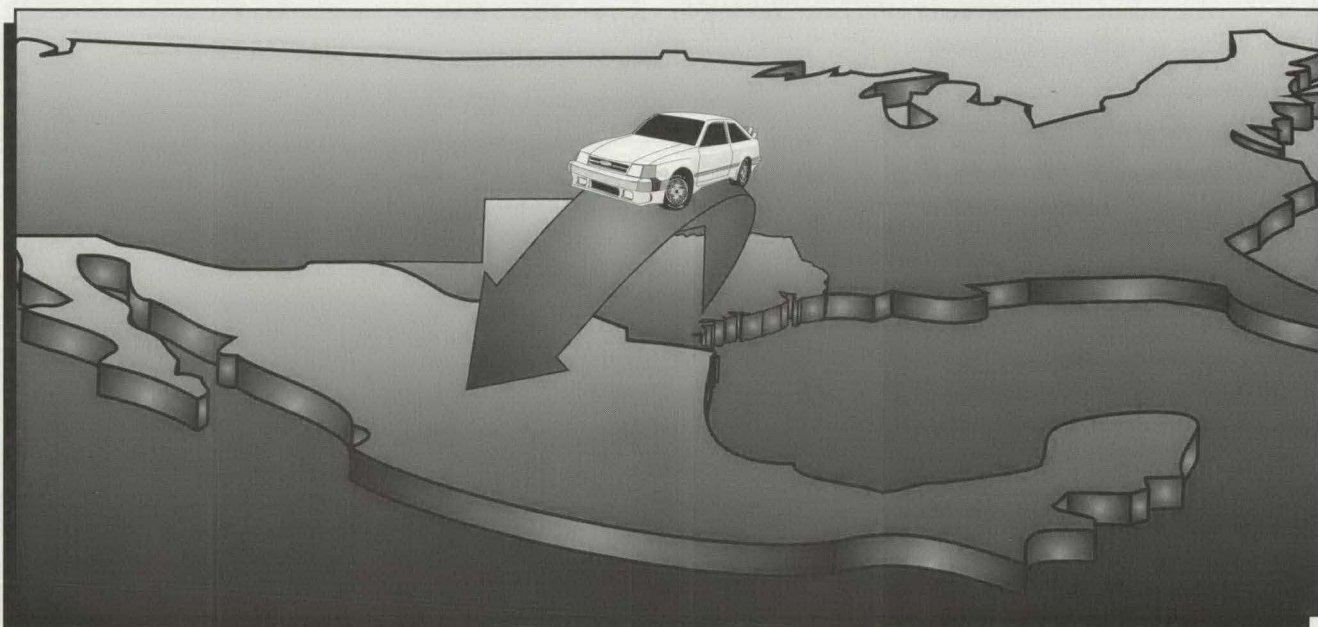
Author Notification: Receipt of manuscript will be confirmed. Notification of acceptance or rejection will follow review. Articles accepted for publication cannot be guaranteed a publication date.

Editing: *Law Enforcement* reserves the right to edit all manuscripts for length, clarity, format, and style.

Submissions: Manuscripts should be mailed to Editor, *FBI Law Enforcement Bulletin*, Madison Building, Room 209, FBI Academy, Quantico, VA 22135.

Combating Vehicle Theft Along the Texas Border

By PHILIP A. ETHRIDGE, Ph.D.
and RAUL GONZALEZ



During the past decade, automobile theft emerged as one of the fastest growing crimes in the United States. According to the FBI's Uniform Crime Reports, the number of automobile thefts increased from 1,131,700 in 1980 to 1,661,700 in 1991.¹ The aggregate costs of vehicle replacement, investigation by law enforcement agencies, prosecution of offenders, and payments from insurance companies make this an especially expensive crime. In 1990 alone, vehicle thefts in the United States resulted in the loss of \$8 billion.²

To address the dramatic rise in vehicle thefts experienced along the

Texas-Mexico border, several law enforcement agencies in southern Texas formed a task force that combined specialized investigative techniques and innovative prosecutive arrangements to reduce the number of vehicle thefts. The proactive measures employed by the South Texas Auto Theft Enforcement Task Force (STATETF) have proved effective in apprehending offenders and reducing the vehicle theft rate in the region.

VEHICLE THEFT IN SOUTH TEXAS

Like many parts of the country, the State of Texas experienced a sharp increase in vehicle theft rates

over the past decade. According to figures from the Texas Department of Public Safety (TDPS), automobile thefts in the State grew by 96 percent, from approximately 83,000 in 1980 to over 163,000 in 1991.³ Although vehicle theft generally had been considered a problem plaguing the large cities of north and central Texas, it also had become a common crime in the small cities and towns of south Texas along the Rio Grande Valley in recent years. The TDPS estimates that the number of automobile thefts in the valley increased by 80 percent between 1980 and 1989.⁴

Several unique factors have fueled the increased theft rates

along the Rio Grande Valley. The most obvious is the close proximity of these Texas border communities to Mexico. In fact, international bridges provide direct links to Mexico from the cities of Brownsville, El Paso, and Laredo. McAllen, Texas, is located fewer than 10 miles from the border. Always opportunists, thieves take advantage of the proximity of these cities to the Mexican border. Often, they steal automobiles in Texas and cross into Mexico before the victims realize that their cars are missing.

At the same time, rapid population growth and urbanization in northern Mexico had increased greatly the demand for automobiles from the United States. One study revealed that between 80 and 90 percent of the vehicles stolen in border cities end up in Mexico.⁵

In addition, the large number of tourists and "Winter Texans"—seasonal residents who spend as much as 6 months in the valley region—unwittingly provide thieves with an increased selection of choice vehicles. The TDPS estimates that up to 125,000 Winter Texans migrate to south Texas each year, providing thieves with an abundance of potential targets.

Finally, because of a lack of personnel and coordination between Federal, State, and local law enforcement agencies, most border crossing stations do not perform around-the-clock inspections to check for stolen vehicles. Experienced thieves quickly learn the best methods to circumvent the security measures in place at the border crossings.

All of these factors combine to create an environment exceedingly

conducive to vehicle theft. Several law enforcement agencies in the border region viewed the precipitous rise in vehicle theft rates as a challenge to develop new approaches to combat an old crime.

THE TASK FORCE SOLUTION

Prompted by a nearly 75-percent increase in vehicle thefts in the city during 1991, the McAllen, Texas, Police Department joined with several neighboring agencies to establish the South Texas Auto Theft Enforcement Task Force. The STATETF supplements the efforts of local law enforcement agencies by acting in a proactive manner to combat vehicle theft.

Because the STATETF covers four counties encompassing several thousand square miles, the task force is divided into two units—east end and west end. This article discusses the activities of the west end unit, based in McAllen.

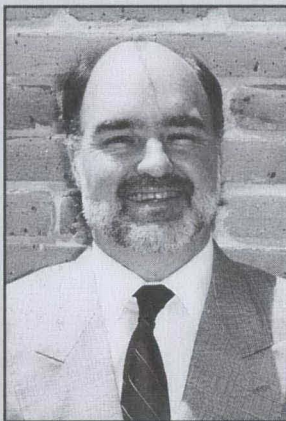
The West End Unit

The west end unit of the STATETF covers 3 counties and consists of a commanding officer, 3 team leaders, 15 investigators, and a secretary. Nine local agencies contribute personnel to the west end unit.

Specialized Teams

Three teams comprise the unit, each made up of five investigators and a team leader. The investigators are assigned to teams based on their experience and expertise in certain aspects of automobile theft. Each of the three teams handles specific duties.

Investigators on the first team specialize in surveillance techniques. Using crime analysis data, this team targets locations with a large number of reported automobile thefts, such as shopping malls, hospitals, grocery stores, movie theaters, and discount stores. The team also uses crime analysis data to



Dr. Ethridge is an associate professor of criminal justice at the University of Texas-Pan American, Edinburg, Texas.



Lieutenant Gonzalez of the McAllen, Texas, Police Department commands the west end unit of the South Texas Auto Theft Enforcement Task Force.

identify the vehicle models most targeted by thieves, as well as the most common time of the thefts. To make the most of their resources, the team's investigators plan their surveillance tactics based on this information.

Investigators on the second team inspect automobile junkyards, vehicle repair shops, and used car lots to identify stolen automobiles by checking the vehicle identification numbers of suspected vehicles. They also check for stolen parts, particularly engines. The team's investigative mission focuses on locating chop-shops—usually housed in garages or repair shops—that specialize in stripping vehicles and selling their parts.

The third team consists of investigators with extensive experience in undercover cases, especially drug

operations. The team uses confidential informants to develop intelligence information on automobile theft rings. In addition, the team's investigators assume undercover roles as sellers and potential buyers of stolen vehicles.

Officer Assignment

The participating agencies commit task force members to the unit on a permanent basis. The task force maintains full operational control over the officers assigned to it. However, each agency maintains full *administrative* control, handling such matters as discipline, promotion, and transfer.

Assignment to the task force is handled in one of two ways. In some cases, agencies simply assign officers to the task force. In other cases, agencies ask for applicants. Task

force members then interview the interested applicants before choosing an investigator.

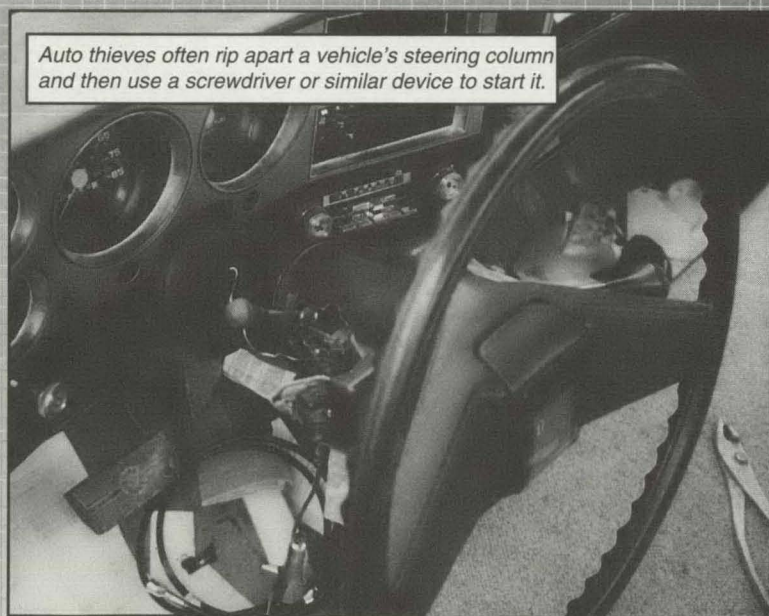
Prosecution

Prior to the creation of the task force, automobile thieves usually were charged with one of two crimes: Theft of vehicle or burglary of vehicle, both third-degree felonies. As the lowest-degree felony in Texas, third-degree felony charges impose penalties of 2 to 10 years in prison and a maximum \$10,000 fine. In many cases, suspects posted bond—usually between \$5,000 and \$10,000—and then fled into Mexico to avoid prosecution.

STATETF investigators wanted to ensure that offenders were prosecuted successfully. They conferred with the Hidalgo County, Texas, District Attorney's office to examine different options to enhance the prosecution of automobile thieves. These consultations proved very rewarding.

Investigators and officials from the district attorney's office reached an agreement that allowed multiple charges to be filed in the majority of vehicle theft cases. Now, when three or more subjects are arrested during the same incident, investigators use the Texas Penal Code statute entitled "Engaging in Organized Criminal Activity."⁶ This statute raises each offense one degree higher than could be charged otherwise. Hence, a third-degree felony offense can be filed as a second-degree felony, a more serious charge carrying a punishment of 2 to 20 years in addition to the \$10,000 fine. By filing the original charge with the organized criminal activity statute,

Auto thieves often rip apart a vehicle's steering column and then use a screwdriver or similar device to start it.



bond increases to between \$20,000 and \$25,000, thus reducing the likelihood that a suspect can post bond and flee.

Although task force investigators found the organized criminal activity statute useful, they determined that they required additional prosecutive measures to address the wide range of offenses committed by automobile thieves. For example, during surveillance operations, investigators observed thieves using master keys to open some vehicles. These master keys could be used to access multiple vehicles of the same model. Investigators seized several suspects with as many as a dozen such keys in their possession.

To address this problem, the district attorney's office agreed to charge suspects who used master keys during a theft with "Unlawful Use of Criminal Instruments."⁷ By applying this felony charge, task force investigators and prosecutors in the district attorney's office encouraged courts to set a higher bond in such cases, thereby decreasing the chances that offenders could post bond and escape prosecution.

Funding

A grant from the Texas Automobile Theft Prevention Authority (ATPA) made possible the establishment of the STATETF. The Texas State legislature created the ATPA in 1991 with the express purpose of reducing the motor vehicle theft rate in Texas. Money in the fund comes from a \$1 fee assessed on every vehicle issued insurance in the State.

The ATPA awards the funds to vehicle theft projects across the State. The grant covers operating costs for the South Texas Automobile Theft Enforcement Task Force, including salaries, fringe benefits, and overtime for personnel; the leasing of unmarked vehicles, cellular telephones, pagers, and office space;

“By combining the resources of several law enforcement agencies with innovative funding and prosecution agreements, the task force has reduced the automobile theft rate in south Texas.”

supplies; fuel; and a clothing allowance. Task force investigators also used ATPA grant money to establish a special confidential informant fund.

Results

To evaluate the effectiveness of the STATETF, participating agencies analyzed arrest reports and automobile recovery figures for the first year of the task force's operation. From April 1993 to March 1994, the west end unit of the STATETF made 299 felony and 48 misdemeanor arrests and recovered 299 stolen vehicles. Compared to

stolen vehicle reports from the same period in 1992-93, the combined number of stolen vehicles for all west end agencies decreased by 35 percent. Moreover, automobile thefts in the City of McAllen declined by nearly 45 percent during this time.

CONCLUSION

The success of the South Texas Auto Theft Enforcement Task Force demonstrates the value of using a multijurisdictional task force approach to combat such crimes as automobile theft. By combining the resources of several law enforcement agencies with innovative funding and prosecution agreements, the task force has reduced the automobile theft rate in south Texas.

The dedication and specialized skills of STATETF investigators have played a significant part in bringing about sharp reductions in vehicle theft in a relatively short period of time. Administrators of the agencies that participate in the task force believe that it will continue to impact automobile theft along the Texas-Mexico border for a long time to come. ♦

Endnotes

¹ *Crime in the United States—1991*, Uniform Crime Reporting Program, Federal Bureau of Investigation (Washington, DC: U.S. Government Printing Office, 1992).

² *National Insurance Crime Bureau Fact Sheet*, Palos Hills, Illinois, 1991.

³ *Annual Report 1991*, Texas Department of Public Safety, Austin, Texas.

⁴ *Ibid.*

⁵ M. Miller, "Vehicle Theft Along the Texas-Mexico Border," *Journal of Borderland Studies*, vol. 38, 1987, 205-210.

⁶ Texas Penal Code Sec. 71.02.

⁷ Texas Penal Code Sec. 16.01.

Police Practice

Detection Dog Lineup

By Guy J. Hargreaves



In Colorado, a bloodhound named Yogi tracked the scent of a kidnapped 5-year-old girl for 7 hours, traveling 14 miles from the site of the abduction. While Yogi rested overnight, police officers found the girl's body only a mile from where Yogi had last followed her scent. Continuing on the trail the next day, Yogi located the suspect in a nearby apartment complex.

Yogi's résumé is impressive: 4 kidnapping cases (2 convictions, 2 pending prosecution), 45 homicides (sending 14 murderers to prison), and 350 other cases (with only 1 acquittal). Thanks to a sense of smell several thousand times greater than a human's, Yogi and other dogs like him have been used to pursue fugitives, locate escaped convicts, find missing persons, and detect drugs and explosives.

Yet another use exists for the dog's keen sense of smell: Identifying suspects in a lineup. Yogi himself

has identified at least 25 suspects in lineups and has close to a 100-percent conviction rate in the Colorado courts.

In the United States, scent identification lineups represent a relatively new evidentiary tool.¹ As such, law enforcement officers wishing to use this technique should consult the local prosecutor or their department's legal advisor for advice on the legal principles surrounding this method of identification.

In Holland, however, the Dutch National Police have conducted extensive research and testing to develop a procedure that would withstand judicial scrutiny. The method, which uses steel pipes, is designed to limit the handler's involvement in the process and eliminate contact between the dog and the suspect. This article describes the detection dog lineup technique developed and refined by the Dutch police.²

THE DUTCH POLICE CANINE UNIT

Since 1919, members of the Dutch Police Canine Unit have trained police dog handlers throughout the world. The unit began using several forms of scent identification lineups in the 1960s and developed the one described here in 1993.³

Today, the canine unit employs 15 full-time dog handlers and 15 Belgian Malinois for scent identification lineups. These clever canines sniff out the suspect in an average of 40 percent of the 900 cases they work each year.

THE DETECTION DOG LINEUP METHOD

Several different methods exist for using detection dogs to identify suspects. Dutch police dog handlers recommend the following technique.

Step #1: Collecting Evidence From the Crime Scene

First, the criminal investigator locates evidence from the crime scene. Any object that can hold a scent qualifies, including a piece of clothing or a shotgun shell. Wearing gloves and using gauze cloth and special tools to collect the evidence ensure that nothing else leaves its scent on the object.

Next, the investigator places the evidence in a sterilized glass jar or in a heat-sealed, tamper-proof bag. Properly sealed, the evidence must be stored following appropriate chain-of-custody guidelines to

ensure its integrity for later use. The Dutch police have stored scent evidence for up to 3 years, then used detection dogs to identify suspects.

Step #2: Preparing for the Lineup

To conduct a proper lineup, police officials need six, 5-inch stainless steel pipes. The pipes are boiled in water or cleaned in a pressurized steam-cleaning machine, then placed in separate glass containers, each with a different colored lid.

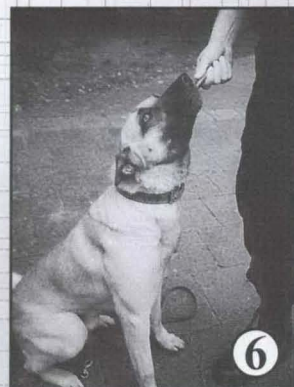
Next, investigators select five plainclothes detectives to participate in the lineup with the subject. Even though the dogs identify suspects by scent alone, lineup participants ideally should be the same race and sex as the suspect. All participants, including the suspect, must wash their hands with a neutral soap to eliminate any foreign odor.

Each member of the lineup stands behind a glass jar, which officers have placed on the floor of the lineup room. On command, each person opens the glass jar, retrieves the pipe it contains, holds the pipe for 5 minutes, then places the pipe back into the container. Police officers supervise the entire process.

Again using gloves and special tools, police personnel retrieve the pipes and place them on the floor of the lineup room, at least 50 centimeters (about 20 inches) apart. By rolling a die, officials determine where to place the suspect's pipe; they place the remaining five at random. Each position on the floor corresponds to a number, from 1 to 6. Police officials document this information in writing.

Before the dog and its handler enter the lineup room, the person who places the pipes on the floor leaves the room, removing the glass containers. This

Detection Dog Lineup Technique



Photos 1 and 2:
Investigator collects and stores evidence.
Photo 3: Officer places pipes on ground for lineup.
Photo 4: Using forceps, handler holds evidence over dog's nose.
Photos 5 and 6: Dog sniffs pipes and gives pipe with matching scent to handler.

ensures that no one influences the dog prior to the lineup.

Step #3: Conducting the Lineup

With the lineup prepared, investigators bring in the crime scene evidence and remove it from its tamper-proof container. The dog handler and the detection dog enter the room, and the handler uses forceps to hold the evidence over the dog's nose. Then, the handler leaves, and the dog goes to work.

The dog sniffs the pipes until it finds the one whose scent matches the crime scene evidence. Depending on its training, the dog will indicate a match either by picking up the pipe in its mouth or by sitting next to the pipe and barking.

As a control for the procedure, the police sometimes include a second line of pipes. Because this line does not contain the suspect's pipe, the dog should not identify any of them. Using a control lineup ensures that the dog searches specifically for the pipe that matches the crime scene evidence and does not feel compelled to choose a pipe no matter what.

Ensuring Accurate Results

In Holland, the results from detection dog lineups are admissible in court only in conjunction with other evidence linking the suspect to the crime. Still, as with any evidence, using proper procedures ensures the accuracy of the findings, and in turn, their admissibility in court. These procedures include handling evidence correctly, documenting the lineup process, and limiting the dog handler's involvement in the proceedings. Finally, the Dutch police allow the defendant's attorney to witness the lineup if requested and often videotape the dog's scent identification.

Moreover, the Dutch police certify every dog for scent identification lineups following a canine

curriculum that includes 1 year of intensive training and a series of tests verifying the dog's ability to sniff out suspects. As important, although law enforcement agencies can train the same *breed* of dog for different specialities, such as drugs and explosives detection or tracking and scent identification lineups, *individual* dogs never should be cross-trained for more than one

specific duty. For example, a drug dog never should conduct scent lineups because it might respond to the scent of drugs instead of linking the crime scene evidence to the suspect.

CONCLUSION

Perpetrators of rapes, murders, kidnappings, and other violent crimes frequently leave forensic evidence at crime scenes. Even with high-tech equipment at their disposal, investigators cannot solve every crime; after all, they are only human.

But, by using a detection dog lineup, police investigators can collar these violent criminals. Whether tenaciously tracking a lost child or putting the paw on a criminal, canines continue to prove that they can be law enforcement's best friends. ♦

“

Whether tenaciously tracking a lost child or putting the paw on a criminal, canines continue to prove that they can be law enforcement's best friends.

”

Endnotes

¹ See *Ramos v. State* 496 So.2d 121 (Fla. 1986); *United States v. McNiece*, 558 F. Supp. 612 (E.D.N.Y. 1983); and *State v. Roscoe*, 700 P.2d 1312 (Ariz. 1984), *cert. denied*, 417 U.S. 1094.

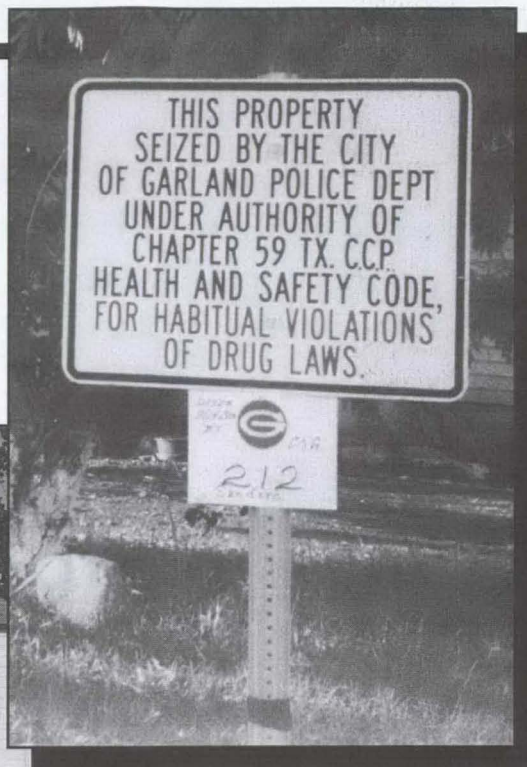
² In June 1994, the author visited the Dutch Police Canine Unit's training school in Holland, where he witnessed the talents of these canines and gathered information for this article.

³ Canine units in Belgium, Hungary, and Germany also have conducted research using the detection dog lineup technique developed by the Dutch police.

Special Agent Hargreaves serves in the Office of International Training, Drug Enforcement Administration, Quantico, Virginia.

Neighborhood Service Team

By
ROBERT R. BARBER



In the early 1990s, run down houses in several parts of Garland, Texas, provided the violent backdrop for a seemingly endless series of crack cocaine transactions. On an almost daily basis, occupants of a few houses terrorized entire surrounding neighborhoods with drug-related shootings. Children could not play outside; elderly residents lived like prisoners in their own homes. A drug operation housed in an apartment complex across from an elementary school spawned frequent shootings, assaults, and robberies.

An urban nightmare had crept into a once-peaceful suburban

setting. At the same time, calls for service to the Garland Police Department increased dramatically, with a corresponding rise in crime rates, especially violent crime.

The increased calls for service placed greater demands on the police department at a time when city-wide fiscal shortfalls kept the police budget essentially flat. Inadequate staffing levels also hampered the department's ability to stem the rising tide of crime.

A 1992 study of the 100 largest cities¹ in the United States showed Garland with the second lowest number of sworn personnel (238). The city's ratio of 1.22 officers per

1,000 residents fell far below the study's average of 1.8 officers per 1,000.² Despite these limitations, administrators of the Garland Police Department and other municipal agencies sought ways to maintain quality service to the community.

MEETING THE CHALLENGE

It became clear that the contemporary issues facing Garland could not be addressed effectively using traditional approaches. However, city and police administrators saw the call to do more with less—usually regarded as a necessary evil—as a challenge to improve community relations through

enhanced involvement with the community.

To develop solutions to Garland's crime problems, city officials studied community- and problem-oriented policing programs in other cities. In every case, primary responsibility for program administration rested with the police department. Police and city administrators determined that several factors, including the police department's low officer-to-resident ratio, would make these programs difficult to replicate in Garland.

City administrators concluded that successful implementation of a community-wide response to the city's crime problems required nothing less than a restructuring of the institutions that provided law enforcement and other city services. Ultimately, the goal to reduce and prevent crimes led to the development of the Neighborhood Service Team (NST)—a unique cooperative effort combining the resources of the

police department and other municipal agencies with the assistance of community residents.

THE NST

The Neighborhood Service Team consists of all city departments. However, the majority of projects involve personnel and resources from 15 agencies, including the police and fire departments, the planning department, and housing and neighborhood services. The team's mission statement reflects its goal to "build and maintain a partnership between the community and the city that will encourage cooperative problem solving and improve quality of life...."

The NST concept encourages all city departments to share equal responsibility in the administration of the program. Accordingly, the structure of the NST ensures that each participating agency has an equal voice in decisionmaking and project implementation.

Team Organization

A police commander and an official from the city's planning department were selected as co-managers of the NST project. Each city agency selected a mid-management-level employee to serve on an administrative committee overseeing the NST effort. These representatives, referred to as coordinators, developed a protocol for NST initiatives. These coordinators meet regularly to review progress reports, discuss problem areas, plan upcoming projects, and coordinate the use of city resources. To streamline the bureaucratic process, the city manager and city council granted final decisionmaking powers to the coordinators.

The heart of the NST effort consists of field-level personnel who interact directly with community members to identify problems. These employees are empowered to initiate and proceed with work on community projects without first obtaining authorization from a supervisor.

Training

Prior to implementation of the NST project, instructors trained all police personnel involved with the program, regardless of rank or position. Instructors from the Norfolk, Virginia, Police Department and the Police Executive Research Forum provided theoretical training. In-house instructors taught officers certain techniques to help them interact with personnel from other agencies. Emphasizing teamwork and coordination with other city departments, these instructors laid a strong foundation for the successful



Commander Barber serves with the Garland, Texas, Police Department.

**“
The heart of the NST
effort consists of
field-level personnel
who interact directly
with community
members to identify
problems.
”**

implementation of problem-oriented policing concepts.

In addition, team coordinators conducted departmental cross-training for all involved city employees. Team coordinators also compiled a training manual to help team members identify and solve neighborhood problems. The manual includes a city directory, service referral listings, citizen survey data, NST personnel listings, and general information on city departments.

TAKING ACTION

Think Big, Start Small

Team coordinators selected a 5-square mile area in east-central Garland as the first community to be served by the NST. The target area, called NST-east, had experienced rapid deterioration during the past several years.

The neighborhood's ethnically diverse population of 24,000—made up primarily of lower and lower-middle income families—accounted for 12 percent of Garland's total population. Yet, it had come to account for nearly 20 percent of the service calls to the police department. The Neighborhood Service Team directed its efforts to addressing the various factors that had led to the neighborhood's deterioration.

Community Survey

NST coordinators believed that a survey represented the best way to determine community needs and concerns as they implemented the program. Obtaining feedback from area residents would enable NST members to identify neighborhood priorities.

Team members distributed the survey, printed in both English and Spanish, to commercial and residential addresses throughout the target area. Neighborhood churches and recreation centers also functioned as distribution sites, allowing NST coordinators to reach as many people in the community as possible.

“

...the Neighborhood Service Team fights crime by pooling city services to help citizens reclaim their communities.

”

A total of 500 surveys was distributed. Residents completed and returned 372 surveys. Sixty-seven percent of the respondents (249) listed their names and phone numbers for future contact by NST members. In December 1992, shortly after analyzing the survey responses, the NST set to work to address the problems as prioritized by the residents.

NST Officers

Initially, the 17 police officers that patrolled the NST-east area assumed responsibility for community/problem-oriented policing in addition to their normal patrol duties. When it became apparent that the demands of patrol duties left these officers little time to perform their NST responsibilities, department administrators decided to

select full-time NST officers to work the area in addition to the regular patrol staff. Relieved from answering routine calls for service, NST officers focus on identifying problems in the target area and coordinating the multiagency response to those problems.

The NST Process

The process—then, as now—is quite simple. Once team members identify a neighborhood problem, they initiate a project to eliminate its underlying cause. They complete a short form to track the NST project from inception to completion. The team measures progress with several quantitative instruments, including minisurveys conducted before and after each project and analyses of statistical data. In the first months of its operation, the Neighborhood Service Team identified and resolved several high-profile problems in the target area.

NST PROJECTS

Cleaning Up a Neighborhood

Team members learned that communication problems in the past often had contributed to neighborhood deterioration. A predominately Hispanic neighborhood within the target area appeared noticeably run-down and suffered from high crime rates.

An NST officer observed a general lack of pride in the neighborhood among residents, who also exhibited a high degree of tolerance toward crime. This officer also noticed that excess trash and discarded appliances covered the yards of two neighboring streets, sullyng the appearance of the entire



NST members include neighborhood residents who volunteer to help clean streets covered with excess trash.

neighborhood. When a Spanish-speaking NST officer talked to the residents, the officer discovered they wanted the refuse removed, but could neither afford the dumping fee nor remove the accumulated debris themselves.

The NST officer contacted his counterpart in the sanitation department, who arranged to have a large roll-off dumpster placed on a nearby vacant lot for trash and junk collection. The neighborhood residents quickly filled the dumpster to capacity. Large trash trucks made daily runs to haul away the accumulated refuse. The cooperative effort among police officers, sanitation officials, and residents resulted in a clean neighborhood. The improved physical state of the area helped restore a sense of neighborhood pride that proved less inviting to criminal offenders.

Closing Crack Houses

To date, the collaborative efforts of the police department and

other NST agencies have closed 19 drug operations based in residential locations. Instead of officers making perfunctory arrests, NST members worked cooperatively to address the root of the problem.

NST members from the Housing Department condemned drug houses and had them boarded up or razed completely. By eliminating one particularly notorious drug house and adding additional street lighting through the assistance of the electric company, the NST helped restore a sense of safety and security to a neighborhood that had devolved into a battle zone. The residents reclaimed their neighborhood and became free once again to enjoy such simple pleasures as visiting outside, walking to the store, and working in their gardens.

Protecting a School

One of the most complex projects initiated by the team proved to be closing down a drug operation in an apartment complex across

from an elementary school in the target area. For some time, the apartment complex's management assisted police efforts to curb the drug activity by boarding up vacant units and installing barriers to prevent drive-through drug dealing. Unfortunately, these measures combined with periodic police visits to the complex caused the drug activity to spill across the street onto the school's grounds and into the building itself. Parents expressed understandable concern, while children who attended the school or lived in the apartment complex grew more frightened.

To ensure community involvement, NST members met with officials from the Garland Independent School District and surveyed neighborhood residents, including tenants of the affected apartment complex. After reviewing the survey responses, the Neighborhood Service Team implemented a multifaceted plan designed to enhance the security of the school by addressing the problems at the apartment complex. The plan included the following actions:

- Adopting a zero tolerance enforcement attitude
- Enforcing criminal trespass ordinances
- Evicting drug offenders
- Working with the city's transportation department to draft an ordinance limiting vehicular traffic around the apartment complex.

In addition, the police department's drug unit used informants and undercover stings to identify drug dealers. Code enforcement officials also

conducted inspections and assisted the management of the apartment complex to make physical improvements to the facility.

Within a month, the apartment complex—which had regularly ranked among the highest areas in the city in terms of police service calls—became one of the lowest service areas in the city. The number of calls involving serious crimes declined from 360 in 1992 to 29 in 1993.

Rediscovering the Community

Surveys and community meetings revealed the need for a wide range of social services in the target area. The Neighborhood Service Team worked proactively to identify and provide services that would enhance the lives of individuals living in the target community.

Harmony House

To provide a central location to address some of these needs, the neighborhood service team renovated and converted a former residence into a meeting place called Harmony House. The site once had served as a community resource center. Today, programs offered at Harmony House focus on public health issues; English-as-a-second-language courses; computer training, tutoring, and GED classes; outreach counseling; and community meetings.

Community Involvement

As the Neighborhood Service Team made its impact felt throughout the community, the community responded with strong support for NST initiatives. When an NST member initiated a project to wash

and paint an apartment complex wall defaced by gang-related graffiti, a local paint company donated paint to the project, and high school students volunteered their time to help eliminate the neighborhood eyesore.

When another NST member identified several elderly or disabled residents who were unable to make necessary home repairs, he contacted the shop department of a nearby high school. In exchange for work performed on targeted homes,

“

The NST concept encourages all city departments to share equal responsibility in the administration of the program.

”

the student volunteers received academic credit, and perhaps more important, experienced the intrinsic reward of helping others through community service. These and similar projects foster the type of involvement necessary to strengthen the spirit of community that provides a less fertile breeding ground for criminal activity.

GETTING RESULTS

Reduced Crime

The various projects coordinated by the Neighborhood Service Team have one overall goal: To

reduce criminal activity in the target area. Crime data for NST-east show that this goal is being met. The 5-square-mile target area posted a 25-percent reduction in serious crime rates during 1992-93, its first year of operation. The city's overall serious crime rate fell only 1.5 percent during the same period.³ In 1994, serious crime in the target area fell an additional 3 percent. The city recorded a 2.5-percent decrease in serious crime in 1994.⁴

Recognition

Everyone appreciates being recognized for their efforts—especially when those efforts translate into an improved community. Garland's NST concept has drawn considerable praise for its innovative and cooperative approach to solving once-seemingly intractable community problems.

In 1993, the Governor of Texas presented the State's Criminal Justice Award for Community Policing to the Garland Police Department for its NST program. In the same year, the National League of Cities recognized the Garland Apartment Managers Group for its contribution to the NST initiative. In 1994, the International Association of Chiefs of Police presented the Webber Seavey Award for Quality in Law Enforcement to the NST, one of only three programs that year to win the prestigious award.

Expansion

The success of the Neighborhood Service Team in east Garland led to an expansion of the program in September 1994 to include an 8-square mile area of west Garland. This target area presents its own set

VICAP Alert

of challenges: It consists of several culturally diverse neighborhoods and has the highest concentration of multifamily housing units in the city. However, the assembled team is confident that the same revitalization taking place in east Garland can be realized in west Garland.

CONCLUSION

The Neighborhood Service Team concept succeeds largely because it serves one of the most basic human needs—the need to be heard. The concept allows citizens to communicate their concerns to public servants who act proactively to address those concerns.

The collaborative process of problem solving promoted by the NST concept represents another key ingredient to its success. Because all city agencies share equal responsibility for identifying and solving problems in the target area, all have an equal stake in the results. Cross-training ensures that all NST members have the skills necessary to assist residents in the target area.

As citizens see tangible results and improvements in their neighborhood, they, in turn, develop a stronger sense of community. In short, the Neighborhood Service Team fights crime by pooling city services to help citizens reclaim their communities. ♦

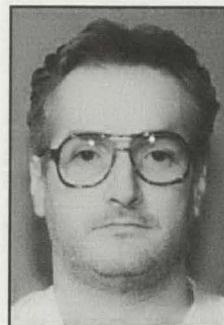
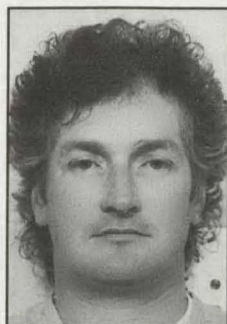
Endnotes

¹ Garland, the ninth largest city in Texas, lies in close proximity to Dallas and Fort Worth.

² "Local Yearbook, 1993: Highs and Lows of Urban America," *Governing*, July 1993, 42-51.

³ *Crime in the United States—1993*, Uniform Crime Reporting Program, Federal Bureau of Investigation, (Washington, DC: U.S. Government Printing Office, 1994.)

⁴ Garland Police Department records.



Thomas Edward Luther

Currently, Thomas Edward Luther is incarcerated in Lakewood, Colorado, on first-degree murder charges. Law enforcement authorities believe that he may have attempted homicides or committed homicides and violent sexual assaults in other States.

CRIMES

In August 1994, Luther picked up a female hitchhiker in West Virginia. He took her to a rural area in that State, where he beat and choked her, breaking her jaw and shoulder. He then sexually assaulted her vaginally and anally. On September 1, 1994, police arrested Luther for this assault.

Early the following year, Luther was extradited to Lakewood, Colorado, where police charged him with first-degree murder. Witnesses last saw the victim, a 20-year-old white female, with Luther on March 28, 1993, at a gambling casino in Central City, Colorado. Police found her skeletal remains buried in the mountains near Empire, Colorado, in February 1995. The cause of death was two .22-caliber gunshot wounds to the head. Additionally, the victim suffered blunt force trauma to the back of the head, but post-mortem examinations could not determine if she had been assaulted sexually.

Police also suspect Luther in the murders of two female hitchhikers in Summit County, Colorado, in January 1982.

Both victims, white females in their 20s, had been shot in the torso with a .38-caliber handgun.

From February 13, 1982, until January 5, 1993, Luther was incarcerated in a Colorado State prison, serving an 11-year sentence for the abduction, rape, and attempted murder of a white female. At the time of this incident, Luther worked for a taxicab company and picked up the victim at a bus station. Once she was inside the vehicle, he took her to a rural area in the mountains and beat her severely. After assaulting her vaginally and anally with the handle of hammer, he abandoned her.

MODUS OPERANDI

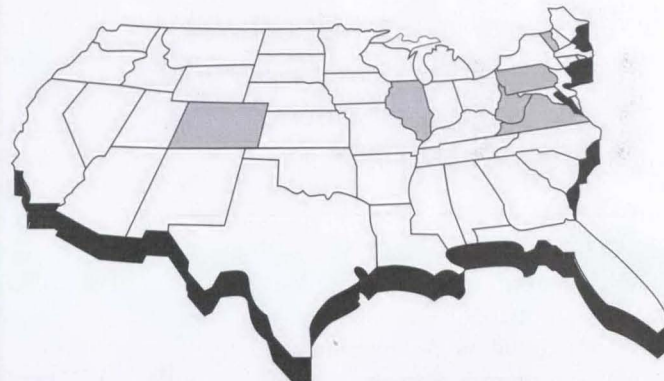
Luther tends to target white females in their early 20s with curly, shoulder-length blond or brunette hair, who either are hitchhiking or walking on a public street. He likes to beat and strangle his victims and to assault them vaginally and/or anally. Afterward, he abandons them in wooded or mountainous areas, sometimes burying them.

From the time of his release from prison in January 1993 to his arrest in West Virginia in September 1994, Luther traveled extensively, spending time in Chicago, Illinois; Harrisburg, Pennsylvania; Winchester, Virginia; and various locations in northern West Virginia and Vermont. Before his 1994 arrest, he drove a blue, two-door 1993 Geo Metro, Colorado tag FXM449 or West Virginia tag 6XL296.

ALERT TO LAW ENFORCEMENT

This information on Thomas Edward Luther should be brought to the attention of all crime analysis personnel and officers investigating homicides/crimes against persons, sex crimes, and missing persons. Any agency with unsolved crimes similar to those committed by Luther is asked to contact Det. Scott Richardson, Lakewood, Colorado, Police

States Through Which Thomas Edward Luther Has Traveled



Thomas Edward Luther

DOB: 6/23/57

Height: 5' 11"

POB: Hardwick, Vermont

Weight: 180 pounds

SSAN: 009-46-8453

Hair: Brown

FBI No: 556 653 X11

Eyes: Blue

Scars: Upper right arm, right thigh, right cheek, above left eye, left foot, left wrist

Periods of Incarceration: 2/13/82 to 1/5/93, 9/1/94 to present

Occupations: Farmer, logger, carpenter, highway construction worker, taxicab driver

Other Descriptors: Luther has used alcohol, cocaine, marijuana, and hallucinogenic drugs and has been involved in minor drug dealings. He has never married and has confessed to hating "mouthy bitches" who remind him of his mother. During an interview with police, he stated, "This is my territory, and I am the lion."

Department, (303) 987-7213, or Jane Whitmore, a crime analyst with the Violent Criminal Apprehension Program (VICAP), National Center for the Analysis of Violent Crime, FBI Academy, Quantico, Virginia, (703) 640-1467 or (800) 634-4097. ♦

FaxBack Response

Previous Question:

What influence does the media have on community perceptions of crime and law enforcement?

Not surprisingly, respondents to our August 1995 FaxBack question universally agreed that the media play a major role in shaping community perceptions of crime and the administration of justice. Somewhat surprising is the fact that this view is not limited to the United States. A police official from Brazil noted many of the same issues and concerns indicated by personnel from U.S. agencies.

Although respondents acknowledged that the media play a large part in defining people's perceptions of crime-related issues, they did not view this influence as being necessarily undue or negative. In fact, all of the respondents expressed a need for law enforcement agencies to take a more active role in making sure that the media provide balanced coverage of issues relating to the police.

Toward this end, a large metropolitan police department in Nebraska has developed a news media relations unit to act as a central contact point for reporters with questions about incidents occurring in the city. The sergeant who heads the unit answers directly to the chief of police and is available to respond to news media inquiries at any time.

The news media relations unit also plays a crucial role in responding to media inquiries

regarding citizen complaints and other allegations of police misconduct. In the words of the respondent, "Police agencies need to reply to these inquiries in a timely fashion and before they are aired as one-sided news stories."

In addition, the news media relations unit assisted in developing a training class for local news staffs concerning the impact of media coverage on incidents involving barricaded subjects. To date, over 70 reporters, photographers, and assignment editors have attended the class, learning how the police work to resolve these situations and gaining a clearer understanding of how the media can help or hinder these efforts. This training has helped improve the once-confrontational relationship between police and the press at barricade incidents.

The Brazilian respondent noted the tremendous influence of the media in his country—an impact so powerful that media coverage "sometimes defines political decisions in advance." He also cited the positive value of American ride-along television programs—some of which air in Brazil—that provide viewers with

a realistic view of what officers face on the street.

Overall, there was a clear consensus among respondents that the media are powerful forces with undeniable power to shape public opinion. However, respondents also believe that law enforcement agencies need not sit on the sidelines and let other players define the rules. By taking an active role in media relations, agencies can help ensure that the public receives accurate, balanced information on issues relating to crime and law enforcement. ♦



FaxBack Question

How is your agency preparing for policing in the next century?

The January 1990 issue of the *FBI Law Enforcement Bulletin* focused on "futures planning" in law enforcement. As several articles in this issue predicted, the accelerating pace of technology, mounting social pressures, and significant demographic shifts in America, among other factors, have had considerable impact on law enforcement during the past 5 years. These same factors will continue to have a strong impact on society and law enforcement in the future. What steps is your agency taking to respond to these issues and to prepare for policing in the 21st century?

- What formal futures or strategic planning does your agency conduct?
- What benefits and/or drawbacks has your agency encountered as a result of this effort?
- If futures planning is not on your department's agenda, what factors are preventing or hindering such an initiative?

How to Respond

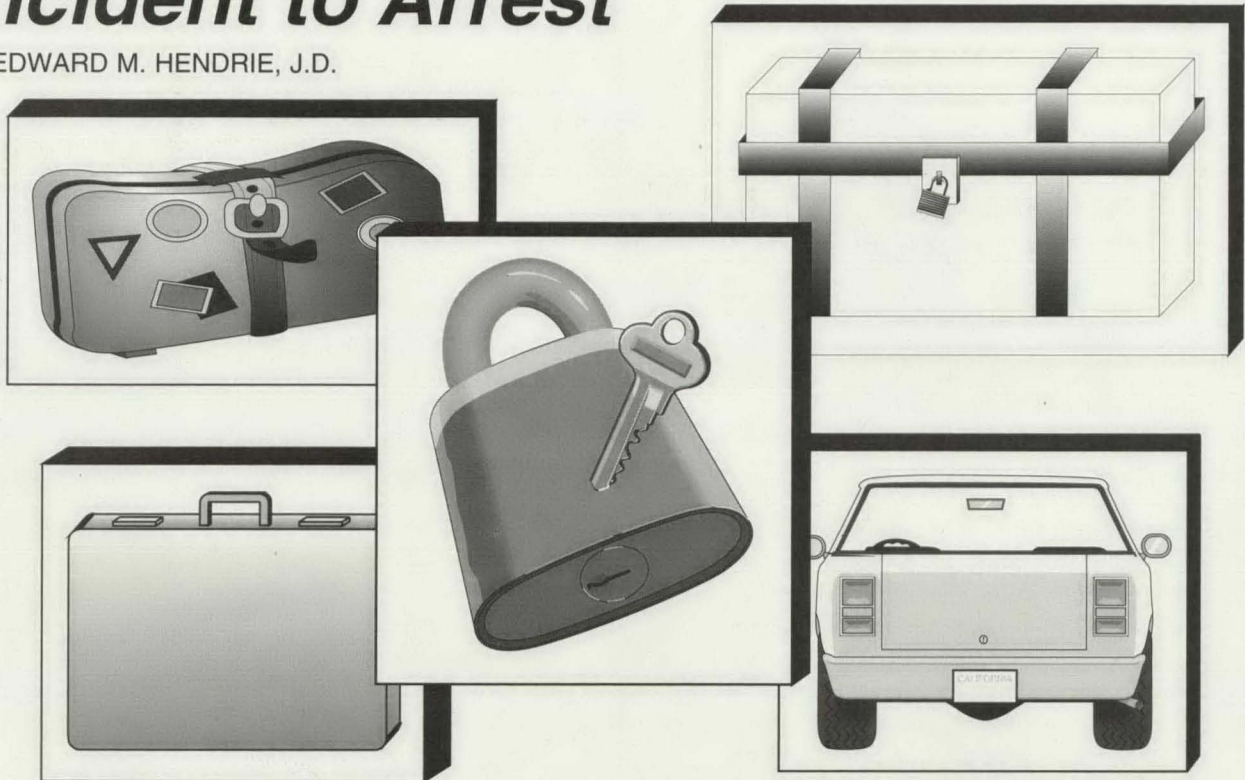
Fax responses to FaxBack at (703) 640-1474. Responses also may be mailed to the Law Enforcement Communication Unit, FBI Academy, Madison Building, Room 209, Quantico, Virginia 22135, or sent via e-mail to our internet address, fbileb@justice.usdoj.gov.



FaxBack, an interactive forum for readers of Law Enforcement, invites readers to comment on current issues facing the criminal justice system. Responses should be drafted on agency letterhead, but will remain anonymous when published.

Searching Locked Containers Incident to Arrest

By EDWARD M. HENDRIE, J.D.



Do the courts give locked containers greater constitutional protection than unlocked containers when determining the scope of searches incident to arrest? This article addresses that question by discussing in general the law regarding searches incident to arrest and then, specifically, the issue of searching locked containers incident to arrest.

The fourth amendment allows police officers to search a person incident to a lawful arrest without first requiring them to obtain a search warrant. Not only are the police not required to obtain a search

warrant, but they also are not required to establish probable cause that weapons or evidence will be found.¹

An officer's authority to search incident to arrest flows automatically from the lawful arrest and includes the authority to perform a search of the arrestee and the area within the arrestee's reach.² "While the legal arrest of a person should not destroy the privacy of his premises, it does—for at least a reasonable time and to a reasonable extent—take his own privacy out of protection from police interest in weapons, means of escape, and evidence."³

Spatial Limits

The Supreme Court has limited the spatial scope of a search incident to arrest to the area within the arrestee's immediate control.⁴ The search must be confined to that area within which the arrestee could gain possession of a weapon or destroy evidence. Some courts have described this area as the "lunging"⁵ or "grabbing"⁶ distance.

Yet, the arrestee who is handcuffed at the time of the search is unlikely to actually be able to reach into the area being searched. Nevertheless, the area of the search is

not limited simply because police restraints restrict the arrestee's movement.

In fact, most courts do not view the accessibility of the area to the arrestee at the time it is searched as being the benchmark in assessing the validity of a search incident to arrest.⁷ For example, in *United States v. Fleming*,⁸ the U.S. Court of Appeals for the Seventh Circuit approved the search of a paper bag after the defendant had been handcuffed and taken outside to the street. An officer maintained custody of the bag, which was inaccessible to the arrestee from the moment of his arrest until it was searched 5 minutes later.

The U.S. Supreme Court has made it clear that "[a] police officer's determination as to how and where to search the person of a suspect whom he has arrested is necessarily a quick ad hoc judgment which the Fourth Amendment does not require to be broken down in each instance into an analysis of each step in the search."⁹ To require the area searched to actually be accessible to the arrestee at the time of the search would put the police on the horns of a dilemma in having to choose between securing the suspect, and thereby limiting the area to be searched, or leaving him unfettered, which would pose a greater danger to the officer. Most courts recognize this dilemma and do not require police to choose between evidence and their safety. One court noted, "It does not make sense to prescribe a constitutional test that is entirely at odds with safe and sensible police procedures."¹⁰

**“
Good police practice
dictates, and the courts
allow, a thorough search
of the area within the
arrestee's immediate
control....
”**



Special Agent Hendrie, Drug Enforcement Administration, is a legal instructor at the FBI Academy.

Furthermore, police cannot always be sure that simply securing an arrestee will actually prevent him from assaulting them, escaping, or destroying evidence. The courts do "not require the police to presume that an arrestee is wholly rational. Persons under stress may attempt actions which are unlikely to succeed."¹¹

For example, in *Plakas v. Drinski*,¹² the arrestee, Plakas, opened the rear door of the police cruiser as it was traveling down the road. When the officer heard the door open, he slammed on the brakes, which caused Plakas to slam forward into the dividing screen between the seats.

Ultimately, Plakas escaped from custody, even though he was handcuffed behind his back. He ran to a nearby house, and after working his legs through the circle of his hands, grabbed a fireplace poker, which he then used to assault and injure a sheriff's deputy before running from the house.

The ordeal resulted in a standoff between officers and Plakas in a nearby clearing. Plakas made the prophetic statement, "Either you're going to die here, or I'm going to die here," before he charged at one of the officers with the poker and was fatally shot.

The *Plakas* case illustrates that a determined and aggressive arrestee is capable of doing almost anything to escape or assault an officer. Good police practice dictates, and the courts allow, a thorough search of the area within the arrestee's immediate control when arrested, even though at the time of the search the arrestee is seemingly unable to reach into that area.

It should be noted, however, that a minority of courts are more restrictive and view the area's inaccessibility to the defendant at the time of the search as precluding a search of that area incident to arrest. For example, in *United States v. Gorski*,¹³ Federal agents unzipped and searched a bag carried by one of

two arrestees and found 1 kilogram of cocaine. The U.S. Court of Appeals for the Second Circuit ruled that because the bag had been taken from one of the arrestees and placed on the ground, and both arrestees were handcuffed and surrounded by agents with guns drawn, the arrestees did not have access to the bag. The court, therefore, invalidated the search.

In another case, *United States v. Vasey*,¹⁴ the U.S. Court of Appeals for the Ninth Circuit found the search of a vehicle unlawful, where the arrestee was handcuffed and placed in the rear of a police vehicle prior to the search. The court believed that the arrestee could not have gained access to the vehicle, and therefore, it was outside his area of immediate control. The court in *Vasey* acknowledged that the police are not required to assume that the arrestee is always rational, but also stated that they are not allowed to assume that the arrestee is superhuman.

Temporal Limits

In addition to limiting the search incident to arrest to the area within the arrestee's immediate control, the U.S. Supreme Court has put temporal limits within which a search must be conducted in order for it to qualify as a valid search. The search of the area within the arrestee's immediate control and the items within that area must be contemporaneous to the arrest.¹⁵ In *United States v. Chadwick*,¹⁶ the U. S. Supreme Court held that a double-locked footlocker searched at the stationhouse 90 minutes after the suspect's arrest was too remote in time to qualify as a valid search

incident to the arrest. In another case, *United States v. \$639,558.00 in U.S. Currency*,¹⁷ the U.S. Court of Appeals for the District of Columbia determined that the 30 minutes between the arrest and the search of luggage was too long to be contemporaneous.

Usually, the search follows the arrest, although this is not a requirement. The search could precede the arrest and still be a lawful search

“

...the area of the search is not limited simply because police restraints restrict the arrestee's movement.

”

incident to arrest. As long as the arrest follows quickly on the heels of the challenged search, it will be viewed as a valid search.¹⁸ However, the search preceding the arrest cannot form the basis for the arrest.¹⁹

The time constraints for a search are less restrictive when the items to be searched are immediately associated with the arrestee. For example, in *United States v. Edwards*,²⁰ the U.S. Supreme Court held that a delay in the seizure and search of clothing worn by the arrestee until the morning after his arrest was valid as a search incident to the arrest. The police had to wait until the next morning because they

were unable to obtain substitute jail clothing for the arrestee due to the late hour. The Court reasoned that the police did no more the next morning than they were entitled to do incident to the usual custodial arrest and incarceration.

The extended period allowed for a search incident to arrest of items immediately associated with the arrestee is not limited to the search of clothing. Many courts include wallets among those items subject to search incident to arrest for an extended reasonable period after arrest.²¹

However, there is a split among the courts as to whether a purse is an item immediately associated with the arrestee. Those courts that do not view a purse as immediately associated with the arrestee require the search of the purse to be contemporaneous with the arrest.²²

Search of Vehicles Incident to Arrest

The search of automobiles must be contemporaneous with the arrest of an occupant of the vehicle. However, it is not clear exactly how close in time the search must be to the arrest in the automobile setting.

For example, the U.S. Court of Appeals for the Seventh Circuit in *United States v. Fiola*²³ held that a 90-minute delay between the arrest and subsequent search of the passenger compartment of the automobile was permissible. In contrast, the court in *United States v. Vasey*²⁴ held that a 30- to 45-minute delay between the arrest and search of the passenger compartment of an automobile was too long after the arrest to qualify as a contemporaneous search. In light of the uncertainty in

this area, it is advisable to conduct a search of the passenger compartment of an automobile as soon as practicable after the occupant's arrest to avoid having a court view the search as too remote in time to be considered contemporaneous.²⁵

There is no uncertainty with regard to the permissible area to be searched incident to the arrest of a vehicle's occupant. The spatial parameters within the arrestee's control in an automobile has been clearly defined by a bright-line rule by the U.S. Supreme Court in *New York v. Belton*.²⁶

The *Belton* Court held that a contemporaneous search of the entire passenger compartment of an automobile incident to the occupant's arrest was legal, even though the occupant was not in the vehicle at the time of the search. It further authorized the contemporaneous search of any container found within the automobile's passenger compartment.

The Court defined a container as "any object capable of holding another object. It includes closed or open glove compartments, consoles, or other receptacles located anywhere within the passenger compartment, as well as luggage, boxes, bags, clothing, and the like."²⁷ The Court, however, did not authorize the police to search an automobile's trunk incident to the arrest of an occupant.

Searches of Locked Containers Located in Vehicles

Most courts allow the search of locked glove compartments incident to arrest.²⁸ For example, in *Wisconsin v. Fry*,²⁹ the Wisconsin Supreme Court validated the

contemporaneous search of a locked glove compartment incident to a lawful arrest. The court found no meaningful distinction between a locked container and a closed but unlocked container regarding the constitutional protection provided to them. The *Fry* court followed the general fourth amendment principles set forth by the U.S. Supreme

inspection as the sophisticated executive with the locked attaché case.³¹

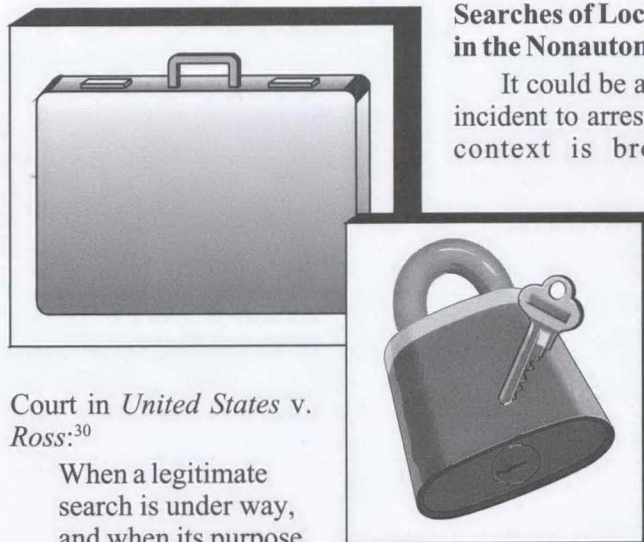
Similarly, in *United States v. Valliant*,³² the U.S. Court of Appeals for the Eighth Circuit upheld the search of a locked briefcase found on the passenger seat of the arrestee's car as a valid search incident to arrest.

Searches of Locked Containers in the Nonautomotive Setting

It could be argued that a search incident to arrest in the automotive context is broader than in a nonautomotive context. In *New York v. Belton*, however, the Supreme Court merely applied the general principles of search incident to arrest in the automotive context.

The Court did not alter the fundamental principles regarding the scope of a search incident to arrest, but simply established a *per se* rule that the entire passenger compartment of an automobile is within the immediate control of the arrestee—immediate control as had been defined in prior Supreme Court decisions. Although *Belton* did not specifically address the issue of locked containers, the Court stated that any container is subject to a contemporaneous search if it is within the arrestee's reach at the time of arrest.³³

The general principles applied in *Belton* have been applied in nonautomotive settings by other



Court in *United States v. Ross*:³⁰

When a legitimate search is under way, and when its purpose and its limits have been precisely defined, nice distinctions between closets, drawers, and containers, in the case of a home, or between glove compartments, upholstered seats, trunks, and wrapped packages, in the case of a vehicle, must give way to the interest in the prompt and efficient completion of the task at hand. This rule applies equally to all containers, as indeed it must....a traveler who carries a toothbrush and a few articles of clothing in a paper bag or knotted scarf [may] claim an equal right to conceal his possessions from official

courts.³⁴ In *United States v. Silva*,³⁵ the U.S. Court of Appeals for the Fourth Circuit, relying on *Belton*, approved of the search of a locked, zippered bag incident to the arrest of two suspects in a hotel room. The suspects were sitting on the beds, handcuffed behind their backs, and surrounded by armed FBI agents at the time of the search. One of the agents obtained the key to the bag from the pocket of one of the arrestees.

Similarly, in *United States v. Tivolacci*,³⁶ the U.S. Circuit Court for the District of Columbia determined that it was not constitutionally significant that a suitcase searched incident to arrest happened to be locked. The court concluded that it was legally sufficient to limit the search to containers within the arrestee's reach at the moment of arrest. It was not necessary to go beyond that and further limit the search to only unlocked containers.

In contrast, the U.S. Court of Appeals for the Eighth Circuit in *United States v. Schleis*³⁷ ruled that the search of a locked briefcase at the stationhouse without a search warrant after the suspect's arrest was a violation of the fourth amendment. The *Schleis* court, relying on *United States v. Chadwick*, stated that "the critical factor is the extent to which the property is within the control of the law enforcement officers, rather than the amount of time or space between the arrest and the search."³⁸ The *Schleis* court held that where the property is reduced to the exclusive control of the police, it cannot be searched incident to arrest.

In the *Belton* case, which was decided after *Schleis*, the Supreme Court criticized the "exclusive control" test by stating:

It seems to have been the theory of the Court of Appeals that the search and seizure in the present case could not have been incident to the respondent's arrest, because [the trooper], by the very act of searching the respondent's jacket and seizing the contents of its pocket, had gained "exclusive control" of them....under this fallacious theory no search or seizure incident to a lawful custodial arrest would ever be valid; by seizing an article on the arrestee's person an officer may be said to have reduced that article to his "exclusive control."³⁹

“

...any container is subject to a contemporaneous search if it is within the arrestee's reach at the time of arrest.

”

Under *Belton*, the authorization to search containers incident to arrest hinges on the length of time and distance between the arrest and the search, not whether the police have obtained "exclusive control" of the container.⁴⁰ The issue is whether the container is within the "immediate

control" of the arrestee at the time of arrest and not whether it is within the "exclusive control" of the officer at the time of the search.

The *Schleis* and *Chadwick* Courts considered the fact that the containers were locked as manifestations of the arrestee's expectation that the contents of the containers would remain free from public examination.⁴¹ Nevertheless, in *Belton*, the Supreme Court held that "the justification for the search is not that the arrestee has no privacy in the container, but that the lawful custodial arrest justifies the infringement of any privacy interest the arrestee may have."⁴²

Some courts view the inaccessibility of the area to the defendant at the time of the search as precluding a search of that area incident to arrest. Those courts may not allow the search of a locked container on the grounds that there is no likelihood that the arrestee will be able to destroy evidence or gain possession of a weapon.

However, *Belton* is particularly instructive on this issue. The *Belton* Court reversed the decision of the New York Court of Appeals, which invalidated the search of a coat found inside a vehicle. The court of appeals decided that because at the time of the search the arrestees were standing outside the vehicle, there was no longer any danger that the arrestees would gain access to the article. In reversing the New York Court of Appeals, the Supreme Court made clear that the arrestee's access to the area at the time of the search should not determine the validity of a contemporaneous search incident to arrest.

Conclusion

Most courts do not consider it significant whether, at the time of the search, the arrestee has access to the area searched. Likewise, some courts do not consider it significant that a container that is searched incident to arrest happens to be locked. Nevertheless, there is a split of authority in the courts on whether locked containers may be searched incident to arrest and that issue has not been specifically addressed by the U.S. Supreme Court. Accordingly, because the legality of such searches has not yet been settled, law enforcement agencies should consult legal counsel to determine the law on their local jurisdiction. ♦

Endnotes

¹ *United States v. Robinson*, 414 U.S. 218, 235, 94 S.Ct. 467, 476, 38 L.Ed. 2d 427, 440 (1973).

² *Chimel v. California*, 395 U.S. 752, 763, 89 S. Ct. 2034, 23 L. Ed. 2d 695 (1969).

³ *United States v. Edwards*, 415 U.S. 800, 808, 94 S. Ct. 1234, 39 L. Ed. 2d 771, 778 (1974).

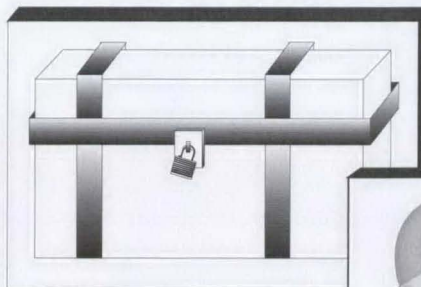
⁴ 395 U.S. at 763.

⁵ See *Oregon v. Bracco*, 517 P.2d 335 (1973), and *Missouri v. Brassel*, 538 S.W.2d 325 (1976).

⁶ See *United States v. Tavalacci*, 895 F.2d 1423, 1429 (D.C. Cir. 1990).

⁷ *United States v. Polumbo*, 735 F.2d 1095, 1097 (8th Cir. 1984), *cert. denied*, 469 U.S. 934, 105 S.Ct. 332, 83 L.Ed. 2d 268 (1984) (search behind dresser drawer was a valid search incident to arrest, even though the arrestee claimed he was handcuffed with several officers watching him). See also *United States v. McCrady*, 774 F.2d 868 (8th Cir. 1985), where the court decided that the search of the locked glove compartment of the arrestee's car was a valid search incident to arrest, even though the arrestee had been transported from the scene prior to the search. The officer, who decided to search the vehicle before surrendering it to another passenger, had possession of the keys to the vehicle and used them to open the glove compartment during the search. *Accord United States v. Hatfield*, 815

F.2d 1068, 1071 (6th Cir. 1987) (arrestee ordered to stand against a wall and was guarded by officer while another officer searched the vehicle), *Davis v. Robbs*, 794 F.2d 1129, 1130-31 (6th Cir. 1986) (arrestee handcuffed and placed in squad car prior to seizure of rifle in house), *cert. denied*, 479 U.S. 992, 107 S. Ct. 592, 93 L. Ed. 2d 593 (1986), and *United States v. Cotton*, 751 F.2d 1146, 1147-48 (10th Cir. 1985) (arrestees handcuffed and apparently guarded by officer while another officer searched the vehicle).



⁸ 677 F.2d 602 (7th Cir. 1982).

⁹ *United States v. Robinson*, *supra* at note 1.

¹⁰ *United States v. Lucas*, 898 F.2d 606, 610 (8th Cir. 1990), *cert. denied*, 498 U.S. 838 (1990).

¹¹ *United States v. McConney*, 728 F.2d 1195, 1207 (9th Cir. 1984) (en banc) (search of sofa incident to arrest held valid, even though the arrestee was on the floor and surrounded by several officers with guns drawn), *cert. denied*, 469 U.S. 824, 105 S. Ct. 101, 83 L. Ed. 2d 46 (1984).

¹² 19 F.3d 1143 (7th Cir. 1994), *cert. denied*, 115 S. Ct. 81 (1994).

¹³ 852 F.2d 692 (2d Cir. 1988).

¹⁴ 834 F.2d 782 (9th Cir. 1987).

¹⁵ E.g., *Preston v. United States*, 376 U.S. 364, 367, 84 S. Ct. 881, 11 L. Ed. 2d 777, 780 (1964).

¹⁶ 433 U.S. 1, 97 S. Ct. 2476, 53 L. Ed. 2d 538 (1976).

¹⁷ 955 F.2d 712, 717 (D.C. Cir. 1992).

¹⁸ *Rawlings v. Kentucky*, 448 U.S. 98, 111, 100 S. Ct. 2556, 2564, 65 L. Ed. 2d 633 (1980).

¹⁹ *Smith v. Ohio*, 494 U.S. 541, 110 S.Ct. 1288 (1990).

²⁰ 415 U.S. 800, 94 S. Ct. 1234, 39 L. Ed. 2d 771 (1974).

²¹ See *United States v. Passaro*, 624 F.2d 938, 943 (9th Cir. 1980) (search of a wallet and photocopying the contents after the arrestee

arrived at the place of detention was valid as a search incident to arrest), *cert. denied*, 449 U.S. 1113 (1980). See also *United States v. Castro*, 596 F.2d 674, 677 (5th Cir. 1979) (search of a wallet after the arrestee's arrival at the jail was valid as a search incident to arrest), *cert. denied*, 444 U.S. 963 (1979), and *United States v. Baldwin*, 644 F.2d 381, 384 (5th Cir. 1981) (per curiam) (search of wallet "a few hours" after arrest was held to be valid).

²² Compare *United States v. Monclavo-Cruz*, 662 F.2d 1285 (9th Cir. 1981) (where the court invalidated the search of a purse carried by the arrestee that was not searched until 1 hour after her arrest) with *United States v. Burnette*, 698 F.2d 1038 (9th Cir. 1983) (where the court allowed a more thorough search of a purse long after the

arrest because the purse was subjected to a cursory search at the time of arrest), *cert. denied*, 461 U.S. 936 (1983). In *Illinois v. Mannozzi*, 632 N.E.2d 627 (1994), the court considered a purse as being immediately associated with the arrestee, and therefore,

found valid the search of the purse at the police station 10 minutes after arrest.

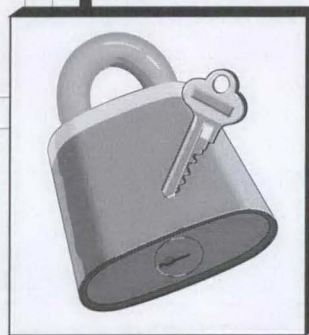
²³ 929 F.2d 285, 288 (7th Cir. 1991).

²⁴ 834 F.2d 782, 785-788 (9th Cir. 1987).

²⁵ Even if the search in a particular case is invalidated, it may still pass constitutional muster under the inevitable discovery doctrine, which provides that evidence will not be suppressed if police inevitably would have discovered the item during a subsequent lawful search, such as an inventory of a container or automobile. See *Nix v. Williams*, 467 U.S. 431, 104 S. Ct. 2501, 81 L. Ed. 377 (1984). In most instances, containers and vehicles will be subject to an inventory search once they are taken into police custody. A valid inventory search must be conducted according to established standardized procedures. See generally, *South Dakota v. Opperman*, 428 U.S. 364, 96 S. Ct. 3092, 49 L. Ed. 2d 1000 (1976), and *Illinois v. Lafayette*, 462 U.S. 640, 103 S.Ct. 2605, 77 L. Ed. 2d 65 (1983).

²⁶ 453 U.S. 454, 101 S. Ct. 2860, 69 L.Ed. 2d 768 (1981).

²⁷ 453 U.S. at 460 n. 4.



³² 873 F.2d 205,206 (8th Cir. 1989).

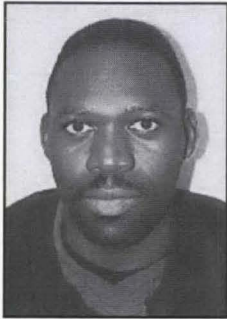
621,625 (8th Cir. 1991), where the court followed the *Belton* decision in upholding a contemporaneous search of luggage at an airport

⁴² *Belton*, 453 U.S. at 461, 101 S. Ct. at 2864.

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

The Bulletin Notes

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



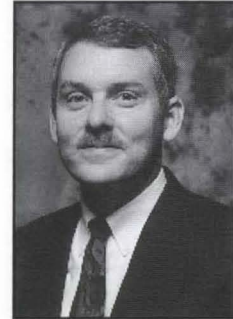
Investigator Jeter

During a multiagency drug investigation, Investigator Vincent E. Jeter of the Rock Hill, South Carolina, Police Department and an officer from a police department in a neighboring city approached a group of suspects who had just

sold crack cocaine to an undercover agent. When they identified themselves as police officers, the suspects fled on foot. At this time, another suspect approached the officers from behind and fired several shots at close range. One of the rounds lodged in Investigator Jeter's thigh; a second round struck the other officer in the back of the neck, exiting through his face. Although wounded, Investigator Jeter pursued two of the escaping suspects and was able to apprehend and handcuff one of them. He then returned with the suspect to the scene of the shooting to render assistance to the fallen officer, radioing for medical assistance and backup police units. When they arrived, he refused treatment until the other officer was attended to and transported to the hospital. Investigator Jeter subsequently was treated for his wounds and returned to duty after several weeks of recuperation. The assailant was apprehended a short time after the shooting.



Deputy White



Mr. Turner

Deputy David White of the Monroe County Sheriff's Office in Forsyth, Georgia, and Michael Turner, a staff member at the Georgia Police Academy, responded to reports of a vehicle washed off a bridge by a flood-swollen river. The occupants, who had been clinging to tree branches through the night, were suffering from hypothermia by the time the two men arrived. Although the normally placid river had overrun its banks and was producing 5-foot rapids at a velocity of 35 miles per hour, Deputy White and Mr. Turner maneuvered their boat to the stranded victims by pulling at hanging tree branches. Unable to take both victims to safety at the same time, the two rescuers transported the woman first to a waiting ambulance. Upon returning for her husband, they found that he had disappeared beneath the water. An area search for the man proved unsuccessful; his body was recovered several days later. After this search, Deputy White and Mr. Turner responded to another report of a vehicle washed from a bridge and rescued another motorist.

U.S. Department of Justice
Federal Bureau of Investigation

Second Class Mail
Postage and Fees Paid
Federal Bureau of Investigation
ISSN 0014-5688

Washington, D.C. 20535

Official Business
Penalty for Private Use \$300

Patch Call



The patch for the City of North Platte, Nebraska, Police Department features a portrait of "Buffalo Bill" Cody, whose local ranch, where he formed his famous Wild West Show, is now a State park. The patch also shows Routes 83 and 80, as well as the North and South Platte Rivers joining to form the Platte River. A steam engine, plow, and Hereford cow represent the town's past and present commercial interests.



The Clover, South Carolina, Police Department patch depicts the steam engines of the Carolina Gauge Railroad Company, which traveled through the town in the late 1800s. The town was named after the large clover patch that grew around the base of the water tank. According to town lore, the train's crew would search for four-leaf clovers at the stop and not leave before the first "lucky clover" was found.