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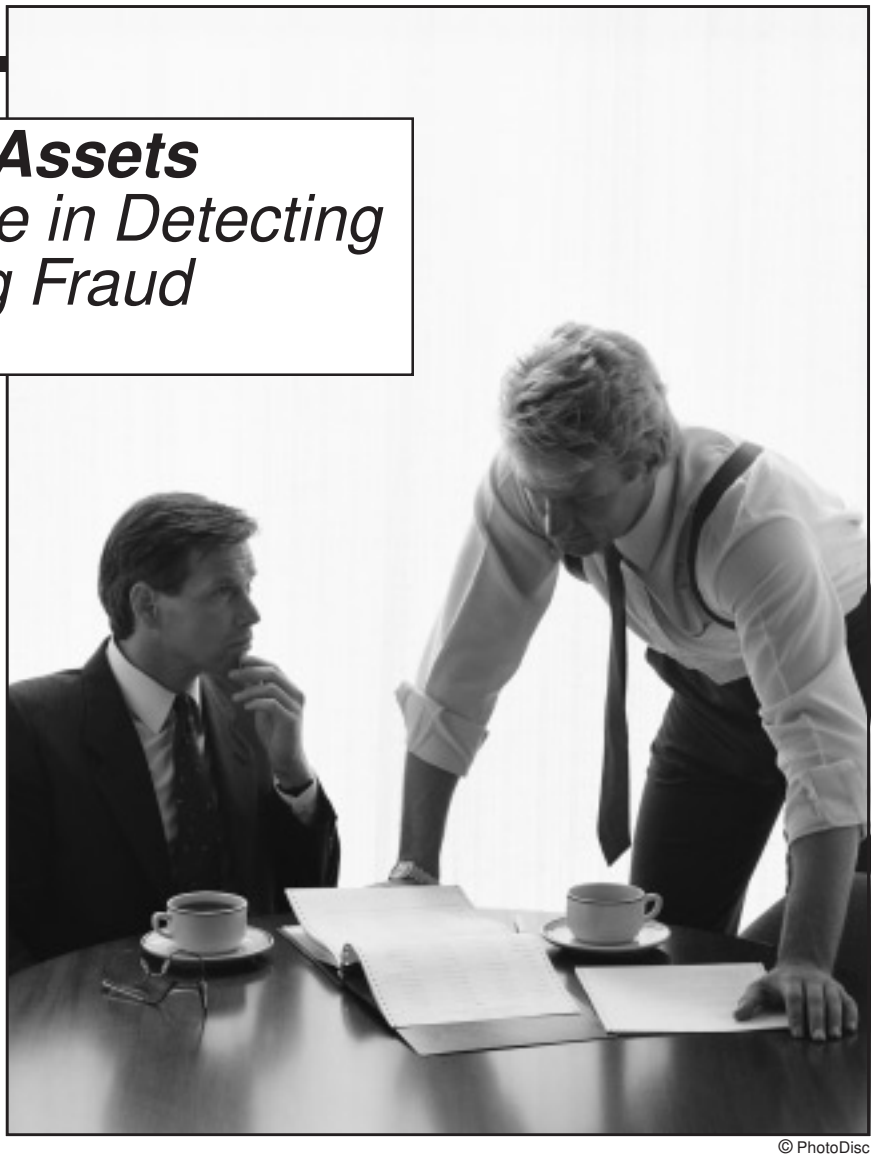
Investigative Assets
The CPA's Role in Detecting and Preventing Fraud

By KEITH SLOTTER



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Fraud and abuse cost U.S. employers an average of $9 a day per employee, totaling in excess of $400 billion in fraud loss to domestic organizations. Median losses committed by executives represent 16 times more damage than those committed by their employees, and the most costly abuses occur in companies with fewer than 100 employees.[1] These statistics confirm what law enforcement authorities have known for years—companies lose billions of dollars to fraud annually, much of it perpetrated against corporate America. During the past decade, however, those in the financial community, particularly within the accounting profession, viewed this information with both interest and dismay. In fact, the level of fraud and, perhaps more important, public outcry compelled certified public accountants (CPAs) to alter the way they conduct business and make the search for fraud a specific requirement in each audit engagement. These changes present new opportunities for law enforcement to work with the accounting community in detecting, preventing, and investigating a myriad of financial crimes long before companies report such frauds for criminal investigation, if they report them at all.

THE TRADITIONAL AUDITOR

Historically, auditors mainly have reviewed financial statements to form an opinion concerning the accuracy of a company's represented financial position. In order to render this opinion, auditors constructed an audit plan to conduct tests of company records and transactions. In the past, this plan outlined procedures used to search for possible errors and irregularities that materially impacted a company's financial statements—the auditors never specifically addressed the issue of fraud. Most audits resulted in a clean opinion of the veracity of the client's financial report. If auditors detected material problems and corporate management refused to take proper action, the CPA firm simply withdrew from the assignment. Subsequently, the company passed the job to another firm that either did not conduct as diligent an audit or employed a "more creative" approach.

Special Agent Slotter serves in the FBI's New Haven, Connecticut, field office.

> ***"Fraud presents a daunting challenge to today's business executives."***

The failure of the Penn Square Bank of Oklahoma City in 1982 marked a new era in financial institution fraud. The severity of this failure forever influenced the accounting profession and the way in which auditors conduct financial reviews. As greedy bank officers used the banks they controlled as their own treasure troves for personal enrichment at the public's expense, over 1,000 financial institutions failed in the United States. The savings and loan crisis rocked the United States and cost taxpayers over $200 billion, more than the amount spent on the Vietnam war.[2]

After the dust cleared, the fingers of disgruntled investors, stockholders, and industry experts pointed directly at CPAs across the nation and deemed them derelict in their duties to both their clients and the public. How could failed institutions have received clean bills of health just months prior to financial collapse? CPA firms across the country found themselves in civil court defending their reputations on charges of negligence. The typical large firm spent over 12 percent of its revenues on defense litigation.[3] The Big Six[4] accounting firms began dropping clients at a rate of 50 to 100 per year. Despite implementing lower risk strategies, the accounting profession, as a whole, understood that for every firm that dropped a client, 20 more firms stood ready to step in and replace that one. CPAs became inundated with a barrage of lawsuits claiming negligent conduct and oversight. The industry began to look for ways to reduce risk and enhance law enforcement cooperation.

SETTING NEW STANDARDS

Due to this unpredictable and litigious economic climate, the American Institute of Certified Public Accountants (AICPA) began reviewing the changing role of the CPA. In 1989, the AICPA addressed the client's expectations regarding the auditor's responsibility to detect fraud during an audit[5] but only provided illusory assurance and offered little guidance as to the exact requirements of the CPA or how to detect errors or irregularities. In 1997, after consulting with various law enforcement and investigative agencies, the AICPA deleted the phrase "errors and irregularities" from its auditing standards and finally used the term "fraud." As a result, CPA firms now must plan their audits to detect and report material fraud to company management.

Since the enactment of this statement on auditing standards, CPAs have discovered new client/service opportunities, and many larger firms have established investigative services divisions. These organizations often employ retired law enforcement personnel, assist clients in preventing fraud, and weigh options at the discovery of an embezzlement. Additionally, several of the Big Six accounting firms conduct periodic fraud surveys to determine the current white-collar crime climate and future potential for fraud throughout various industries. Of note, 75 percent of all U.S. companies surveyed incur at least one incident of fraud each year, and nearly half sustain five or more occurrences. The average fraud totals over $200,000 in losses to the victim company. Interestingly, although 76 percent of managers believe that fraud has become a major problem in society today, only 38 percent believe that fraud represents a significant problem for their companies.[6]

In a recent international fraud survey, 28 corporate respondents indicated that they each had lost over $25 million to fraud during the

last 5 years with 50 percent of that amount lost in the previous twelve months. Additionally, the report revealed that employees committed 84 percent of the most significant frauds. Almost half of those employees had been with the company for over 5 years. Discouragingly, only 13 percent of all fraud losses were recovered, including insurance recoveries.[7] Regarding cyberfraud, fewer than 25 percent of responding companies included a computer fraud vulnerability assessment in their year 2000 strategic plans. Only 1 in 10 respondents believed adequate internal controls were in place to prevent computer hacking.[8]

Fraud presents a daunting challenge to today's business executives. A bigger problem remains persuading corporate America to report instances of fraud for criminal investigation. Senior executives cite the two chief reasons for failing to refer fraud discoveries to law enforcement as fear of embarrassment and disclosure of events to competitors.[9] Since law enforcement often relies on criminal referrals to initiate these types of investigations, both sectors should seek to bridge the gap toward mutual cooperation.

PUBLIC ACCOUNTING AND LAW ENFORCEMENT LIAISON

Traditionally, where the auditor's job concluded in cases of corporate criminal activity, the law enforcement officer's work began. Infrequent communication existed between the two professions except when officers obtained accounting records through subpoena or called accounting personnel to testify. Previously, only corporate management, pursuant to engaging an independent auditor to perform a specified fraud audit, made referrals to law enforcement agencies concerning material criminal misconduct. Today, however, companies should establish investigative guidelines for the handling and reporting of fraud allegations.

> ***"The savings and loan crisis rocked the United States and cost taxpayers over $200 billion...."***

Many groups view the law enforcement and accounting professions as mutually exclusive when, in fact, they often have convergent missions. CPA firms, particularly those with established investigative services divisions, seek to identify existing frauds and establish prevention programs to insulate companies from incurring future losses. In some ways, these goals overlap efforts of law enforcement agencies striving to bring criminal charges against individuals committing fraud. The key to success remains cooperation between the professions, and the first step is to gain a better understanding of how each operates. Many CPAs would not consider working with law enforcement authorities on a suspected fraud matter, not just because of client confidentiality issues, but rather because they are unsure of how to proceed. The criminal investigator usually initiates liaison with local accountants to establish rapport and areas of commonality where both professions can benefit. For instance, although CPAs rarely refer suspected fraud to law enforcement without client consent, officers can encourage them to recommend this course of action to their clients based on the likelihood of success, improved chances of recovering funds, and greater deterrence factors. In turn, law enforcement offers assistance with training public and private accountants in fraud detection techniques, current crime trends, and frauds to which certain industry segments remain particularly susceptible.

As criminals concoct more sophisticated financial schemes, they challenge both CPAs and law enforcement officers to develop techniques to combat this country's ever-expanding fraud problem. In an effort to narrow the gap between CPA and police department cooperation, the FBI's Financial Crimes Section published a report on CPA and law enforcement liaison and approached the AICPA in an effort to improve relations and promote a better exchange of information.[10] Shortly after that meeting, a major national newspaper ran the headline "FBI: Accountants Should Turn in Crooked Clients."[11] Although the headline was not completely accurate, the FBI did recommend that CPAs strongly encourage their clients to refer suspected frauds for criminal investigation. Except in rare instances, corporate

management should make criminal referrals to law enforcement concerning fraud. Two situations exist where an auditor should make a direct referral to a law enforcement agency: 1) when a client's primary or subsidiary business operation is fraudulent in its entirety (e.g., illegal telemarketing operations, money-laundering front businesses) and 2) when significant criminal fraud occurs within the highest levels of corporate management, and an audit review committee appears unlikely to internally address or rectify such fraudulent activity.[12]

Many savings and loan collapses fall into this second category. These criminal activities may extend beyond isolated incidents and signify problems within an entire industry. Presently, besides the nation's financial institutions, the insurance, health care, and government-contracting industries remain particularly vulnerable to such frauds.

SUCCESS THROUGH COOPERATION

"A Meeting of Minds"

During 1995, the commissioner of the City of London Police (COLP) approached the FBI director about the possibility of producing a joint fraud prevention video. The concept came to fruition in 1997 with an unprecedented joint collaboration between COLP, the FBI, and a major private accounting firm. Filmed in London, New York, and Bridgeport, Connecticut, "A Meeting of Minds" traces the downfall of a British investment firm involved in an international "bust out" scheme orchestrated by the security officer of a major New York financial institution.[13]

The video enlightens business executives around the world concerning the daily pitfalls their associates encounter when dealing with fraud. It also focuses on factors leading to fraud, such as knowing company employees, controlling access to vital systems, realizing the importance of establishing antifraud and contingency plans, and, most important, reporting suspected frauds for criminal investigation.[14]

> ***"...corporate management should make criminal referrals to law enforcement concerning fraud."***

Law enforcement agencies and accounting firms worldwide use "A Meeting of Minds," in addition to presenters' notes and handout materials, to educate both the public and private sectors about the prevalence of this problem. By assisting current and potential clients in dealing with various fraud issues and underscoring their exposure to significant loss, the film conveys a significant message—this problem could happen to anyone.

Successful Scenarios

Law enforcement agencies and the private sector continue to search for comfortable common ground in reporting criminal wrongdoing. The following examples epitomize successes that investigators and CPAs can enjoy when working together.

The Case of the Missing Fish

During their 1989 annual audit, independent auditors retained by a national food products distributor in New York believed they had uncovered a fraudulent scheme perpetrated by two vice presidents who managed the seafood division. Auditors determined that the executives had purchased over $2 million in cod from a foreign seafood distributor. In reality, the executives established the transaction as an advance purchase—they consummated the deal before the fish were caught. They also structured the deal so that they each would receive a 10 percent personal commission on the entire purchase agreement. Not only did the executives violate company policy with this purchase, but the auditors also suspected criminal wrongdoing by both employees.

Although the company's management initially remained hesitant, partners from their independent CPA firm convinced the auditors to file a formal complaint with law enforcement authorities. The subsequent investigation determined that the fraud involved a complex series of wire transfers between the company and several European intermediaries. Within 6 months of the complaint, law enforcement charged both conspirators with fraud. One of the two executives pleaded guilty, and a jury trial convicted the other. The company's president described this joint success as the single best internal control his company ever had implemented.[15]

The Collapse of the Carpet Cleaner

Barry Minkow, an entrepreneur, fully understood the laws of supply and demand. Growing up in California, Minkow began working for a local carpet cleaning company at the age of 14. A year later, he set up his own carpet cleaning/restoration business in his parent's garage. He incorporated the operation and called it ZZZZ Best, as in "ze best." Within 5 years, by the age of 21, Minkow had built his company into one of the largest independent carpet cleaning and restoration businesses in the country, with profits escalating at a rate of 400 percent per year. ZZZZ Best stock traded publicly, opening at $4 and climbing to nearly $19 per share within 4 months of its initial offering. During 1987, ZZZZ Best was worth over $300 million, and Minkow prepared to take over another carpet cleaning business—a public company nearly twice the size of ZZZZ Best. Minkow arranged for $40 million in acquisition financing through a bevy of investment bankers in preparation for making ZZZZ Best the largest nonfranchised carpet cleaning and restoration business in America.

Four days before the finalization of the acquisition, an article appeared in a major California newspaper that nixed the merger and abruptly ended the seemingly stellar fortunes of the brash and bold ZZZZ Best founder.[17] How did this corporate leader collapse overnight? The answer is simple; ZZZZ Best never existed as advertised—the entire company was a fraud.

Minkow's high-wire act merely included a collage of check kiting, loan fraud, and fictitious record-keeping activities that duped everyone from shareholders to accountants to the country's most savvy investment bankers. Although Minkow continued to operate a small time carpet cleaning operation, ZZZZ Best represented a rising industrial conglomerate on paper. Minkow created reams of phony documents including loan files, check registers, general journals, and accounts receivable invoices. He routinely misled associates with bogus files and cunning deceit. For example, when one auditor demanded to personally view an ongoing carpet restoration job, Minkow simply picked one of the nicest office buildings in town, bribed the landlord to act as if Minkow belonged on the premises, and led the auditor through a series of offices in various stages of refurbishment. The auditor never suspected the scam.[18]

Minkow knew he could not continue the charade forever, but he appeared surprised at how quickly others believed his often bizarre explanations for irrational corporate behavior. Additionally, Minkow also knew that he could easily entice or replace overly suspicious auditors as necessary. He hoped to sell his own shares of ZZZZ Best stock (valued at over $100 million) and find a way to compensate everyone. Finally, a former employee exposed Minkow's scheme to a reporter, and less than a year later, Minkow received a 25-year prison sentence.[19]

Released early from prison in 1993, Minkow has spent much of the past several years speaking to various groups about his scheme and analyzing ways it could have been prevented. Like the savings and loan crisis, much of the blame was placed on his auditors. Minkow alleges that auditors never used proper cash cut-off procedures or inquired why he constantly switched his accounts to different banks. If the auditors had inquired, they would have learned that Minkow submitted phony tax returns and that banks closed his accounts for check kiting, writing excessive non-sufficient-fund checks, using fictitious checks, and conducting loan fraud. Additionally, Minkow failed to disclose millions of dollars in private loans and managed to divert accounts receivable confirmation reports. He asserts that if auditors had per-sisted and made a thorough examination, ZZZZ Best would have collapsed years before its eventual demise.[20]

CPA Helps Chill Boiler Room

During the summer of 1991, an independent CPA in Florida was hired by a company to compile monthly financial statements and prepare annual consolidated income tax returns. Additionally, the company began preparing to initiate a public offering during the next few months. When provided with monthly financial information, the CPA became suspicious about the company's business activities. Specifically, the legitimacy of the company's pursuits and its negative cash flow, despite reported operating profits, caused concern for the CPA.

During 1992, the CPA met with the company's owner and requested to review all of the corporate facilities. The owner only agreed to a limited walk-through of the premises. What the accountant saw appalled him—salespeople screaming into telephones while selling products and promising prizes. He correctly surmised that the operation was an illegal telemarketing prize room and promptly withdrew from the job. Especially concerned about thousands of people around the country falling for the scheme, the CPA contacted the FBI. Fortunately, the FBI, along with other agencies, already had begun an investigation of the subject company. By leading investigators through an array of different companies and financial transactions, the CPA's contributions to the case proved invaluable. The FBI eventually raided this company, and the owner and 11 other individuals were convicted and subsequently sentenced to various prison terms.[16]

CONCLUSION

Heading into the 21st century, the need for law enforcement and public accounting cooperation remains imperative. Congress has greatly assisted law enforcement efforts in combating corporate fraud through the enactment of the Economic Espionage Act of 1996. Yet, the vast majority of these crimes still go unreported. Law enforcement agencies should not only tenaciously investigate these crimes but also should educate the public about their consequences and effect on the U.S. economy. More important, agencies that develop a continuing liaison with the private sector, particularly the accounting profession, help ensure that companies report all types of fraud for criminal investigation. In addition to private firms, professional organizations such as the AICPA, Institute of Management Accountants, and state boards of accountancy can learn how to deal better with fraud and its industrial impact. With continued cooperation from both sides, corporate America will undoubtedly reap the benefits of improved fraud detection, deterrence, and prevention.✦

> ***"...the need for law enforcement and public accounting cooperation remains imperative."***

Endnotes

[1] The Association of Certified Fraud Examiners, "Report to the Nation on Occupational Fraud and Abuse," Austin, Texas, 1996.

[2] "Shattered Faith–White-collar Crime in America," video coproduced by the Financial Crimes Section, FBIHQ, Washington, DC, and the Instructional Technology Services Unit, FBI Academy, Quantico, Virginia.

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[12] Supra note 10.

[13] "A Meeting of Minds," video by the FBI and the City of London Police Department, produced by Main Image Limited, 1997.

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Operation Linebacker

Using Status Offenses to Reduce Crime in Communities

By Robert J. Girod, M.S.

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Juvenile offenses, gang-related crime, violent crime, vandalism, and status offenses[1] remain a problem in many major cities throughout the nation. To combat such problems in Fort Wayne, Indiana, the police department developed a juvenile interdiction sweeps program, nicknamed Operation Linebacker after a wartime defensive blitz tactic. This program teams officers and police reserves from the Fort Wayne Police Department (FWPD) with officers from the Indiana State Excise Police (Alcoholic Beverage Commission) and the Allen County Juvenile Probation Office. It operates on the Broken Windows theory[2] and targets crimes committed by juveniles.

Coordinating the Effort

When police departments create juvenile interdiction programs, the coordinators must plan for special considerations. In addition to forming the teams from various law enforcement agencies, interagency planning remains an important factor to maintain the additional help needed in such operations. The liaison the FWPD sweep coordinators created prior to beginning the sweeps proved beneficial to making their program run smoothly. For example, prior to initiating the sweeps, the FWPD program coordinators—

- asked juvenile probation officers to provide vans for transporting prisoners during the program and employed FWPD reserve police officers as security for those taken into custody.
- notified the local juvenile detention facility to expect an increase in inmates requiring either detention, citation, or parental notification and release processing. FWPD found that with large numbers of arrests, citing the juvenile and releasing them to a parent or guardian proved most efficient.
- asked local and state police departments for additional officers to assist with the sweeps and to provide additional security at the detention facility.
- requested additional city dispatchers, particularly for wanted person, runaway, and other records checks.
- notified the FWPD Bureau of Identification that it would need extra personnel for conducting records checks, booking adult prisoners, and assigning control numbers.
- advised nonemergency dispatchers to direct gang-related, disturbance, nuisance, and status-offense calls to the sweep teams.
- notified detectives from both the Juvenile and Detective Bureaus, as well as from the Vice and Narcotics Division, that the sweep teams would handle those gang-related and status-offense calls but they should remain available for juvenile and adult that felony investigations and arrests.
- issued team members a standardized worksheet used to report team arrests, which included a checklist of common charges.

In addition to coordinating the different aspects of a juvenile interdiction program, each team can take

other steps to ensure success. For example, the FWPD sweep teams gathered intelligence from local school personnel, as well as juvenile and corrections personnel, on potential alcohol or drug parties. Further, establishing liaison with child protective services case workers proved useful in the placement of unattended minors or children in need of services. FWPD found contacts in the local prosecutor's office beneficial as well, because they participated as observers and provided assistance for obtaining warrants. A myriad of other agencies exist that could prove beneficial in sweep operations (e.g., animal control officers, city or state fire marshals, and board of health inspectors), and maintaining liaison with these individuals remains paramount to successful operations.

Team coordinators should remember to pair units from the participating agencies when preparing assignment rosters. Additionally, prior to the sweeps, they should provide team members with such small, yet crucial, details as which radio channel the teams will use and what protocol to follow when transmitting.

Finally, team coordinators must consider what types of transportation will best serve each sweep. In addition to the use of marked and unmarked police cars, coordinators should not overlook other means of transportation, such as equestrian, bicycle, and foot patrols.

Implementing the Program

During the 1998 spring break for Fort Wayne community schools, FWPD initiated a pilot program with four goals in mind—to reduce gang violence, to curb vandalism, to decrease juvenile criminal activity, and to act as an ongoing deterrent during the spring and summer months. To accomplish these goals, the FWPD targeted status crimes such as alcohol-related offenses committed by individuals under the age of 21, underage possession of tobacco products, and curfew violations for minors. The teams also focused on various other crimes ranging from violations of city ordinances, such as being in a city park after hours and possessing an open container of alcohol, to narcotic offenses.

Prior to the team's first sweep, the FWPD held a public meeting to explain the concepts of the program. Concerned citizens, parents, and members of the media attended and obtained general information about the operation but not the specific dates or times of the sweeps.

> ***"...the teams conducted more than eight weekend sweeps, averaging more than 130 arrests during each weekend."***

For two consecutive weekends during spring break, the teams patrolled for juvenile crime interdiction. The patrols conducted the first weekend sweeps from 7 p.m. to 3 a.m. and the following weekend from 9 p.m. to 5 a.m. During these first two sweeps, the teams arrested about 200 juveniles for various offenses.

Local police commanders and the FWPD Crime Analysis Unit indicated that during and immediately following the sweeps, the calls for police service and the number of criminal incidents declined noticeably. In addition, this proactive enforcement and juveline-offense interdiction reduced vandalism, gang crimes, and juvenile violence.

Operation Linebacker continued in May and June during "senior skip week" and just before and immediately after area high school graduations. During 1998, the teams conducted more than eight weekend sweeps, averaging more than 130 arrests during each weekend. One sweep resulted in a status-offense arrest of juveniles wanted in another county for a gun store robbery.

In another sweep, based on probable cause and tips developed from citizen complaints, the team obtained search warrants to raid underage drug and alcohol parties. Other sweeps, such as those conducted after hours in city parks, produced arrests of wanted persons and runaways, as well as numerous subsequent vice investigations. Additionally, these sweeps in city parks often revealed hidden underage drinking parties and curtailed many cases of vandalism.

Conclusion

The Fort Wayne Police Department and other area law enforcement agencies have collaborated successfully to dramatically decrease crime and increase neighborhood safety. Additionally, this program has been implemented at little or no cost to the agencies and has helped to combat crime and violence in Fort Wayne.

In today's society, where police arrest children for murder, robbery, and other adult offenses, the importance and effectiveness of enforcement of these offenses seem obvious. The FWPD's Operation Linebacker Program has confirmed that the enforcement of juvenile offenses such as smoking, drinking alcohol, and violating curfew laws, deters more serious criminal activity and leads to the arrests of more serious offenders, thus making the neighborhood streets safer for all citizens. ✦

Endnotes

[1] Status offenses are those acts committed by underage individuals.

[2] Briefly, this theory contends that a broken window left unfixed is a sign that nobody cares and leads to more serious damage. Similarly, minor crimes left untended are signs that may lead to more serious crime and urban decay. J. Wilson and G. Kelling, "Broken Windows: The Police and Neighborhood Safety," *Atlantic Monthly,* March 1982, 29-38.

Sergeant Girod supervises the northeast and southeast quadrants in the Detective Bureau of the Fort Wayne, Indiana, Police Department. *The author wishes to acknowledge all of the members of the various departments for their significant contributions in making this program a success.*

Drug Labs and Endangered Children

By TOM MANNING, J.D.

Drugs, guns, and money—the usual seizures by law enforcement officers during a raid on a suspected methamphetamine producer—are being joined by a new and, sadly, ever-increasing phenomenon, the children left behind when officers arrest their parents for illegally manufacturing or using this drug. More often than not, officers end up changing dirty diapers, comforting screaming babies, and entertaining these children for hours.

Officers in San Diego, California, understand this scenario all too well. Because of the high rate of methamphetamine use and production, San Diego held the title of the Methamphetamine Capital for several years. From 1988 to 1995, county-funded drug treatment programs reported an increase of more than 500 percent in cases where methamphetamine was reported as the primary drug problem. In 1996, methamphetamine-related arrests totaled 5,218. Tragically, an estimated 20 percent of these cases had children associated with them. Also, methamphetamine manufacturing labs ranged in operation from large multilayered organizations to small "mom and pop" shops producing the drug on kitchen stoves.

Local government, law enforcement, and community groups have worked hard to change San Diego's unfortunate but deserved reputation. Recently, however, methamphetamine use and production have spread rapidly, not only

within the entire state but throughout the nation, as well.

METHAMPHETAMINE PRODUCTION DANGERS

The methamphetamine production process involves three basic stages. First, the cooking stage where the chemicals ephedrine, hydriodic acid, and red phosphorous are mixed and heated at various stages for about 12 hours and then strained to remove the red phosphorous, which is not water soluble and is fatal in large doses. Then, the extraction stage involves adding sodium hydroxide to covert the acidic mixture to a basic one and then adding Freon to extract the methamphetamine from the base. Finally, the salting or drying stage includes adding hydrogen chloride gas to the mixture to convert it from an oil into a crystalline powder. All of the stages involve highly flammable and toxic substances.[1]

The danger to children becomes obvious when a methamphetamine lab explodes, killing or injuring them, or when authorities discover neglected children as a result of their parents' methamphetamine use. However, chemical burns and exposure to hazardous chemicals and deadly gases represent some of the more insidious and overlooked injuries caused by living in a methamphetamine lab environment. For example, authorities have found babies crawling on carpets where toxic chemicals used to make methamphetamine have spilled. They have seen children cooking their own meals in the same microwave ovens that their parents used to produce methamphetamine. Also, they have discovered chemicals used in methamphetamine production stored in open or improperly sealed containers in areas where children played. These chemicals emit hazardous fumes toxic enough to burn lungs; damage the brain, kidneys, and liver; or even kill these children. In a recent case, two boys received second-degree chemical burns on their arms when they fell off their bikes onto a patch of dirt in their backyard. Police officers discovered that their parents had dumped leftover waste from their methamphetamine production in the yard.

What can be done to protect these children? The available options do not always provide these children with the safest alternatives. For example, leaving the children with a neighbor or family member may prove risky because such individuals may not possess the ability to care for a child. Also, calling child protective services may result in lengthy delays because these agencies often are overworked and poorly equipped to handle emergency situations. Therefore, in many instances, children return time and again to their unsafe, unstable homes because of the lack of available intervention resources. Further, often stymied in their attempts to get the children to a safe environment, police officers cannot focus on their primary missions of gathering evidence, putting offenders in jail, and preparing these cases for prosecution. Both kids and officers get caught in the middle of parental drug use and profiteering.

THE SOLUTION

For years, the concept of children as victims of the methamphetamine epidemic remained unknown. However, in 1995, the issue gained national attention when a Riverside County methamphetamine lab exploded, killing three small children. Their mother

"...social workers and health care providers have joined police officers in helping children involved in methamphetamine arrests."

Mr. Manning serves as a deputy district attorney assigned to the North County Jurisdictions Unified for Drug/Gang Enforcement Unit in San Diego, California.

received a conviction of second-degree murder and appealed the verdict. In March 1998, the Fourth District Court of Appeals ruled that manufacturing methamphetamine is an inherently dangerous felony for the purpose of the second-degree felony-murder rule.[2] This case sparked state legislation that added prison enhancements for the presence of children at methamphetamine labs. As of January 1998, defendants found guilty of manufacturing methamphetamine in the presence of children under 16 face a 2-year prison enhancement. The methamphetamine producer can expect an additional 5-year penalty enhancement when a child is injured as a result of the methamphetamine production process.

The Drug Endangered Children Program

In conjunction with strengthening state law, California awarded grants to four counties (San Diego, Los Angeles, Santa Cruz, and Orange) to identify issues, establish protocol, and implement a multidisciplinary approach to protecting children victimized by exposure to methamphetamine manufacturing. In each county, the district attorney's office developed a program employing the skills, knowledge, and experience of individuals from law enforcement, health care, and social services.

Program Description

In San Diego County, the district attorney's office used the successful Jurisdictions Unified for Drug/Gang Enforcement (JUDGE) program as an umbrella organization and model to launch the Drug Endangered Children (DEC) program in January 1998.[3] Besides fostering greater cooperation and coordination between social services and law enforcement, DEC studies and documents the environmental hazards that children are exposed to in these methamphetamine "kitchens of death." Health care workers establish the medical procedures and document the testing of these children. Prosecutors then use this information to add child endangerment charges and new penalty enhancements targeting methamphetamine manufacturers.

> ***"...as part of DEC, officers complete forms that describe the conditions and hazards present in the home or at the lab site."***

After reviewing area drug statistics, the San Diego district attorney decided that North San Diego County represented the logical place to implement the program. Over the past 2 years, 90 percent of methamphetamine lab seizures occurred in North County. In 1997 alone, police discovered 62 methamphetamine labs, and 40 percent of these had children present or living at the site.[4] In one case, a mother and her boyfriend were cooking methamphetamine in their apartment's only bathroom when the substance ignited. Fortunately, the mother and her 2-year-old son escaped the fire without injury. Her boyfriend also fled the scene, but officers later captured and identified him by the burns on his arms.

Coordinated Efforts

In the past, police officers who encountered children in a methamphetamine lab environment attempted to contact the Children's Services Bureau to remove the children. However, the officers either had to transport the children to a facility or find someone who could care for them. In these situations, even when social workers responded, no specific procedures existed. Often, the children did not receive proper medical testing, examinations, or interviews. Unfortunately, lack of communication and sometimes-unclear jurisdictional parameters existed among law enforcement, social services, and health care providers.

Under DEC, however, social workers and health care providers have joined police officers in helping children involved in methamphetamine arrests. Social workers can respond to the scene and transport children exposed to toxic chemicals to the proper medical facility. Health care providers have created guidelines so that children found in methamphetamine lab environments will receive all of the necessary testing and treatment procedures. Also, once medical authorities have verified that these children have been exposed to methamphetamine and the toxins

Methamphetamine Production Process

Stage	Steps in Process	Chemicals Added	Process	Hazards Generated
Cooking	Initial Mixing and Heating	Ephedrine Hydriodic Acid Red Phosphorous	Chemicals are mixed and heated for about 12 hours to form D-meth in an acidic mixture.	Fires Explosions Toxic Gas
	Straining	None	Mixture is strained through a bed sheet or pillowcase to remove the red phosphorous.	Discarded bed sheets/pillowcases contaminated with red phosphorous and hydriodic acid
Extraction	Converting to a Base	Sodium Hydroxide (lye/caustic soda) Ice	Sodium hydroxide is added to convert the acidic mixture to a basic one. Ice is then added to cool the resulting exothermic reaction to prevent evaporation or loss of product. After this step, the mixture is transferred to a separatory vessel, most often a 55-gallon drum with a spigot at its base.	Spills
	Extracting D-meth	Freon (cooks have been known to use Coleman fuel or other solvents)	Freon is added to aid in the extraction of the D-meth from the sodium hydroxide solution. The Freon will drag the D-meth to the bottom of the vessel, and the clandestine lab cook will drain it off. If another solvent is used, the D-meth base floats to the top because this solvent is lighter than water.	Large amounts of sodium hydroxide waste.
Salting	Salting and Drying	Hydrogen chloride gas	When treated with hydrogen chloride gas, the D-meth oil will convert into a white crystalline powder. Presses or mop buckets are used to remove excess Freon.	Discarded solvents Flammable hazards

Information obtained from U.S. Department of Justice, National Drug Intelligence Center, *Hazards of D-Methamphetamine Production*, June 1995.

associated with its production, they track the children's progress to ensure their continued health and safety.

Additionally, before DEC started, concern for children living or present at the site of a methamphetamine lab did not represent a prosecutorial priority. Usually, police officers would note the extremely poor living conditions when they arrested the parents but seldom documented these circumstances, unless they did so accidentally in photographs of the lab site.

Now, as part of DEC, officers complete forms that describe the conditions and hazards present in the home or at the lab site. The forms also direct officers to interview children and collect evidence for endangerment prosecution. Moreover, the deputy district attorney assigned to the team can assist police officers in their investigations and prosecute these cases, including child endangerment charges if warranted.

Program Results

Local police officers in San Diego County have responded favorably to the team concept of DEC. The program allows officers and social workers to use their collective experience to work together on a joint mission—removing children from dangerous environments. At the same time, it permits officers to concentrate most of their efforts on the critical law enforcement matters associated with these incidents. A recent DEC case involving a methamphetamine-producing parole violator illustrates how some officers feel about this program. When deputies arrived at the residence, they found two small children running around a filthy house littered with old food and dirty diapers. In a back bedroom, they discovered a crying 6-month-old baby obviously in desperate need of a diaper change. One deputy stopped the baby's crying by changing her diaper and then picking her up and comforting her. While waiting for a social worker to arrive, another deputy took the handcuffs off the baby's mother so she could care for her baby. However, when the deputy placed the baby in her mother's lap, the baby began crying, and the mother had no idea how to comfort her. The deputy picked up the baby again, and she immediately calmed down. The deputy later said that the baby seemed to know that the police were there to help her. Another deputy noted that helping a little child made his job worthwhile.

> ***"Both kids and officers get caught in the middle of parental drug use and profiteering."***

CONCLUSION

Methamphetamine manufacturing has added a new casualty to its long list of victims caught in the morass of drug abuse. In increasing numbers, children of methamphetamine producers have become victimized by their parents' illegal manufacture and use of this substance. These parents neglect their children's development and place them in hazardous living conditions that can cause serious health problems, even death.

Law enforcement officers have found it increasingly difficult to find safe havens for these children left behind by their parents' arrest. The San Diego District Attorney's Office brought together the necessary resources to design and implement a solution. By coordinating the efforts of law enforcement, health care, and social services under one centralized program, the Drug Endangered Children program has helped to handle this sad but mushrooming situation. Agencies responsible for the public's safety may want to consider developing similar programs for the children of arrested methamphetamine users and producers before their communities face the same crisis. ✦

Endnotes

[1] U.S. Department of Justice, National Drug Intelligence Center, *Hazards of D-Methamphetamine Production,* June 1995.

[2] *People v. James*, 62 Cal. App. 4th 244 (1998).

[3] Formed in 1987, JUDGE uses a multijurisdictional approach to target gangs and drug dealers. Because of the high volume of methamphetamine trafficking and lab cases prosecuted, JUDGE proved the logical organization to implement the DEC program.

[4] Statistics compiled by DEA South West Regional Lab and California Bureau of Narcotic Enforcement, San Diego Office.

Book Review

Crime in the Digital Age: Controlling Telecommunications and Cyberspace Illegalities *by P. N. Grabosky and Russel G. Smith, published by Transaction Publishers, Rutgers University, New Brunswick, New Jersey/The Federation Press, Annandale, New South Wales, Australia, 1998.*

The emergence of low-cost computing, the Internet, and advances in wireless telecommunications has fueled one of the most significant developments of our time—the information age. But, in addition to the numerous advantages of this progress, significant challenges face society today.

Crime in the Digital Age catalogs current and emerging criminal techniques involving telecommunication systems and the Internet, in addition to identifying measures that potentially can mitigate future risk to society. The authors conducted extensive research and provide excellent documentation. The book encompasses a large amount of information and covers each subject in an organized manner. Topics range from technology, described in simple language, to legislation, regulatory shortcomings, and categories of high-tech crime. While the book appears aimed at researchers in the field of technical criminal investigation and associated policy makers, its plain language and focus on crime make it a useful reference for all high-tech investigators.

The authors selected an interesting layout for the book. After a compelling introductory chapter, the book's next nine chapters catalogue categories of telecommunication and cyber crime from illegal interception of telecommunications to pornography and other offensive content, telemarketing fraud, and the use of telecommunications to facilitate criminal conspiracies. In each chapter, the authors discuss the organizational and regulatory environment; difficulties arising in the detection, investigation, and prosecution of digital crimes; and countermeasures society should consider to minimize risk while ensuring individual privacy and managing costs. Additionally, several themes appear in each category of illegality, such as technologies for concealing the identity of the content of communications (e.g., "spoofing"), encryption, and the extraterritorial nature of telecommunications crime.

The authors present a detailed analytical study of the problem as it currently exists. They also succeed in articulately describing the double-edged conflicts that naturally arise in the investigation and prosecution of technology crimes (e.g., dilemmas such as privacy vs. accountability and national sovereignty vs. globalism).

Law enforcement successfully can investigate digital crimes through expanded data analysis, better coordination, specialized training, and increased and dedicated resources. The authors suggest that not only will new technologies emerge, but new and altered forms of digital crime will as well. In spite of international law enforcement efforts to cooperate through sharing information, recognizing laws, and expanding extradition agreements, digital crime in the future promises to outpace those efforts. The authors indicate that "one may confidently assert that the future will see a substantial increase in the number of potential targets and potential perpetrators of digital crime. The capacity of governments, singly or collectively, to control some form of telecommunications and cyberspace illegality remains limited."

Reviewed by
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Police Training in the 21st Century

By MICHAEL L. BIRZER, M.S.

As the countdown to the new millennium begins, the policing profession finds itself in the midst of an exciting, yet complex, change. The community-oriented policing philosophy adopted by agencies nationwide continues to drive a fundamental change in policing. Some police scholars have asserted that as job descriptions move from reactive to proactive policing styles, issues that relate to community policing, training, and performance become more important.[1] As departments evolve into community policing organizations, administrators must address a myriad of issues, such as decentralization, empowerment, leadership, recruitment and selection, organizational restructuring, problem solving, and training.

Administrators can address many important steps that are symbiotic with the change to the community policing philosophy. However, they must focus on two salient features: the academy curriculum and the nature of instructional methods.

THE ACADEMY CURRICULUM

What new officers learn from the police academy curriculum serves as the foundation and building blocks for effective change in policing. Police work entails a vast amount of contact between the community and the officers. Furthermore, it involves problem solving and the ability of the police to work

coactively with a wide variety of resources to eliminate the root causes of crime-related problems. In this sense, training should refocus on more pertinent and relevant issues (e.g., conflict resolution, quality-of-life issues) than the traditional curriculum, which has largely centered on the mechanical and technical aspects of policing.

> ***"...academies should include more than the mechanical aspects of policing in their curricula."***

Lieutenant Birzer serves in the Patrol Division of the Sedgwick County Sheriff's Department in Wichita, Kansas.

A Review of the Existing Curriculum

Research into the on-duty activities of American police conducted by the Bureau of Justice Statistics indicates that officers spend 10 percent of patrol activity on criminal-related matters and the remaining 90 percent on a variety of service-related calls (e.g., neighborhood disturbances, conflict resolution, etc.).[2] Other studies have found that police officers spend only 20 percent of their time dealing with actual crimes or violations and that they devote the majority of their remaining time to service-oriented aspects.[3] Many police scholars have drawn similar conclusions that law enforcement tasks occupy a small portion of officers' on-duty time.[4]

The paradox in the current state of police training is that the majority of training curricula are designed almost exclusively to teach officers what they will be doing a small percentage of their on-duty time. Police instructors usually center their curricula around such standard topics as criminal law, defensive tactics, firearms training, crowd control, investigative procedures, mechanics of arrest, proper use of force, traffic enforcement, and accident investigation. These important hands-on topics should remain in the police academy training curriculum; however, the majority of these subjects involve instruction in the mechanical aspects of police work. As policing evolves into community-oriented strategies, academies should include more than the mechanical aspects of policing in their curriculums.

The evolving police role includes working in concert with the community in order to solve the root causes of crime problems. The concept of police as problem solvers has major implications for the content and form of training programs, which may not foster the skills the police need to solve problems. Law enforcement training programs teach the law, department regulations, and skills without much attention to how these might apply to specific problems police often handle and the methods for dealing with them (e.g., interpersonal communication skills, problem-solving skills, etc.).[5] In this sense, the curriculum taught in the police training academy should evolve into a more problem- and student-centered curriculum. Officers should understand how various subjects taught at the academy or follow-up in-service courses relate to problem solving.

The Evolving Curriculum

Police officers frequently must engage in proactive problem-solving and crime prevention activities within the neighborhoods they patrol. If police agencies require officers to become proactive problem solvers, resource catalysts, and communicators, they must foster and support this philosophy at the recruit and in-service training level.

Because of the increased contact that the police have with citizens, officers must receive training in such areas as interpersonal interaction, ethnic diversity, drug and alcohol awareness, and domestic violence.[6] Historically, the police training curriculum has devoted minimal attention to communication skills. Academy instructors should train officers in

de-escalation skills and "verbal judo" techniques. Moreover, this training should continue after graduation. For example, most agencies require that police officers qualify one or more times a year with their firearms. This remains important from the standpoint of proficiency, safety, and liability. Administrators should schedule similar training intervals for communication skills because research has shown that the way officers communicate with citizens often affects the outcome of a particular situation.

Cultural diversity represents another important area that police trainers must include in their curricula. Because of changing demographics, officers today make contact with people from different ethnic cultures and backgrounds more often than they did in the past. Police must receive training on the demographics of the communities they serve, as well as the different cultures and customs. Although it may prove difficult to change individual officers' attitudes in this sense, this type of training will change behaviors, and administrators must include it in the curricula.

THE INSTRUCTIONAL METHODS

Most police academies conduct training using a lecture format. This structured approach, which emphasizes mastery and obedience, puts undue stress on students and does not encourage effective learning or support the community policing mission. Some experts argue that police trainers have overrelied on these methods including the use of lectures and films as an instructional technique.[7] Some experts argue that community policing departments should shift training from mastery and obedience to a focus on empowering.[8] Various emerging approaches exist that may foster a more effective learning experience for the individual police recruit.

> ***"For community policing to succeed, police officers must be self-directed...."***

Evolving Strategies

Training conducted in the police academy should highlight self-directed learning, which goes hand in hand with community policing. For community policing to succeed, police officers must be self-directed; when they discover a problem, they must solve it. The training environment proves an ideal place to help police officers achieve this objective. For example, when teaching problem-oriented policing, instructors should allow officers to meet in small groups where they can work through problems inherent in the community. This would require officers to seek resources to solve the problem in a self-directed manner. The students would learn to solve the problems within the framework of a small work group, and the trainer would become a facilitator of learning.

This training approach may enhance and foster the community policing culture by allowing students to work with others to solve problems and become more self-directed in this process. Furthermore, instructors should encourage students to bring both their lives and past career experiences into the problem-solving process, as opposed to merely following a policy and procedure manual in order to solve a problem.

A symbiosis exists between fostering self-direction in training and encouraging officers to work in the field under the axiom of community policing. Police training has long been mechanistic and behavioral in nature. This philosophy must change in order to bring officers up-to-date with the community-oriented policing approach and different methods of training.

Andragogy and Police Training

Andragogy, the process of teaching adults, differs from pedagogy, the process of teaching children. Andragogy theorists believe that adults learn differently than children, and they advocate both the self-directed learning concept and the teacher as the facilitator of learning.[9]

Many similarities exist between the andragogy theory and the community policing philosophy. Community policing requires that officers become self-directed and empowered to solve problems within the community. Incorporating andragogy theory into academy training can help officers develop

these important abilities. Bringing these two theories together into the training curriculum will help officers to apply various subjects to the problem-solving process and also teach them how to immediately apply these subjects within the context of the community.

Some police scholars have argued that because law enforcement trainers use andragogy, and not pedagogy, in order to facilitate learning, the instruction should remain learner-centered rather than teacher-centered.[10] In reality, however, many police academies teach new officers using methods similar to those employed in teaching children. These police academies foster an environment, where the focus becomes the chain of command, rules, regulations, and policy and procedures. While instructors still should impart these values to new police officers, they should begin to limit their concentration on these elements as community policing philosophies evolve.

Instructors can enhance topics within the academy curriculum through self-directed group discussions and active debate within the classroom. Although, historically, this type of environment has not existed in police training facilities, police personnel need to explore differences and develop personal understandings in the academy classroom environment.

Officers may benefit from an andragogical approach when learning many of the skills of policing, such as public speaking, interpersonal communication skills, problem-solving skills, and cultural diversity. For example, because today's society is growing more diverse, instructors should encourage students in small groups to discuss issues pertaining to race and diversity. Allowing recruits to share their life experiences during the process of diversity training will permit them to resolve issues pertaining to race, sex, or the whole spectrum of diversity.

CONCLUSION

In order for the police to evolve successfully into a true community policing culture, training must become more effective in both form and substance. Some police scholars have asserted that traditional police training, course titles, and content were designed to reflect the peculiarities of the police subcultures in which they were administered.[11] Training remains an effective and necessary tool that administrators can use to help officers make the change to a more community-minded and crime prevention culture.

In order to achieve effective learning and cultural integration, academy curriculum and instructional methodologies must evolve with police strategies. In many ways, police training has not kept pace with the demands required of police in an ever-changing society. Police trainers should emphasize self-directed and problem-centered learning in order to help bring adequately prepared recruits into the 21st century of policing.✦

Endnotes

[1] R.S. Gutierrez and Q.C. Thurman, "Selecting, Training, and Retraining Officers to Do Community Policing," in *Community Policing in a Rural Setting*, ed. Q.C. Thurman and E.F. McGarrell (Cincinnati, OH: Anderson Publishing Co., 1997).

[2] Bureau of Justice Statistics, *Report to the Nation on Crime and Justice* (Washington, DC, 1983).

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[6] Supra note 1, 80.

[7] L.K. Gaines, M.D. Southerland, and J.E. Angell, *Police Administration* (New York: McGraw-Hill, 1991).

[8] R. Trojanowicz and Bonnie Bucqueroux, *Community Policing: A Contemporary Perspective* (Cincinnati, OH: Anderson Publishing Co., 1990), 5.

[9] M. Knowles, *The Adult Learner: A Neglected Species* (Houston, TX: Golf Publishing Co., 1990), 57.

[10] S.M. Ramirez, "The Need for a New Learning Culture in Law Enforcement," *The Police Chief,* November 1996, 24-26.

[11] V. McLaughlin and M.E Donahue, "Training for Community-Oriented Policing," in *Issues in Community Policing*, ed. P.C. Kratcoski and D. Dukes (Cincinnati, OH: Anderson Publishing Co., 1995), 138.

Bulletin Reports

Combating Underage Drinking

The problem of underage drinking continues to plague America's youth. This widespread problem places all of U.S. citizens at a risk daily. To help combat this problem, the U.S. Department of Justice recently announced that each state will receive $360,000 through a new program administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). States will be able to use these funds for improved enforcement of prohibitions against selling alcohol to minors and for alcohol use prevention programs.

Recent statistics from the Office of National Drug Control Policy (ONDCP) help define the problem of underage drinking. For example, ONDCP reports that approximately 9.5 million drinkers in 1996 were youths ranging from 12 to 20 years of age. Of this figure, 4.4 million were binge drinkers, and 1.9 million were heavy drinkers. Additionally, the ONDCP survey shows that almost 45 percent of students in grades 6 to 8 had used alcohol within the previous year. That number rose to 71 percent for grades 9 to 12.

The OJJDP recently sent program guidelines to apply for funds to the states. Examples of some of the uses of program funds include the enforcement of state laws that prohibit the sale of alcoholic beverages to minors and the prevention of the purchase and consumption of alcoholic beverages by minors. The funds, however, cannot be used to supplant existing programs and activities.

To request further information on this program, please contact the Juvenile Justice Clearinghouse at 800-638-8736, or access the OJJDP home page at www.ojjdp.ncjrs.org.

Software for Local Surveys

To meet the needs of local law enforcement agencies, the Bureau of Justice Statistics (BJS) and the office of Community Oriented Policing Services (COPS) developed a Crime Victimization Survey software program using a database program developed for personal computers. With this software, localities can conduct their own telephone surveys of residents on crime victimization, attitudes toward policing, and other community-related issues and develop a questionnaire tailored to local interests and needs while maintaining a standard core of National Crime Victimization Survey questions. The software is available at no charge to the criminal justice community.

For more information on the software and its availability, please contact BJS at 202-616-3485 or the COPS office at 202-633-1322.

National Street Gang Survey

The 1998 National Street Gang Survey Report supports an ongoing effort by the National Drug Intelligence Center (NDIC) to evaluate the relationship between drugs and gang-related activity and the violent crimes that result when these two factors are present. The 373 law enforcement agencies responding identified more than 13,700 gangs with more than 750,000 gang members. Experts attribute the 56 percent increase in the number of gangs from the 1996 report to several factors: 72 more law enforcement agencies responded to the 1998 survey, more jurisdictions recognized a previously existing gang problem, and more gangs emerged in smaller jurisdictions.

Some other key findings include the following:

- More than 80 percent of the 1,250 significant gangs identified are involved in drug trafficking.
- Gangs' drugs of choice are marijuana and cocaine.
- Gangs have migrated to other cities and to smaller, more rural communities.
- Most prevention and suppression programs work and have the most effect when gangs are in their formative stages.

To request further information on this report, contact the National Drug Intelligence Center at 814-532-4601, or access the NDIC home page at http://www.usdoj.gov/ndic.

Coache's Playbook Against Youth Drug Abuse

As part of its continuing effort to combat youth substance abuse, the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) is distributing a new guide to help coaches educate athletes about the dangers and problems associated with drug use. OJJDP, along with the Office of National Drug Control Policy, is distributing the *Coach's Playbook Against Drugs* to more than 90,000 coaches who work with more than 7 million boys and girls involved in sports at middle, junior high, and high schools. In addition to describing the harmful effects of drugs on players' performance, the guide provides suggestions for how coaches can enforce rules, monitor potential trouble, and develop techniques they can use to get an antidrug message across to their players. The guide also has a player's pledge to keep their team drug free and a list of resources coaches can use to find drug abuse prevention information and learn about training opportunities.

The *Coach's Playbook Against Drugs* and information about other OJJDP publications, programs, and conferences is available from OJJDP's Juvenile Justice Clearinghouse at 800-638-8736 or on OJJDP's home page at www.ojjdp.ncjrs.org.

Bulletin Reports, a collection of criminal justice studies, reports, and project findings, is compiled by Bunny Morris. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 209, Madison Building, FBI Academy, Quantico, VA 22135. (NOTE: The material in this section is intended to be strictly an information source and should not be considered an endorsement by the FBI for any product or service.)

Placing the Stockholm Syndrome in Perspective

By G. DWAYNE FUSELIER, Ph.D.

On an August morning in 1973, an escaped convict took four bank employees hostage in Stockholm, Sweden. For 131 hours, the hostages shared a bank vault with another convicted criminal, the former cellmate of the hostage taker, who had demanded his release from a nearby penitentiary. Despite their ordeal, after the incident, the hostages reported that they had no ill feelings toward the hostage takers and, further, that they feared the police more than their captors. Psychologists called this newly discovered phenomenon the Stockholm Syndrome.[1]

A coping mechanism also known as the Survival Identification Syndrome, the Common Sense Syndrome, or, simply, transference, the Stockholm Syndrome usually consists of three components that may occur separately or in combination with one another: negative feelings on the part of the hostage toward authorities, positive feelings on the part of the hostage toward the hostage taker, and positive feelings reciprocated by the hostage taker toward the hostage.[2] Although a recognized phenomenon, during the last 25 years, the Stockholm Syndrome has been overemphasized, overanalyzed, overpsychologized, and overpublicized. Those occasions where the Stockholm Syndrome actually occurs remain exceptions to the rule. In fact, most hostages do not identify or sympathize with the hostage taker, nor do they see the police as their

adversaries. Rather, they realize that the hostage taker represents the problem, and the police, the solution. They also understand that, in general, the police should not acquiesce to the demands of hostage takers. Thus, with some notable exceptions, during a critical incident, hostages will behave in a manner that does not put their lives in jeopardy.

According to the FBI's Hostage/Barricade System (HOBAS), a national database that contains data from over 1,200 reported federal, state, and local hostage/barricade incidents, 92 percent of the victims of such incidents reportedly showed no aspect of the Stockholm Syndrome.[3] When victims who only showed negative feelings toward law enforcement (usually due to frustration with the pace of negotiations) are included, the percentage rises to 95 percent. In short, this database provides empirical support that the Stockholm Syndrome remains a rare occurrence.

Despite such evidence, some crisis negotiators may have lost sight of the fact that full-blown Stockholm Syndrome occurs only in very few victims. As a result, they may continue to perpetuate some common misconceptions.

COMMON MISCONCEPTIONS

The Relationship Between the Hostage Taker and the Hostage

Some researchers suggest that the transference that occurs as a part of the Stockholm Syndrome commonly develops during intense life-or-death situations. In doing so, they imply that transference will occur in most crisis negotiation situations. In fact, Freudian psychoanalysts use the term to describe a phenomenon that can develop between psychoanalysts and their patients. During a session, the psychoanalyst remains nondirective and neutral, encouraging the patient to talk freely and without interruption. As a result, patients may transfer the attributes of individuals close to them—for example, their fathers or mothers—to the therapist, or they may transfer their own feelings about or reactions toward significant others to the therapist. The therapist recognizes this and uses it to help the patient change maladaptive behavior. Most important, even in psychoanalysis, the therapist does not succumb to the psychological phenomenon of transference. The same holds true in the relationship between the hostage taker and the hostage; therefore, the Stockholm Syndrome rarely occurs.

Interviews with released hostages, specifically in longer-term incidents (e.g., the TWA 847 hijacking in 1985, where the hostages were held for 2 weeks, and the Cuban uprising at the federal correctional institution in Talladega, Alabama, where the hostages were held for 12 days) revealed that the majority of the hostages showed no evidence of the Stockholm Syndrome. Most of the hostages expressed fear that their captors would kill them and realized that law enforcement officers attempted to do everything possible to help them.

The Relationship Between the Hostage Taker and the Negotiator

The belief that a relationship forms between the hostage taker and the hostage negotiator also represents a common misconception. After interviewing numerous flight attendants who had experienced a hijacking, FBI researchers concluded that three factors must be present for the syndrome to have the potential to develop. First, a

"...the Stockholm Syndrome does not appear as pervasive as negotiators once thought."

Special Agent Fuselier serves in the FBI's Denver, Colorado, field office.

significant length of time must pass.[4] Second, the hostages and the hostage takers must maintain contact (i.e., the hostages are not hooded or isolated in a separate room), and third, the hostage takers must treat the hostages kindly, or at least not physically abuse or verbally threaten them.[5]

When the syndrome did develop, the hostages frequently said that because they were trapped together, they shared the same fears and frustrations as the hostage taker. That is, the hostages feared that the police would accidentally kill them in an assault, and they wanted to get out of the situation. By examining factors necessary for the potential formation of the syndrome, researchers have concluded that the syndrome cannot occur with the negotiator. The negotiator is not trapped in the same room with the hostage taker and does not share the same fears and frustrations.

In 1989, the FBI's Special Operations and Research Unit (SOARU), the predecessor to the crisis negotiation unit, and the University of Vermont surveyed over 600 police agencies, asking, among other questions, "Due to emotional involvement with the subject, has your negotiator ever interfered with or jeopardized an assault?" Not a single agency answered yes. Yet, some researchers still have concluded that some negotiators may hesitate at the critical moment and possibly cause the operation to fail. This assumption represents a variation of the belief that negotiators cannot be told about an impending assault because of the chance they may divulge critical information to the captors, thus foiling the attack. The latter belief, which persists despite no supporting empirical evidence, may prove fatal because tactical teams planning a rescue or assault may erroneously fail to use the negotiation team to do everything to make the subject an easy target.

What perpetuates so many misconceptions and erroneous beliefs about the infamous Stockholm Syndrome? First, many find it provocative. In the original incident, a female hostage allegedly had consensual sex with one of the hostage takers. Moreover, law enforcement training reviews of actual incidents understandably tend to focus on those involving extraordinary circumstances. In addition, the exceptions prove more interesting, prompting additional discussion. Because the exceptions garner so much attention, they seem much more prevalent.

> ***"...the Stockholm Syndrome usually consists of three components that may occur separately or in combination with one another...."***

Finally, the Stockholm Syndrome remains overemphasized because of its psychological nature. Historically, law enforcement negotiation has been psychologically oriented. Because crisis negotiation represents the attempted verbal manipulation of the behavior of others, it seems natural to use the Stockholm Syndrome to describe certain incidents. However, the fact that researchers can name or label a phenomenon does not mean they really understand it. In recognition of this problem, the FBI recently modified the abnormal psychology portion of its basic crisis negotiation course to downplay the use of labels. Instead, the FBI's basic course emphasizes active listening and crisis intervention skills.

CONCLUSION

Law enforcement should continue to study the Stockholm Syndrome, while keeping in perspective the extent and frequency of its occurrence. Although each person's reaction to being taken hostage remains unique, a set of behaviors may occur with some victims. The syndrome can consist of one or more of the following behaviors:

- One or more hostages may exhibit anger and frustration (negative feelings) toward police, believing either that the police are not doing enough to end the incident or are preparing an assault that may further endanger the hostages.
- One or more of the hostages may begin to show sympathy (positive feelings) toward their captors, believing that they are not such bad people or trying to convince themselves that the hostage takers will not harm them.

- The hostage takers may reciprocate and show compassion (positive feelings) toward one or more of the hostages.

Still, the syndrome usually does not develop with hostages. Although the duration of the incident remains important, the emotional intensity of the incident and perceived powerlessness of the hostages prove more important than the simple passage of time. Finally, if the victim receives or witnesses physical or psychological abuse, the syndrome is extremely unlikely to occur. Even if some aspect of the syndrome has developed, it can and usually will cease if the captors either verbally or physically abuse any of the hostages.

In short, the Stockholm Syndrome does not appear as pervasive as negotiators once thought. Although depicted in fiction and film and often referred to by the news media, the phenomenon actually occurs rarely. Therefore, crisis negotiators should place the Stockholm Syndrome in proper perspective. ✦

Endnotes

[1] Thomas Strentz, "Law Enforcement Policy and Ego Defenses of the Hostage," *FBI Law Enforcement Bulletin*, April 1979, 1.

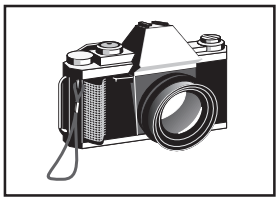
[2] Frank M. Ochburg, "What Is Happening to the Hostages in Tehran?" *Psychiatric Annals*, May 1980, 186; and Supra note 1.

[3] HOBAS, March 1998.

[4] The FBI's Crisis Negotiation Unit recently concluded that the amount of time that passes proves less important than other factors, including the emotional intensity of the incident and the victims' feelings of loss of control and perceived fear for their lives.

[5] Supra note 1.

Wanted: Photographs



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

We can use either black-and-white glossy or color prints or slides, although we prefer prints (5x7 or 8x10). Appropriate credit will be given to contributing photographers when their work appears in the magazine. We suggest that you send duplicate, not original, prints as we do not accept responsibility for prints that may be damaged or lost. Send your photographs to:

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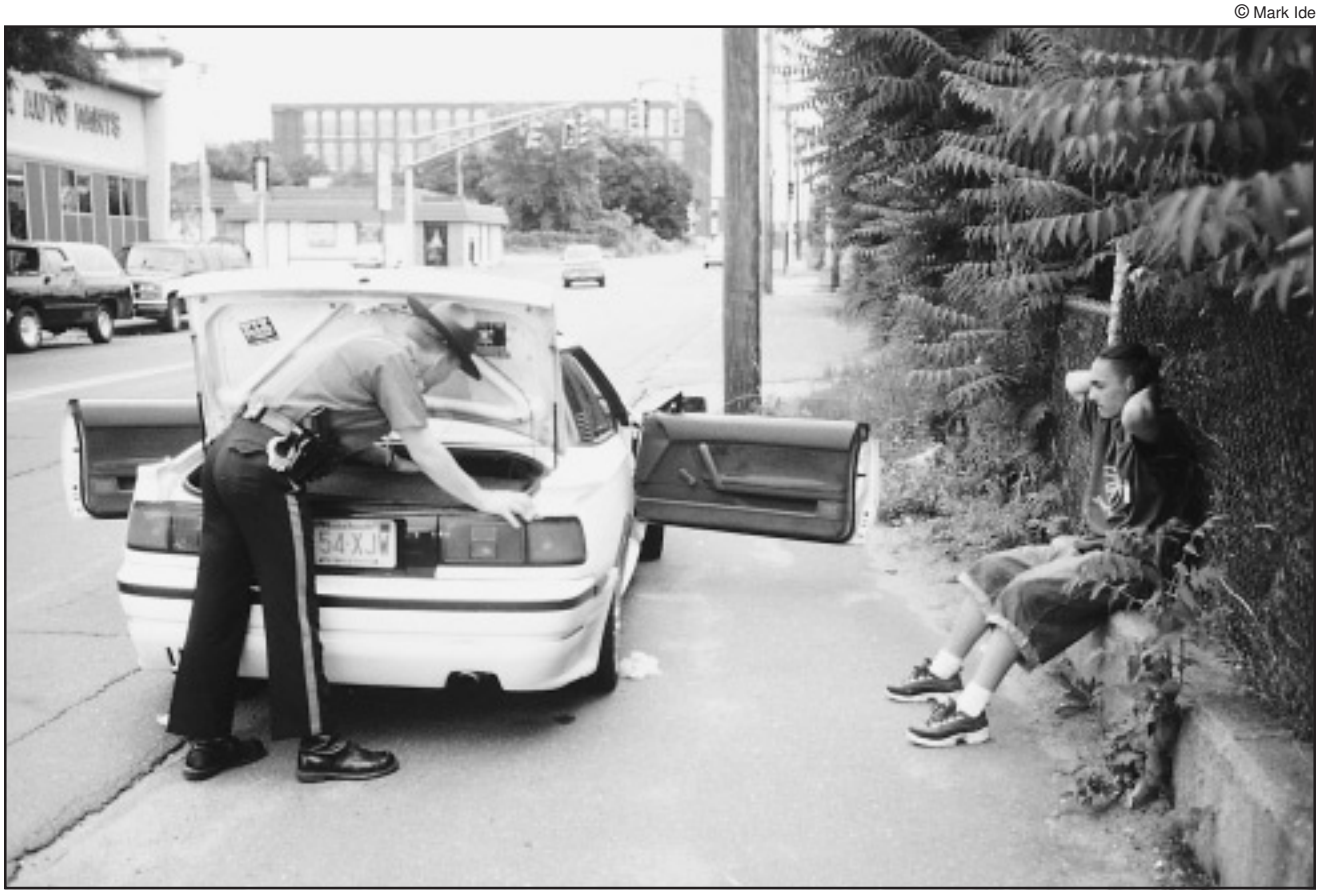
The Motor Vehicle Exception

When and Where to Search

By LISA A. REGINI, J.D.



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The motor vehicle exception, first recognized in *Carroll v. United States*[1] and often referred to as the Carroll doctrine, has evolved into an expansive search authority that effectively renders the need to obtain a warrant to search a vehicle unnecessary. When analyzing the manner in which the U.S. Supreme Court has interpreted the exception and its permissible scope, one can conclude that if the facts indicate a warrant could be obtained to search a vehicle, it is not likely that, as a matter of federal constitutional law, a warrant would be legally required.

The authority of a police officer to search a vehicle has been the subject of numerous Supreme Court decisions. This is not a surprising revelation given the frequency of police-citizen encounters involving vehicles. The Supreme Court has been called upon to address not only when law enforcement officers may engage in this warrantless search but also its permissible scope. This article examines the Court's decisions that establish what is required before law enforcement officers can engage in a warrantless search of a vehicle under the motor vehicle exception and where in the vehicle this search authority extends.

JUSTIFYING THE MOTOR VEHICLE EXCEPTION

Lawful Access and Probable Cause

A lawful search under the motor vehicle exception requires the existence of probable cause to believe that the vehicle contains evidence or contraband and that the searching officers have lawful access to the vehicle. As necessarily a fact-sensitive inquiry, the probable cause determination is not a topic easily, or usefully, discussed within the context of general legal principles. As illustrated in the following cases, the probable cause needed to justify the warrantless search of a vehicle is the same standard required to support the issuance of a warrant.

Defining Motor Vehicle

Although the motor vehicle exception often has been referred to as the "automobile" exception, this is somewhat of a misnomer because courts have applied this exception in situations involving other types of conveyances. For example, in *California v. Carney*,[2] the Court upheld the warrantless search of a motor home by DEA agents, concluding that while capable of being used as a house, the motor home was more like a vehicle. The Court indicated that absent clear indications that its character as a vehicle has been changed significantly, such as being situated on cement blocks with utility connections, the motor vehicle exception applies.[3]

In *United States v. Albers*,[4] the Ninth Circuit Court of Appeals held that the warrantless search of a houseboat was reasonable. In this case, National Park Service rangers developed probable cause that the defendants were engaging in illegal activity while aboard a houseboat on Lake Powell in Arizona. The rangers boarded the houseboat and searched it for evidence of criminal activity. While on the houseboat, the rangers seized several items of evidence, including videotapes and film likely containing evidence of criminal activity. Several days later, the rangers viewed the videotape and had the film processed. In addition to what was seized previously from the boat, the videotape and photographs also contained incriminating images. The defendants moved to suppress the evidence, arguing that the warrantless search of the houseboat violated the Fourth Amendment and that the delay in viewing the videotape and film was unreasonable. The Court disagreed, concluding that the houseboat fit within the motor vehicle exception and that the later viewing of the film and videotapes (i.e., not viewing the evidence on the scene) did not present a problem under the Fourth Amendment.

With regard to the initial search of the houseboat, the Court reasoned that while the houseboat could function as a house, it also functioned as a readily movable vehicle. In addition, a boat is a conveyance that, like the automobile, is subject to a significant amount of government regulation. The court concluded that viewing the videotapes and film several days after they were removed from the boat was reasonable because the items were likely to contain evidence of the criminal activity.[5]

Courts have applied the vehicle exception to other conveyances such as airplanes[6] and roomettes in trains.[7] In applying the motor vehicle exception to these conveyances, courts have considered their inherent mobility and the lessened expectation of privacy they provide.

> ***"The motor vehicle exception...has evolved into an expansive search authority that effectively renders the need to obtain a warrant to search a vehicle unnecessary."***

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

Time Constraints

Officers and prosecutors alike often are under the mistaken impression that to defend the warrantless search of a vehicle, the government must demonstrate that it was necessary to conduct the search without a warrant because it was impracticable to obtain the approval of a judge before searching. This confusion can be traced to judicial opinions that refer to exigent circumstances when addressing the constitutionality of a warrantless search of a vehicle. The phrase "exigent circumstances" implies that the officer must articulate that there was no time to secure a warrant. However, the view that the search is only valid if this time element can be demonstrated is inconsistent with the Supreme Court treatment of the motor vehicle exception.

For example, in *Pennsylvania v. LaBron*,[8] the U.S. Supreme Court reversed the Pennsylvania Supreme Court's conclusion that the U.S. Constitution requires that police obtain a warrant before searching a vehicle unless the police can demonstrate that they had no time to do so. Satisfied that law enforcement had time to obtain a search warrant, the Pennsylvania Supreme Court held that the warrantless search of the defendant's vehicle violated the Fourth Amendment.[9] The U.S. Supreme Court rejected this interpretation of the Fourth Amendment, concluding that the ready mobility of the vehicle and its reduced expectation of privacy "excuse failure to obtain a search warrant once probable cause to conduct the search is clear."[10]

In *United States v. Ludwig*,[11] a border patrol agent walked a trained narcotics dog through a motel parking lot to see if the dog would sniff out any contraband. As the agent walked through the parking lot, the dog alerted to the trunk of the defendant's vehicle, and agents established a surveillance on the vehicle. When the defendant approached the vehicle, the agents asked him for consent to search. He refused. An agent then took the keys, opened the trunk, and discovered several large bags containing marijuana. The district court suppressed the evidence, reasoning that the government should have secured a search warrant because no exigent circumstances existed necessitating a warrantless search. On appeal, the Tenth Circuit Court of Appeals reversed that decision. The circuit court reasoned that the dog alert established probable cause to believe contraband was in the trunk of the vehicle and that the search was reasonable even if there was little or no risk that the vehicle would be driven away before a search warrant could be secured. The court concluded that "[i]f police have probable cause to search a car, they need not get a search warrant first even if they have time and opportunity."[12]

> ***...the search was reasonable even if there was little or no risk that the vehicle would be driven away before a search warrant could be secured.***

Courts still have been willing to apply the motor vehicle exception in instances where the vehicle has been towed and secured in a police department parking lot, . For example, in *United States v. Sinisterra*,[13] as part of a drug investigation, federal agents conducted a surveillance on a van that they believed the subject used in his trafficking activities. The subject left the van in the parking lot. When authorities arrested him, he refused to give them consent to search the van. An agent peered through the van window and was able to see kilogram-size cellophane-wrapped packages. In addition, a trained dog alerted to the presence of narcotics.

Based on these observations, the van was towed to a police department parking lot. Agents then went to an assistant U.S. attorney (AUSA) in order to begin the warrant process. The AUSA directed them to search without a warrant because the warrant was unnecessary. During the search, agents discovered 200 kilograms of cocaine. The defendant moved to suppress the evidence.

The district court suppressed the evidence, concluding that the motor vehicle exception requires not only probable cause but also exigent circumstances. The district court held that the warrantless search was not justified because the agents had time to obtain a warrant. The Fifth Circuit Court of Appeals

reversed that decision. The court held that any prior opinions requiring a showing of exigent circumstances to justify the warrantless search were "inconsistent with more recent Supreme Court jurisprudence."[14] The court reasoned that because the van was readily capable of being used on the highways, the motor vehicle exception applied.

Of course, a state supreme court is free to interpret a state constitution more restrictively than the Supreme Court interprets the U.S. Constitution, thus requiring officers within that state to demonstrate insufficient time to obtain a warrant.[15] Absent the exercise of independent state authority, there is no need to demonstrate that a warrant could not be obtained prior to searching.

The Court's Focus Shifts

Language from early vehicle search decisions contributes to the confusion regarding whether a warrant is required if the officers have enough time and opportunity to obtain one. This language suggests that the exception is necessary due to the impracticability of obtaining a warrant "because the vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be sought."[16] However, since these early cases, the Supreme Court has made it clear that the motor vehicle exception applies in situations even where it is not likely that the vehicle would be moved before a warrant could be obtained.

For example, in *United States v. Johns*,[17] the Supreme Court upheld a warrantless search of a motor vehicle that had been seized 3 days beforehand and stored in a secure warehouse. The Court concluded that the search fit within the motor vehicle exception despite the fact that it was highly unlikely that the vehicle would have been moved, or that the vehicle's contents would have been tampered with during the time required to secure a warrant.[18] In *Johns*, the Supreme Court stated the following:

> A vehicle lawfully in police custody may be searched on the basis of probable cause to believe it contains contraband, and there is no requirement of exigent circumstances to justify such a warrantless search.[19]

The rationale shifted from the inherent mobility of the vehicle discussed in the *Carroll* case to a recognition that there is a reduced expectation of privacy associated with vehicles due to their public nature and the fact that they are subject to extensive government regulation.[20]


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THE EXCEPTION'S SCOPE

Early Guidance Seemed Clear

Ever since the motor vehicle exception was first recognized in *Carroll*, Supreme Court decisions regarding the exception have contained language that appeared to clearly describ its scope. For example, in *United States v. Ross*,[21] the Supreme Court stated:

> The scope of warrantless searches based on probable cause is no narrower—and no broader—than the scope of a search authorized by a warrant supported by probable cause. Only the prior approval of a magistrate is waived....[I]f probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search.[22]

Despite this apparent clarity, the scope of the vehicle exception has been the subject of confusion and has necessitated periodic Supreme Court clarification,

including most recently in *Wyoming v. Houghton*.[23]

The Search of Containers in the Vehicle

The uncertainty concerning the search's scope primarily has centered on whether containers and other personal belongings found within the vehicle may be opened and searched, especially in situations where the item to be searched belongs to someone who the government does not have reason to believe is involved in criminal activity. Early Supreme Court cases distinguished between a motor vehicle search and the search of a container that happened to be placed in a vehicle. For example, in *Arkansas v. Sanders*,[24] officers conducted a warrantless search of a suitcase after developing probable cause that it contained marijuana. They conducted the search after the suitcase was retrieved from the trunk of a taxicab. The Supreme Court held that the search was unlawful because the focus of the officer's probable cause centered on the suitcase rather than the vehicle, therefore the motor vehicle exception did not apply.[25] As a result of this distinction, officers have two options. If probable cause centers on evidence in the vehicle, the vehicle exception applies. If probable cause centers on evidence in a container in the vehicle, the vehicle exception does not apply.

The Supreme Court recognized the confusion that the container distinction created and addressed this problem in *California v. Acevedo*.[26] In *Acevedo,* officers conducted a surveillance on an apartment known to contain marijuana while another officer obtained a search warrant for the apartment. During the surveillance, officers observed the defendant leave the apartment after a brief stay. The defendant carried a brown paper bag close in size to one of the marijuana packages the officers believed was in the apartment. The defendant placed the bag in the trunk of his vehicle and drove away. After letting him get a short distance from the apartment, officers stopped him and opened the vehicle's trunk. The officers found marijuana inside the brown paper bag.

> ***"...probable cause to search a vehicle does not justify the body search of a passenger."***

The California Supreme Court suppressed the contraband, concluding that while the seizure of the vehicle was reasonable, the search of the paper bag required a warrant. The U.S. Supreme Court agreed to hear the case in order to "reexamine the law applicable to a closed container in an automobile, a subject that has troubled courts and law enforcement officers since it was first considered."[27] The Supreme Court upheld the warrantless search of the bag even though the probable cause for the search was limited to the bag itself. The Court concluded that "...it is better to adopt one clear-cut rule to govern automobile searches and eliminate the warrant requirement for closed containers."[28] The Court expressly reversed contrary holdings that drew "a curious line between the search of an automobile that coincidentally turns up a container and the search of a container that coincidentally turns up in an automobile."[29] The simplified rule that evolved from *Acevedo* maintains that containers placed in vehicles may be searched without a warrant even when probable cause to search focuses solely on those containers.[30] In other words, the scope of the warrantless search is no broader or narrower than the scope if a search warrant had been obtained.

While *Acevedo* offered favorable guidance to law enforcement officers concerning the container issue, uncertainty still existed regarding whether the scope would extend to containers and other personal items belonging to individuals not believed to be involved in the criminal activity. Until recently, this issue remained unclear. In previous cases involving searches of containers in vehicles, the containers always belonged to individuals who the officers had probable cause to believe were involved in criminal activity. In *Wyoming v. Houghton*,[31] the Supreme Court had an opportunity to address whether the scope of the motor vehicle exception extends to the personal belongings of innocent passengers.

In *Houghton*, Sandra Houghton was a passenger in a vehicle stopped by a Wyoming Highway Patrol officer. During the stop, the officer noticed a hypodermic sy-

ringe in the driver's shirt pocket. The officer asked the driver why he had the syringe and "with refreshing candor,"[32] he replied that he used it to take drugs. When Houghton was asked her name, she gave a false answer and denied having any identification. The passengers were removed from the vehicle and officers began searching it for contraband. One officer located Houghton's purse and retrieved her wallet and some identification. Continuing to search her purse, the officer then retrieved a syringe containing methamphetamine and related drug paraphenalia. She was arrested and subsequently convicted for the possession of a controlled substance.

The Wyoming Supreme Court reversed her conviction.[33] The court reasoned that while probable cause existed to search the motor vehicle for contraband, thus permitting the police to open and examine containers that might have concealed the object of the search, limits still existed on what containers could be searched. The Court concluded that once the officers knew or reasonably should have known that a container was a the personal effect of a passenger not suspected of criminal activity, then that container is outside the scope of the motor vehicle exception.[34]

The U.S. Supreme Court reversed the Wyoming court and held that when probable cause exists to search a vehicle, that search may extend to passengers' belongings that are capable of concealing the object of the search. The Court rejected the notion that a "passenger's property" rule is required by the Fourth Amendment. Requiring an officer to believe that the passenger and driver were involved in a common criminal enterprise or to have reason to believe that the driver concealed evidence in the passenger's belongings "would dramatically reduce the ability to find and seize contraband and evidence of crime."[35]

The Court reasoned that a passenger, like a driver, already has a lesser expectation of privacy in the vehicle. On the other hand, the interests of the government in investigating criminal activity and uncovering evidence of that activity are significant. When applying traditional Fourth Amendment analysis and weighing the interests of the passenger versus those of the government, the Court determined that the scales weighed heavily in favor of permitting the government to search passengers' belongings.

The Court distinguished the search in *Houghton* from cases addressing searches of persons on which the Wyoming Supreme Court relied. The Court noted that the search of a person's body implicates far greater privacy interests. The *Houghton* case, however, involved the search of a container. The Supreme Court concluded that the rule announced in *Houghton* is not inconsistent with its earlier decision in *United States v. Di Re*,[36] holding that probable cause to search a vehicle does not justify the body search of a passenger.

CONCLUSION

The authority of the government to search a vehicle simply based on probable cause to believe it contains evidence is unique among other rules created by the Supreme Court in Fourth Amendment jurisprudence. This authority is quite expansive, allowing the government to search for an object anywhere within a vehicle, including containers and other personal belongings, even those of individuals not believed to be involved in the criminal activity. Of course, officers should be aware of relevant state law because some state courts may have imposed more restrictive requirements on police motor vehicle searches by interpreting their state constitutions in a more restrictive manner. ✦

Endnotes

[1] 267 U.S. 132 (1925).
[2] 471 U.S. 386 (1985).
[3] *See also United States v. Hamilton*, 792 F.2d 837 (9th Cir. 1986); *United States v. Markham*, 844 F.2d 366 (6th Cir.), *cert. denied*, 488 U.S. 843 (1988).
[4] 136 F.3d 670 (9th Cir. 1998). *See also United States v. Hill*, 855 F.2d 664 (10th Cir. 1988).
[5] *Albers* at 672.
[6] *United States v. Montgomery*, 620 F.2d 753 (10th Cir. 1980); *United States v. Brennan*, 538 F.2d 711 (5th Cir.), *cert. denied*, 429 U.S. 1092 (1976).
[7] *United States v. Whitehead*, 849 F.2d 849 (4th Cir. 1988); *United States v. Tartaglia*, 864 F.2d 837 (D.C. Cir. 1989).
[8] 116 S. Ct. 2485 (1996).
[9] 669 A.2d 917 (Pa. 1995).
[10] *LaBron* at 2487.
[11] 10 F.3d 1523 (10th Cir. 1993).
[12] *Ludwig* at 1528 (citing *U.S. v. Crabb*, 952 F.2d 1245 (10th Cir. 1991), *cert. denied,* 112 S. Ct. 1981 (1992)).
[13] 77 F.3d 101 (5th Cir. 1996).
[14] *Id.* at 104, (citing *California v. Carney,* 471 U.S. 386 (1985)).
[15] For example, in *Perry v. State*, 821 P.2d 1273 (Wyo. 1991), the Wyoming Supreme Court held that the Wyoming Constitution permits warrantless searches of vehicles only where the government can demonstrate that obtaining a search warrant was impracticable.
[16] *Carroll v. United States*, 267 U.S. 132 (1925). *See also Brinegar v. United States*, 338 U.S. 160 (1949).
[17] 469 U.S. 478 (1985).
[18] *Id. See also Michigan v. Thomas,* 458 U.S. 259 (1982).
[19] *Johns* at 484.
[20] *See also Chambers v. Maroney*, 399 U.S. 42 (1970).
[21] 456 U.S. 798, 823 (1982).
[22] *Id.* at 823-825.
[23] 119 S. Ct. 1297 (1999).
[24] 442 U.S. 753 (1979).
[25] *See also United States v. Chadwick*, 433 U.S. 1 (1977).
[26] 500 U.S. 566 (1991).
[27] *Id.* at 568-569.
[28] *Id*. at 580.
[29] *Id.*
[30] *See also United States v. Cleveland*, 106 F.3d 1056 (1st Cir. 1997) (duffel bag containing controlled substance could be searched under the motor vehicle exception).
[31] 119 S. Ct. 1297 (1999).
[32] *Id.*
[33] 956 P.2d 363 (1998).
[34] *Id.* at 370.
[35] 119 S. Ct. 1297 (1999).
[36] 332 U.S. 581 (1948).

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


Officer Santucci

While on bike patrol, Officer Shannon Santucci of the University of Pittsburgh, Pennsylvania, Police Department responded to a call regarding an apartment fire with possible occupants trapped inside. Officer Santucci and two other officers arrived at the scene. Officer Santucci went to the rear of the building and saw a woman at a second-floor window and heard her screaming for help. Heavy smoke bellowed from that window and other windows and doors of the residence. Officer Santucci secured a ladder from a nearby construction crew and carried it to the site. She placed the ladder against the burning building, climbed up to the window, and pulled the woman to safety. With assistance from the two other officers, Officer Santucci helped the victim climb down the ladder and brought her to the front of the house where responding medical personnel were located. Officer Santucci displayed great courage and initiative in saving the woman's life.

Nominations for the ***Bulletin Notes*** should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be sent to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Madison Building, Room 209, Quantico, VA 22135.

The Bulletin Notes

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


Officer Webb


Officer Browning


Corporal Cannon

During the early evening, Officer J.F. Webb of the Tarboro, North Carolina, Police Department was conducting a driver's license checkpoint when a vehicle stopped about 50 yards away. As the driver exited the car and began walking away from the area, Officer Webb called to the driver to stop. The driver began running, and Officer Webb pursued him on foot. The foot chase led to a nearby bridge where the driver jumped onto the guardrail and then into the river. Officer Webb observed the man struggling in the water and immediately ran down the bridge embankment. He dove into the river and swam to the middle to reach the man. Officer Webb pulled him to safety and with the help of Officer M.A. Browning and Corporal K.D. Cannon got the man to shore. Officer Browning and Corporal Cannon administered life-saving assistance until medical rescue units arrived. Unfortunately, the man died 10 days later, but the brave and unselfish actions of the officers demonstrated the highest degree of law enforcement professionalism.


Sergeant Miller

Clinton, Missouri, Police Department Sergeant Kevin Miller and other officers responded to a domestic disturbance call. Upon arriving at the residence, the officers heard cries for help coming from inside. After entering the house, the officers found a distraught man holding a gun to his ex-wife's head. The man advised Sergeant Miller that he was going to kill her and then the officers. At this point, Sergeant Miller observed the woman's boyfriend lying on a nearby bed with a fatal gunshot wound to the head . Sergeant Miller convinced the man to release his ex-wife and allow her to leave. However, the man then placed the gun to his head and threatened to kill himself. When the man demanded to speak to his ex-wife, Sergeant Miller offered to let him use a police radio. As he reached for the radio, Sergeant Miller disarmed him, and assisted by other officers, arrested him. Sergeant Miller's courageous actions safely solved a dangerous situation without further loss of life.

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Patch Call

The patch of the Delaware State Police depicts the state seal, which illustrates the area's heritage of farming and shipping. In the middle, a farmer and a rifleman flank the state's coat of arms. Liberty and independence, the state's motto, highlights the state's historical significance as the first state admitted to the union.

The Idaho State Police is the uniform division of the Idaho Department of Law Enforcement. Its patch features the state's silhouette in silver resting on a dark background. Adopted in 1979, the patch's color and design blend with the agency's dark uniforms and black and white, striped patrol vehicles.