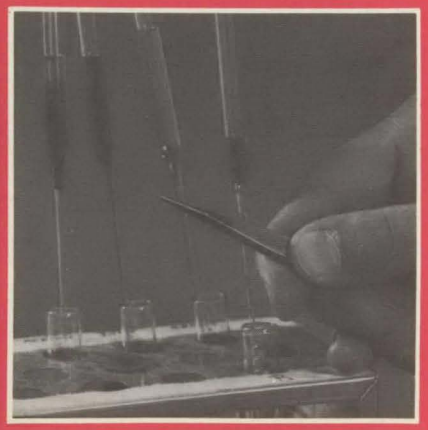
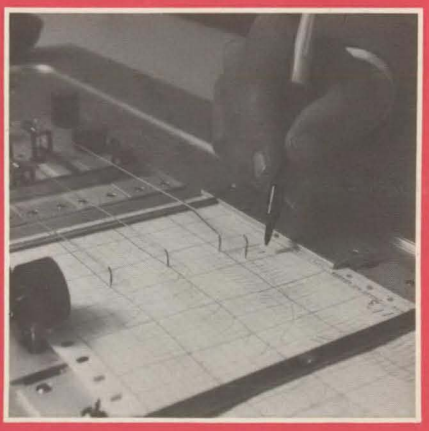
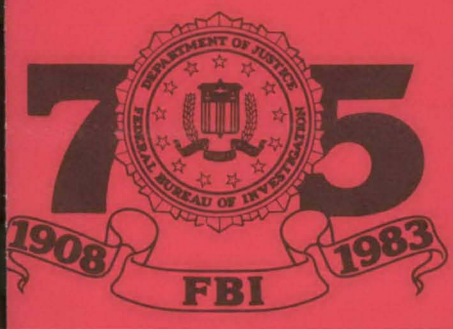
FBI LAW ENFORCEMENT BULLETIN

JULY 1983







FBI LAW ENFORCEMENT BULLETIN

JULY 1983, VOLUME 52, NUMBER 7

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This month marks the 75th anniversary of the FBI. See story p. 2.

Federal Bureau of Investigation
United States Department of Justice
Washington, D.C. 20535

William H. Webster, Director

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

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Director's Message

This month marks the 75th anniversary of the Federal Bureau of Investigation. On July 26, 1908, then Attorney General Charles Bonaparte issued an order, at the direction of President Theodore Roosevelt, creating what became the Bureau of Investigation. "The FBI's First 75 Years," an article in this issue, traces the limited impact on crime this Bureau had during its formative years with its initial staff of 35 men, when the total budget was the same amount of money that it now takes to print this magazine.

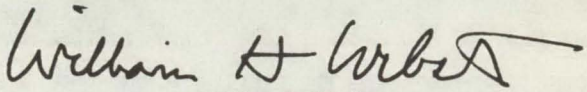
The appointment, in 1924, of J. Edgar Hoover as Director brought changes to the FBI, first in high standards for our employees and then in a training school—in short, the beginning of a career service for trained, professional investigators. Also, at that time the International Association of Chiefs of Police (IACP) consolidated its fingerprint files with those at Leavenworth Penitentiary to form the beginnings of the FBI Identification Division.

This was the early start of the development of the FBI as a professional criminal justice agency and as a service organization to law enforcement, a dual role which continues today. We, in the FBI, are equally proud of the investigations conducted in vitally important Federal cases, such as the slaying of Judge Wood, and in the laboratory work which helped solve the Atlanta murders of black children.

Today, I hope, we are also cognizant of and demonstrating the fact that the FBI has no monopoly on advanced law enforcement techniques—not with the contributions that universities, innovative police departments, and nationwide professional groups such as the National Sheriffs' Association and the IACP are making to the profession.

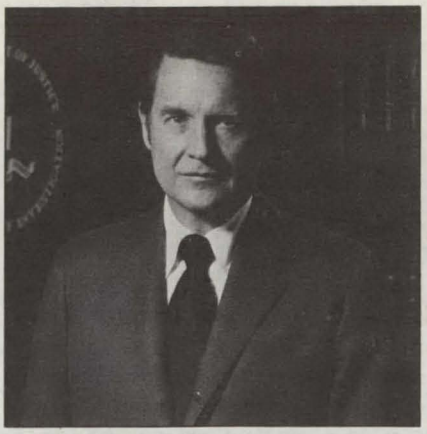
What does the 75th anniversary of the FBI mean to the men and women of today's FBI? To us, this is an opportunity to rededicate ourselves to the goals set by those who went before us in the FBI—professional law enforcement in America and service to fellow police officers. These goals help keep our Nation strong and free.

This capability, to assist local law enforcement with laboratory work, fingerprint identification, the National Academy, or the NCIC, complements our investigative capability. And it demonstrates how the Federal system of Government works at its best in America by not taking control of local concerns, not drowning local responsibilities in money, but addressing local problems with a spirit of cooperation and help—where a Federal institution has a demonstrated ability to help.



William H. Webster
Director
July 1, 1983


FBI ACADEMY



The FBI's First 75 Years

By
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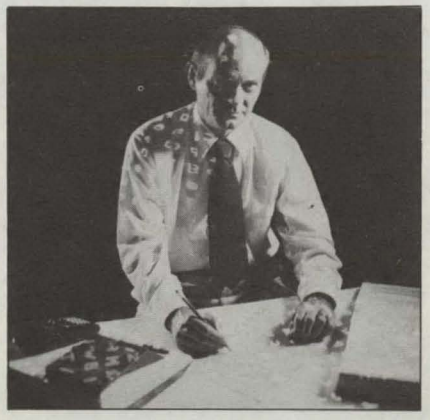
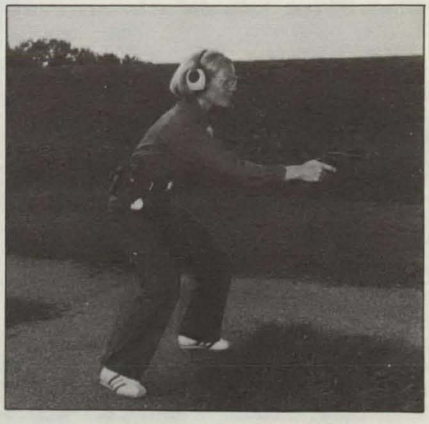




Miss Anenson

The fanfare traditionally accompanying new beginnings was absent on July 26, 1908, when Attorney General Charles J. Bonaparte issued the order creating the agency now known as the FBI. In fact, no publicity was given the action, taken at the direction of President Theodore Roosevelt. The President, infuriated by the refusal of Congress to support measures against rampant political and business corruption, had seized the initiative and ordered an investigative service in the Department of Justice. Less than a year later, the agency was accorded a name—the Bureau of Investigation. In 1935, it was given its present title, the Federal Bureau of Investigation.

The early period of the FBI's 75-year history understandably had limited impact on the crime problems of that era. Thirty-five men comprised the original staff, and their number grew slowly. The Agents were under very little administrative control, with no fixed standards of training. Political endorsements were likely to count more than experience or character in selection of the investigative staff. Only a few violations came within the Bureau's jurisdiction, and they included bankruptcy frauds, antitrust crime, peonage, and locating certain fugitives.

Passage of the White Slave Traffic Act in 1910 proved to be a forerunner of the FBI's later emergence as a national crime fighting agency. The act, which gave the Bureau investigative authority over interstate transportation of women for immoral purposes, also prompted criticism that such legislation amounted to an invasion of State police powers. Attorney General George Wickersham, sensing the difficulties that might arise, called for prudence in enforcing the law so that violations of community regulations would be left to local authorities.

The Bureau's responsibilities gradually expanded, but the number of Agents needed to handle them failed to keep pace. Coping with espionage and sabotage incidents of World War I were beyond the capabilities of the small, inexperienced force of Agents. Lack of training in handling the violent social unrest following the war led to abuses of civil liberties by the unskilled lawmen. Charges of political corruption reaching into the Department of Justice and the Bureau itself prompted angry demands for drastic changes.

The appointment in 1924 of J. Edgar Hoover as Director of the FBI set the stage for those changes. They consisted of fixing high standards of personal conduct for employees, uniform operating procedures, and a training school for Special Agents. Hoover's goal was to develop a career service staffed by trained professionals.

Hoover was also keenly aware of the importance of cooperation among law enforcement agencies in fighting crime. That awareness is reflected in a speech in July 1925, before an International Association of Chiefs of Police (IACP) convention, when he

spoke of the necessity of mutual assistance among those "engaged in the never-ending pursuit of the criminal." The "world of today," he warned, "offers almost endless means and channels of escape for the wary fugitive," and "the modern motor-car, steam, electricity, all are at his service. The airplane is, or soon will be."

Hoover's speech, however, was optimistic about a cooperative effort that had been taken to help cope with the problem. He was referring to the FBI's Identification Division established just a year before. He also gave the IACP credit for "an early and timely recognition of the urgent necessity for the establishment of a vast, central storehouse of information . . . a collection of identification data" on violators of the law.

Since before the turn of the century, the IACP had been campaigning for a central bureau through which the Nation's police could exchange such data. In 1896, they established their own criminal identification bureau which included a fingerprint system, then gaining popularity over the old Bertillon method. The Department of Justice had also set up an identification bureau at Leavenworth Prison to service Federal and State penal institutions. That system had drawn criticism from police officials for good reason—convicts involved in handling the work had been known to remove criminal records from the files.

It was not until mid-1924 that the IACP's determined efforts resulted in the consolidation of its fingerprint collection and the one at Leavenworth into one set of files at the FBI's Identification Division, then located about a block from the White House.

Just over 800,000 fingerprint cards comprised that first collection. More than 175 million are now on file in the FBI's Identification Division. By the end of its first year, the Division was receiving some 500 fingerprint records daily from approximately 1,000 contributors. That figure has now climbed to a daily average of 25,000 records and some 19,000 contributors from almost every law enforcement agency in the country.

To keep pace with the monumental work involved in processing these thousands of fingerprints received each day, the Identification Division began automating its functions in the early 1970's. That program is making significant progress, and to date, substantial portions of the criminal fingerprint searching files have been computerized, along with millions of arrest records. Just last year, automation of the FBI's Fugitive Index was completed, permitting more expeditious placing of wanted notices against the records of violent criminals sought as fugitives. The plans for full automation of the Division's functions call for completion of the system in late 1987 or early 1988.

Just recently, laser technology has become a promising tool for the FBI in identifying fingerprints that cannot be found by traditional means. One notable example involved the use of the laser beam to detect a 40-year-old fingerprint on a postcard. The print, that of a Nazi war criminal, is the oldest latent fingerprint identified to date. In the 1982 fiscal year, the laser detected latent prints on evidence submitted in connection with 235 separate criminal matters. Those prints were undetectable by any other method. Two laser units, now at FBI Headquarters, are used primarily for examining evidence; an additional unit is located at the FBI's Quantico, Va., facilities.

Another of the FBI's programs in which the police—particularly the IACP—have been deeply involved is that of compiling records on crime. During the early 1900's, police officials sought a system that would be consistent from State to State in counting crimes. Their concern led to a uniform crime reporting system. At the recommendation of the IACP, the FBI's Identification Division began managing the system in 1930. Basically, that same system, now being operated by the Uniform Crime Reporting Section, is in effect today. Currently, in response to proposals of the IACP and the National Sheriffs' Association, a comprehensive study of the system is under way. It is examining the program's current level of effectiveness and recommending ways to enhance its usefulness.

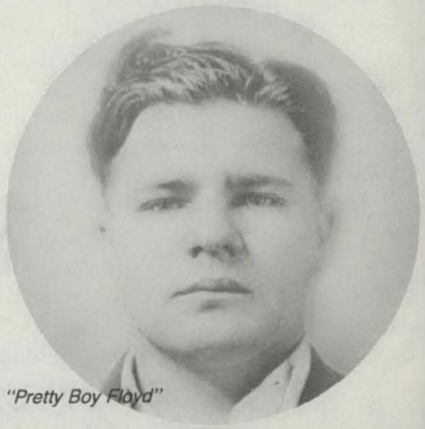
In the late 1920's and early 1930's, law enforcement was also faced with demands to do something about the gangsters terrorizing communities throughout the land. By crossing State lines after staging their robberies, bandits had placed themselves beyond the reach of local authorities. At the same time, the FBI had no authority to investigate the crimes themselves, or to take action against the felons for fleeing from State to State to avoid prosecution.

The Lindbergh kidnaping and the "Kansas City Massacre" probably provoked the most urgent demands for drastic action against these roving gangsters. Some public officials proposed that the country's police be federalized. They argued that a national police force was the answer to the problem.

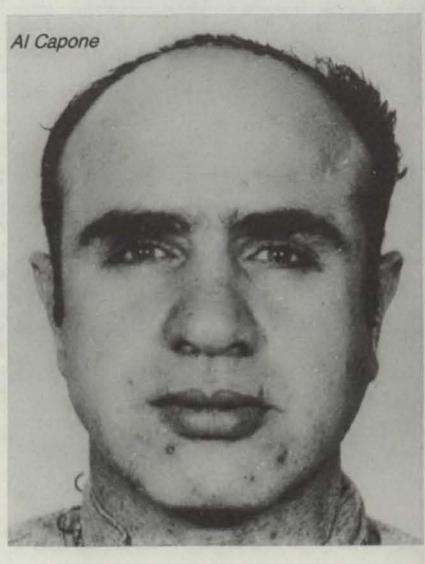
"Baby Face Nelson"

"Doc" Barker

John Dillinger

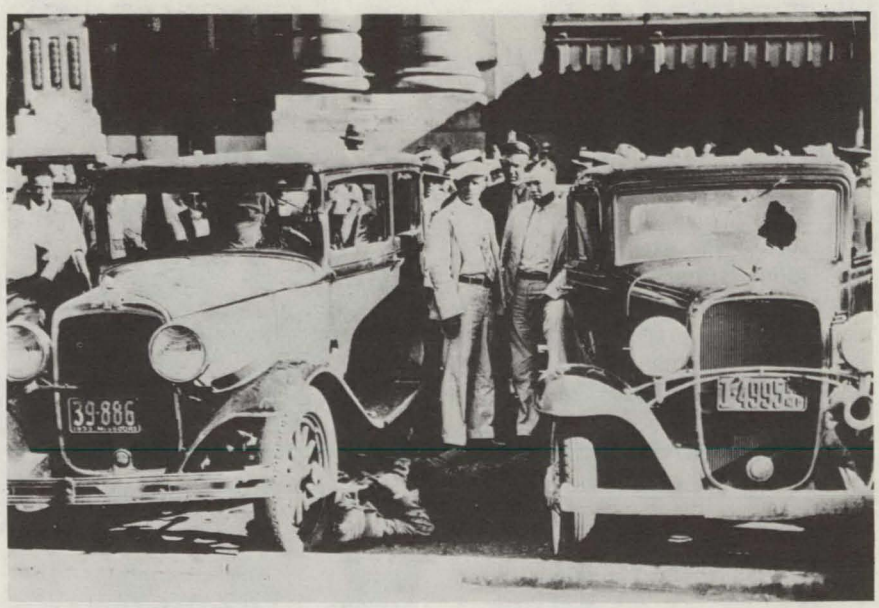


"Pretty Boy Floyd"

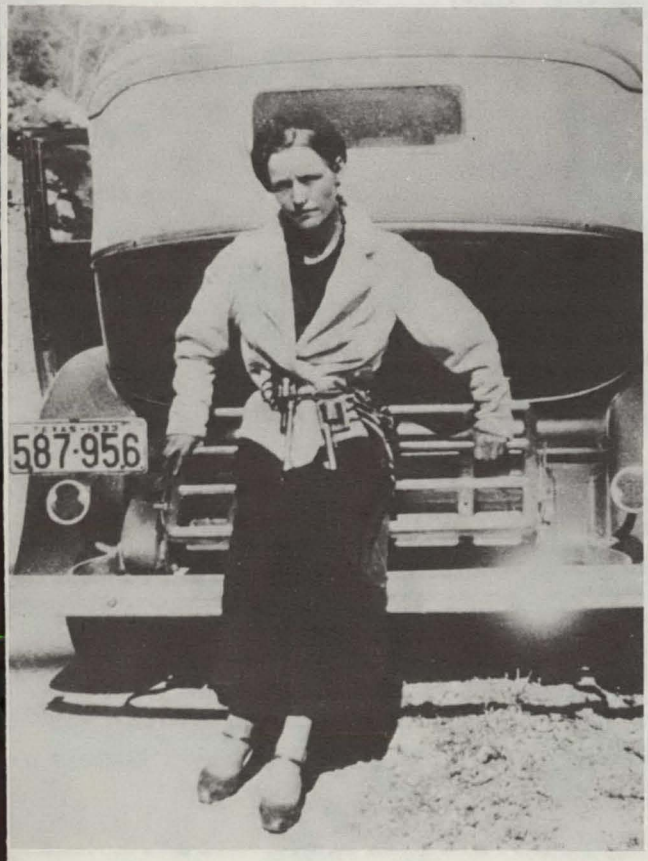


Al Capone

Others disagreed. Among them was Director Hoover, who maintained that America didn't need a national police. His argument was that the Federal Government should not usurp functions more properly performed by local agencies, but that Federal laws were needed to cope with criminals operating interstate to evade the law. In 1934, Congress passed those laws, and the FBI was empowered to take decisive steps against the underworld.



Kansas City Massacre



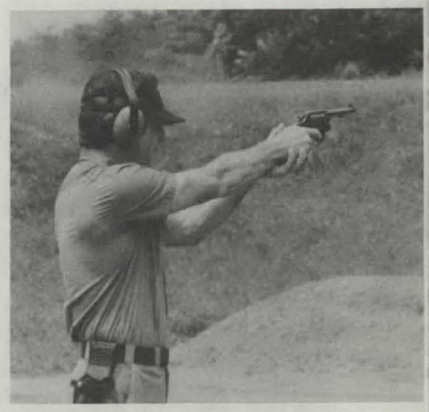
Bonnie Parker

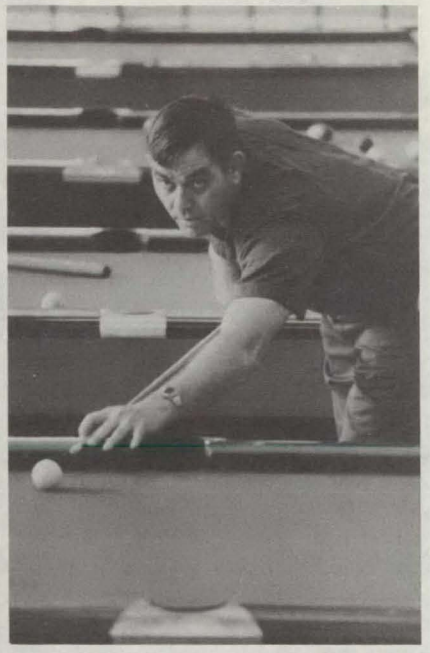
Clyde Barrow

Hoover stressed other arguments against persistent demands for a national police. He reiterated that effective law enforcement lay in cooperation among the various agencies, in taking politics out of police work, and in providing training for police officers. He suggested that the Bureau's training facilities for its own personnel "could be extended to the local law enforcement agencies of the country." Attorney General Homer Cummings agreed with that proposal. Seven months later—in July 1935—23 police officers met as the first class of what is now known as the FBI National Academy.

The growth of the National Academy is a matter of record. Certainly, it has changed dramatically since the 1930's, when on one occasion an officer mortgaged his home in order to pay his expenses at the Academy. Sessions were held in the Department of Justice Building in Washington until 1940, when the major portion was shifted to newly completed facilities at Quantico. Since 1972, the Academy has occupied impressive facilities within the FBI's training complex there.

At present, some 1,000 State and local law enforcement managers are trained each year in four National Academy sessions. During the 11-week program, these officers receive advanced professional instruction in a wide range of courses relating to all facets of law enforcement. The academic courses in this program are accredited by the University of Virginia.





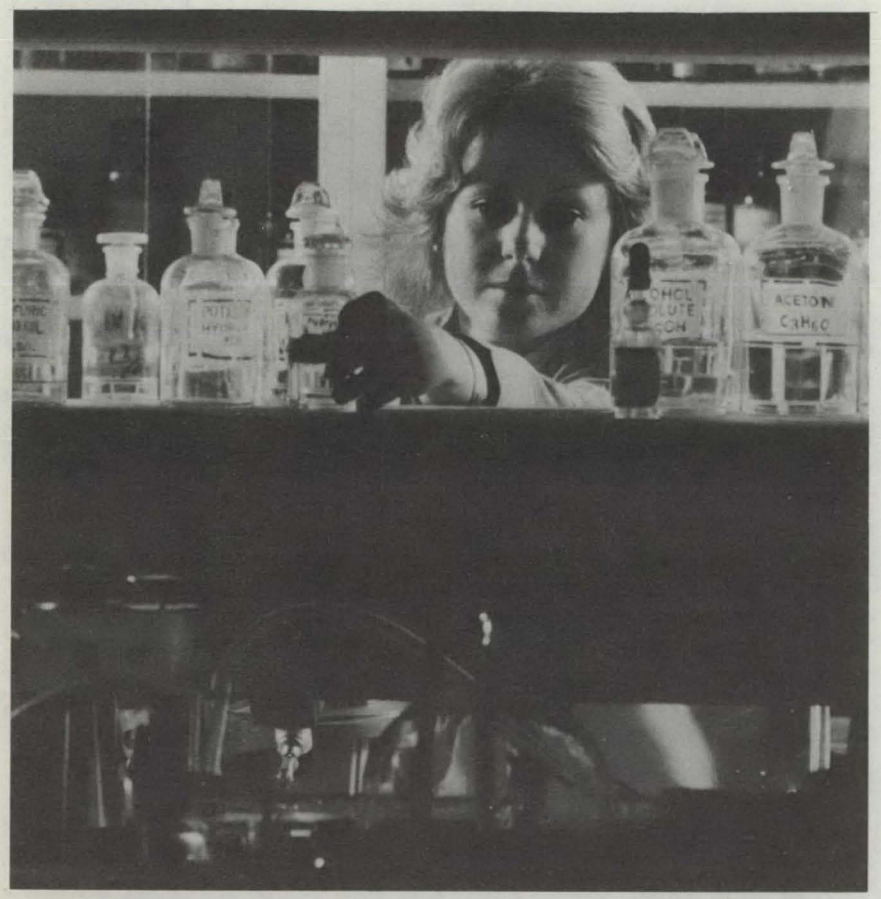
The FBI's training efforts also include the National Executive Institute, designed for police chiefs of our Nation's largest law enforcement agencies. Most recently, large numbers of police officers have been trained at our Quantico facilities in courses ranging from hostage negotiation to computer-related crimes. In addition, each year, FBI Agents provide thousands of hours of instruction in law enforcement schools across the country. All of these programs are continually reviewed and revised in the interest of ensuring that the training offered is relevant to the changing needs of our law enforcement community.

Technology has played an increasingly significant role in the cooperative efforts of the FBI. The FBI Laboratory, which last year celebrated its 50th Anniversary, opened with one Agent and a microscope, but little else in the way of equipment. During its first year of operation, the laboratory conducted 963 examinations. About 900 of those were examinations of handwriting in extortion cases—most of the rest involved analyses of firearms specimens. Last year, the Laboratory conducted close to 800,000 scientific examinations on more than 155,000 specimens of evidence. Highly specialized techniques were used in analyzing physical evidence ranging from explosives to hairs and fibers, from toolmarks to drugs, from plastics to bloodstains. And about one-third of all requests for examinations were submitted by State and local law enforcement agencies.

The dedication of the Forensic Science Research and Training Center in June 1981, was a highlight in the Laboratory's history. This facility, located at the Academy, is unique in that it combines forensic training and forensic research under one roof. The specialized nature of the courses offered there serves to enhance the expertise of those officers attending, and in turn, the capabilities of the crime laboratories they represent. The research program associated with the facility is currently pioneering various techniques, one of the most promising of which includes toxicological screening for certain poisons such as cyanide. Notable among new techniques currently being implemented is that of sex-typing of bloodstains.

FBI scientific analysts sometimes find their assignments take them to faraway places. Within the past 2 years, a particularly noteworthy case involved cooperative investigative efforts with the New South Wales, Australia, Police Department. FBI recovery of evidence, followed by laboratory and latent fingerprint examinations and testimony in Sydney, Australia, played a significant role in the initiation of successful prosecution in a multimillion-dollar theft of travelers' checks.

In the case of the murdered and missing children in Atlanta, Ga., FBI laboratory identification of hairs and fibers linked victims to defendant Wayne Williams and his environment. That evidence played an important role in Williams' conviction for two of the murders.



Another of the technological advances playing a significant part in cooperative law enforcement ventures is the National Crime Information Center (NCIC). NCIC, a computerized index of criminal identification and communications network, began operations in January 1967. Since that time the system has proved invaluable in answering law enforcement's growing need for instant information.

NCIC users at present include criminal justice agencies in all 50 States, the Royal Canadian Mounted Police, and the Police of Puerto Rico and the Virgin Islands. Well over 300,000 transactions are processed daily by NCIC. A hitchhiker stopped by a Maryland State trooper in 1967 and identified as a fugitive from Montana provided one of the earliest "hits" on the system. In a more recent case, July 1982, a check of a tractor through NCIC by an Arkansas State police officer identified the vehicle as having been stolen in Louisiana. This led to the arrest of a suspect wanted in six States for various offenses, and the recovery of property, including a small plane, valued at more than $162,000.

At present, several States are participating in the Interstate Identification Index (III) pilot project designed for the return of State criminal history records, now part of NCIC, to the contributing States. The III will result in State control over the exchange of these records.

"The FBI, after 75 years, continues to be dedicated to higher standards of professionalism, to innovative investigative approaches, and to more effective cooperative efforts with other law enforcement agencies."

High technology undoubtedly will play an even greater role in the FBI's future, as well as in that of other law enforcement agencies. For example, the FBI is presently expanding its Organized Crime Information System (OCIS), designed to provide Bureauwide computer technology capabilities in the fight against organized crime. Another program, the Investigative Support Information System (ISIS), is currently providing investigative and case support for major FBI investigations.

Cooperation among law enforcement agencies continues to be a key ingredient in effectively fighting crime. The degree and nature of mutual efforts involving the FBI and other agencies have varied through the years and reflect significant changes in the nature of crime.

For example, large-scale, sophisticated criminal enterprises that have mushroomed in this country, coupled with budgetary constraints, have played a decisive role in the FBI's redirection of its investigative activity. Today, the FBI is applying a major portion of its resources to investigative areas that its specialized training and interstate capabilities particularly equip it to handle. Four areas are now being afforded priority investigative attention: Organized crime, white-collar crime (including public corruption), foreign counterintelligence, and terrorism.

In January 1982, the FBI was given concurrent jurisdiction with the Drug Enforcement Administration (DEA) to investigate Federal drug violations. Since then, the number of FBI/DEA investigations has grown from a few to several hundred. Cross-training of FBI and DEA Agents, both at Quantico and the Federal Law Enforcement Training Center, Glynco, Ga., is contributing to better interagency understanding and the exchange of each agency's expertise. In addition, the FBI's investigative resources, including a sophisticated computer system and a roster of Special Agent accountants trained to unravel financial intricacies of criminal enterprises, as well as experience with long term undercover operations and organized crime investigations, should enhance the fight against drug trafficking.

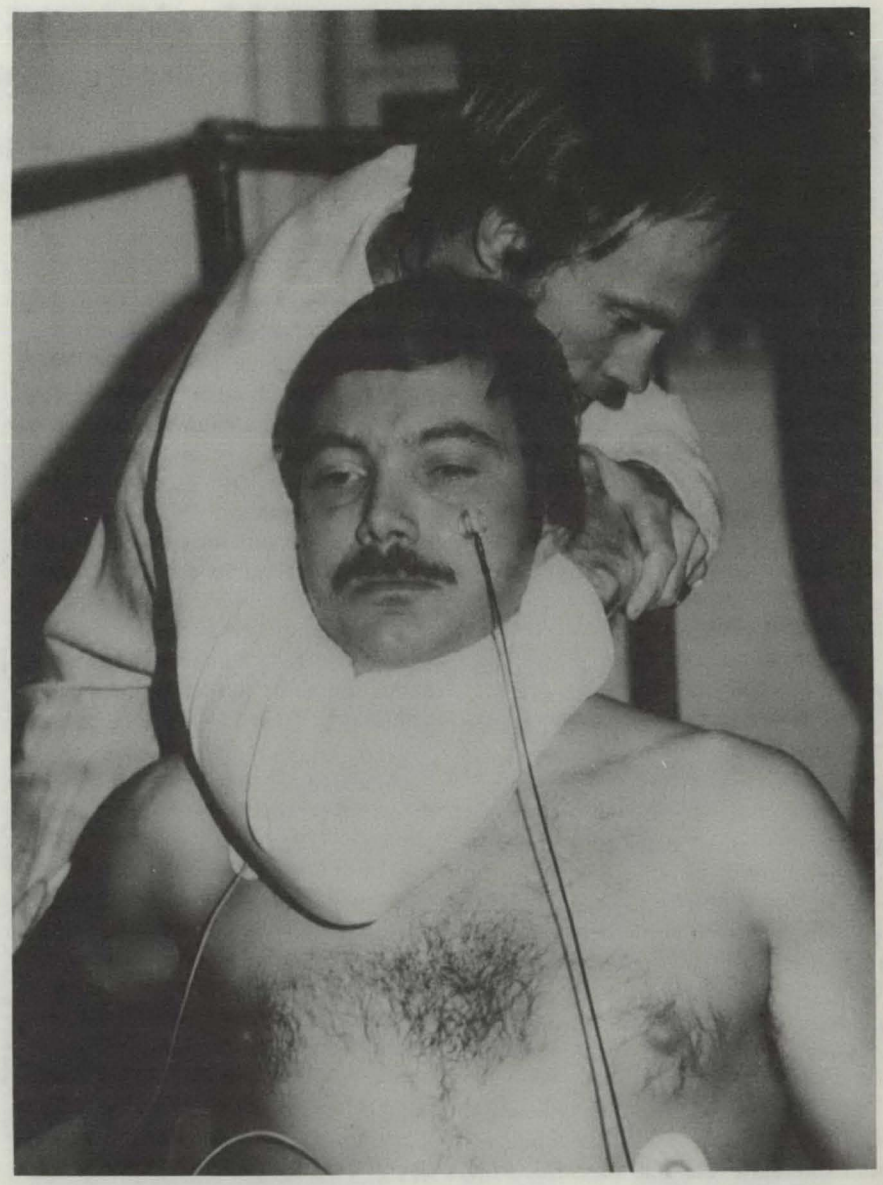
To further augment the attack against major organized crime and drug traffickers, considered the greatest major crime problem in the Nation, President Reagan announced plans to fund new regional investigative task forces. Both FBI and DEA officials, using existing organizational structures, are supervising the investigative activities of each task force. The Internal Revenue Service, Customs Service, the Coast Guard, and a number of other Federal, State, and local agencies are providing varying degrees of assistance within their expertise and jurisdiction.

The FBI is aware, of course, that the reallocation of its investigative resources has impacted on local and State law enforcement agencies. These agencies are being called on to assume a greater investigative burden in some cases, such as bank robbery, in which the FBI has concurrent jurisdiction. By no means, however, has the Bureau abandoned bank robbery investigations. Its role in such cases depends on circumstances involved. For example, in September 1979, a joint FBI-New York City Police Department task force was formed to deal with a record number of bank robberies in that city during that period. The task force, along with more effective bank security measures, has been given credit for a dramatic decline in those offenses in the city.

The success of the above effort prompted the formation of a task force to investigate terrorist incidents in New York City. This force, still in operation, has enabled both agencies to combine the expertise, manpower, and other resorces to cope with elements such as the various Puerto Rican terrorist groups. It has also been active in the investigation of the October 1980, Brinks armored car robbery in Nyack, N.Y., which resulted in the deaths of two police officers and one guard. Joint investigations along these lines throughout the country continue to achieve success in deterring operations ranging from car theft rings to bomb extortion schemes.

The FBI, after 75 years, continues to be dedicated to higher standards of professionalism, to innovative investigative approaches, and to more effective cooperative efforts with other law enforcement agencies. Working together, the FBI and other agencies can look to a future with a promise of more achievement in their profession and greater service to the American people.

FBI



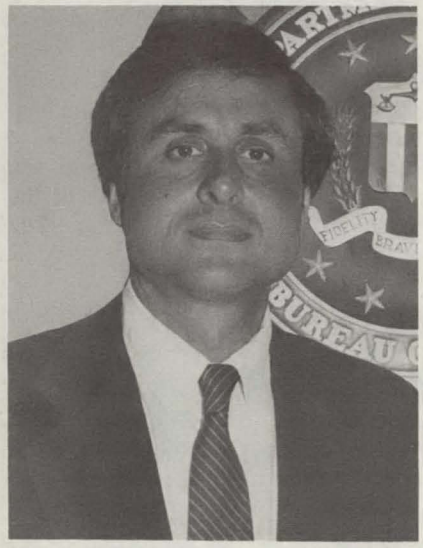
By
DONALD T. REAY, M.D.
Chief Medical Examiner
King County
Seattle, Wash.

and

RICHARD L. MATHERS
Special Agent
Federal Bureau of Investigation
Seattle, Wash.

Physiological Effects Resulting From Use Of Neck Holds

Dr. Reay



Special Agent Mathers

Neck compression holds are taught in basic and advanced law enforcement academies as a means to control combative persons who are being arrested. The two types of holds used by law enforcement personnel are the carotid sleeper and the choke hold. The FBI and most other law enforcement agencies instruct in the use of the carotid sleeper, warning of the hazards of the choke hold because of the damage that can be done to the air passage. (See fig. 1.)

The carotid sleeper is designed to compress the carotid arteries on both sides of the neck, reducing the flow of blood to the brain and incapacitating the individual. (See. fig. 2.)

The choke hold is designed to block the air passage by forearm compression on the airway. (See fig. 3.) The proper application of the carotid sleeper causes the person's airway to rest in the crook of the arm, eliminating damage to the larynx and trachea. The pressure is applied in a pincer fashion to the carotid arteries on the side of the neck. (See fig. 4.)

Recently, two deaths which resulted from neck holds used by law enforcement personnel were studied in King County, Wash. Both of these holds were intended as carotid sleepers, but because of the violent struggle that ensued, they became choke holds resulting in death.

Following these studies, five FBI Special Agents participated in a study of the effects of the carotid sleeper on carotid blood flow. No prior study

Figure 1

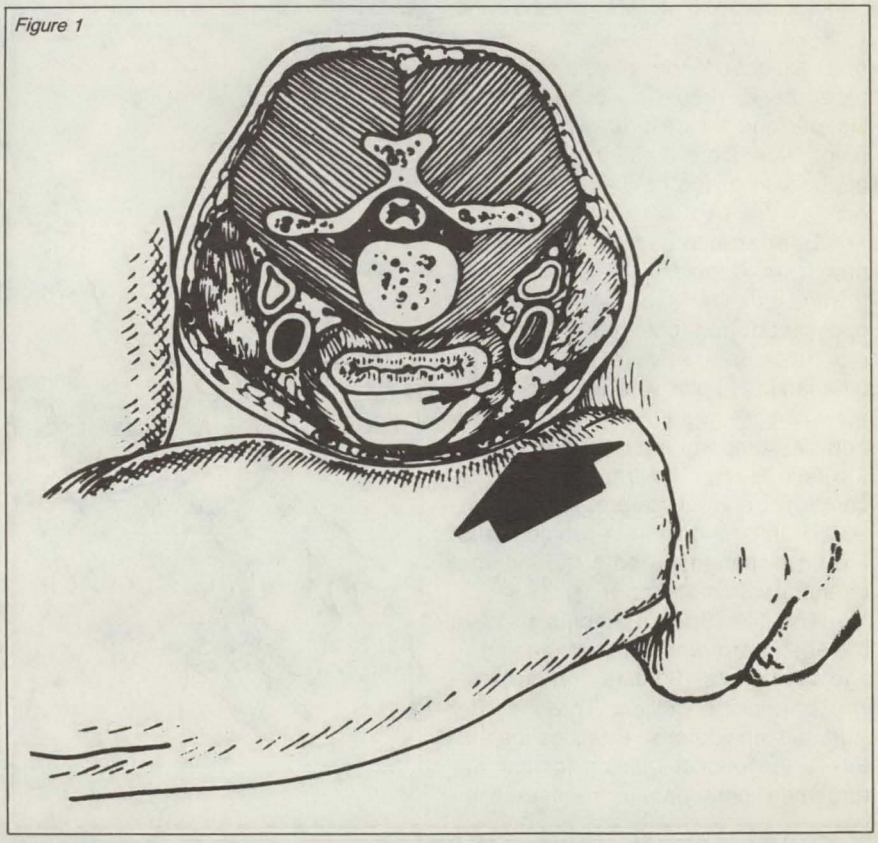
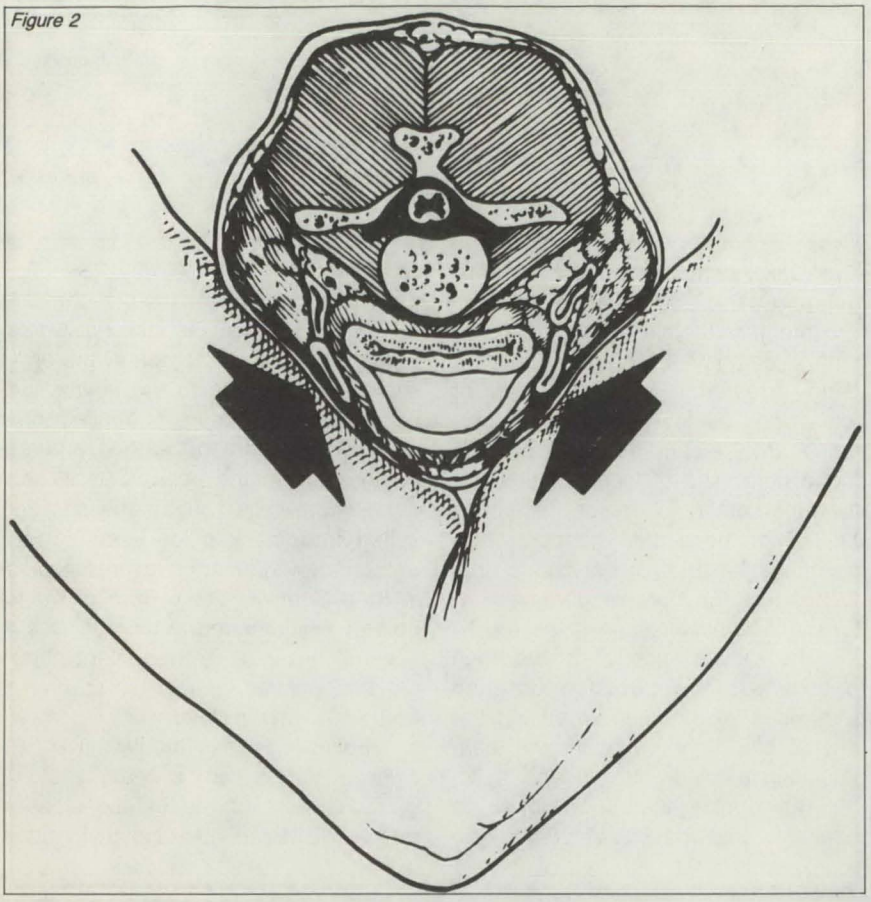


Figure 2



that assessed the physiological effects of a properly applied carotid sleeper and a measurement of carotid blood flow before, during, and after application of the hold could be located.

Both an ultrasonic Doppler and a new laser Doppler system were used to measure the blood flow during the application and changes in capillary blood flow to the skin of the face. The ultrasonic Doppler was used to evaluate changes in arterial flow in the superficial temporal artery. Blood flow to the face is supplied from the external carotid artery. Therefore, it was reasoned that changes here would reflect the flow changes in both the external and internal carotid arteries.

The five Special Agents used in the test were white males ranging in age from 30 to 43 years and in excellent physical condition. Three of the Agents were defensive tactics instructors who conduct training for law enforcement personnel in the use of the carotid sleeper. The neck hold was applied to each subject by one of the other Agents. The test was conducted under close medical supervision.

Surface blood flow was measured by a continuous laser Doppler attached to the left cheek. Electrocardiogram and blood pressure readings were obtained simultaneously during the test period.

Each Agent was seated comfortably in a chair. The person applying the hold placed his right upper arm around the test subject's neck with pressure on both carotid arteries in a pincer fashion. The airway is unaffected during proper application because it rests in the crook of the arm and the pressure is on both sides of the neck, not on the air passage. (See figs. 2 and 4.)

Figure 3

Baseline measurements were obtained for each Agent, and the beginning of the neck hold maneuver was marked on the recording strip. Maximum pressure was then applied on the Agent by the person administering the hold until the subject started to lose consciousness, at which time he signaled and the person released the hold.

During the administration of the neck hold, there was a rapid decrease in continuous facial blood flow during neck constriction. There was a mean decline of 89.4 percent of blood flow in all subjects. In one subject, the blood flow was reduced by almost 96 percent. In another subject, the blood flow reduction reached 82 percent, and the heartbeat reached 135 beats per minute during the test period. The total restraint time from onset of compression on all Agents ranged from 6.4 to 9.6 seconds. The time lapse before returning to baseline blood flow after release of the hold varied from 7.3 seconds to 23 seconds, with a mean of 13.7 seconds.

There was a wide range of blood pressure change, with no consistent response. The heart rate slowed during the test period to 58 and 65 beats per minute in two of the test subjects; however, this was possibly the result of carotid sinus stimulation. These subjects also showed the most rapid decrease in blood flow after the neck hold was applied. In the other three subjects, no significant slowing of the heart was noted.

It was concluded that carotid blood flow to the head is severely restricted during proper application of the carotid sleeper. Blood flow to the face was reduced to an average of 89.4 percent, and the reduction started as soon as neck compression started.

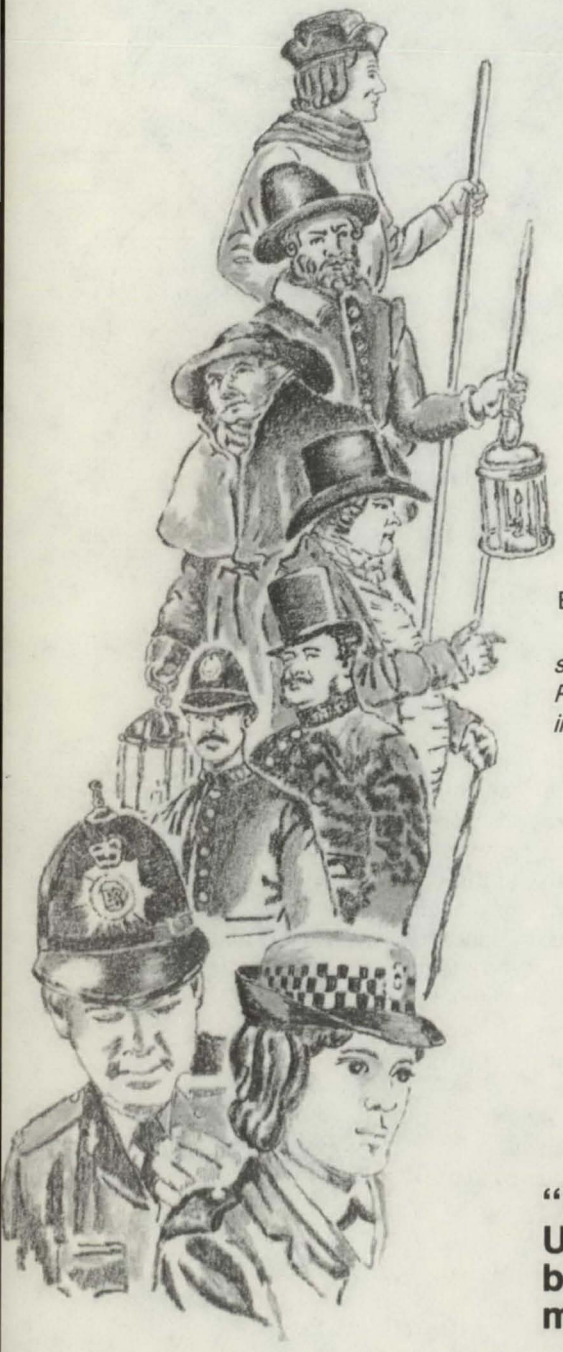
Figure 4

Blood flow returns rapidly when the hold is released. Although the controlled conditions of this test are recognized, it was concluded that a well-trained person could accomplish the same result in a combat situation.

Because of the organs involved, neck holds must be considered potentially lethal whenever applied. Officers using this hold should have proper training in its use and effects. Police officers should have continual inservice training and practice in the use of the carotid sleeper. They should not use or be instructed in the use of the choke hold other than to demonstrate its potential lethal effect. Officers should recognize that death can result if the carotid sleeper is incorrectly applied, and there may also be instances where sudden and unexpected deaths occur when the carotid sleeper is properly used. **FBI**

Community Policing

The Evolution of the British Police



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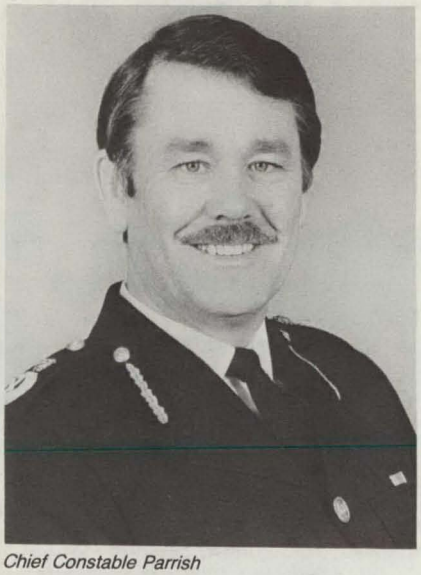
Editor's Note:

This article is adapted from a speech presented by Chief Constable Parrish before the National Academy in November 1982.

It has been said that the history of the English police is the history of the English people, since the origins and development of the police are inseparably bound to the evolutionary process of the nation as a whole.

The concept of community responsibility for the behavior of its individual members is not as new as some relatively modern philosophers would have us believe. Indeed, its origins are to be found in medieval history. Almost 1,000 years ago, before the Norman French invasion, the Anglo-Saxon Kings of England expected their subjects to keep good order, embodying the concept in the phrase

"Few law enforcement officers in the United States are aware of the antiquity of both the office they hold and the means they use to pursue offenders. . . ."



Chief Constable Parrish

"keeping the peace." This expression has stood the test of time and is still the foundation on which all subsequent English criminal law has been constructed and the goal which it is seeking to achieve.

The Anglo-Saxons appreciated that the peace which they so strongly desired was not self-preserving. Indeed, they recognized quickly that the maintenance of calm and tranquillity required the constant vigilance of each and every member of the community. To this end, they organized their communities into groups of 10 families which they called "tythings." The "tythingman" was responsible for the behavior of his 10 families. The position was unpaid and was held in turn by each member of the tything, who had to carry out his duties while at the same time making a normal living as best he could.

Above him came the "hundredman," responsible for 100 families and answerable to the "shire reeve" or "sheriff," who was responsible to the king for the whole area of the kingdom.

The "hue and cry" was an important tool in maintaining the peace and was quite literally a noise and chase to apprehend the villain. All males between the ages of 12 and 60 had to join in the chase; failure to apprehend the offender led to fines being levied against the community. In emergencies, the sheriff could call for the assistance of the "posse comitatus," literally all available able-bodied men.

Thus, in ancient English history can be seen the first "germs" of the idea of an "office" within the community responsible for maintaining the peace. Few law enforcement officers in the United States are aware of the

The tythingman was head of a tything, a group of about 10 families. He had to see that the law was kept in his area. A boy was considered a full member of the tything at the age of 12.

A constable arrests a thief. The constable had no pay and no uniform except for his staff of office.

antiquity of both the office they hold and the means they use to pursue offenders, both terms having passed across the ocean from the old to the new world.

Many of the Norman French law-keeping methods were adopted following the invasion. Gradually, the authority of the sheriff was taken over by the lord of the manor, and much of the work of the "hundred court," where more serious cases were tried, was taken over by the "manor court." Annually, this court elected the constable, whose job was to maintain the peace. Also unpaid, he had to combine these duties with his ordinary work as best he could.

In 1285, the Statute of Winchester placed on record what had been the traditional duties and responsibilities of citizens and constables. The following century saw the passing of the Justice of the Peace Act, which decreed that justices of the peace should be appointed (unpaid) with the power to apprehend and punish offenders.

Between the 15th and early 18th centuries, the parish council and the justices of the peace took over local government and each year appointed the parish constable. Still, the constable was unpaid, had no uniform, and was responsible for increasing duties. Not only did he have to apprehend the wrong doer, he often had to apply the punishment. He was called upon to whip vagrants ". . . till their backs be bloody . . .," duck scolds (malicious offenders) in the village pond, and put offenders in the stocks, sanctions many police officers wish were available to them today.

Often, during his term of office, the constable's duties would be so time-consuming that he would neglect his own occupation to such a degree that he was a ruined man upon relinquishing the office. This led to a marked reluctance on the part of wealthier citizens to serve their turn in undertaking the office. They resorted to the practice of paying deputies.

These deputies would pay others in turn so that the office came to be filled by the old, the infirmed, and the idiot who served year after year as parish constables at a menial wage. The idea of personal service began to die, and the office sank even lower in public esteem.

Sir John Fielding, Chief Magistrate at Bow Street Court, started a night horse patrol to guard the roads leading into London against highwaymen. These patrolmen became known as Bow Street Runners, who were famous in their day for their success in chasing and catching criminals.

A further means of evading service was by paying a fine to the parish funds, which Daniel Defoe did in 1721. An act of 1699 provided that a person who prosecuted a felon should enjoy lifelong exemption. Known as "tyburn tickets," these certificates changed hands for substantial sums of money, and their sale or auction was even advertised in the newspapers.

By the end of the 18th century, many of the parish constables were, at best, illiterate fools, and at worst, as corrupt as the criminal classes from which many of them sprang. The decline in the integrity of many justices of the peace followed a parallel course; the office was now being filled by tradesmen, shopkeepers, and often adventurers. The "new" justices looked to the law, as they did everything else, for profit by charging a fee for every act performed, submitted completely to corruption, and amassed considerable fortunes in the process.

The rapid growth in population and wealth and the movement of the population into the towns heralding the Industrial Revolution multiplied the opportunities for crime and undermined the stability of society. The principle of the universal obligation to serve as constable was being destroyed and with it the only available means of maintaining law and order.

The lawless state of the country by the mid-18th century defies description. The population of England doubled from 6 to 12 million. Social and economic upheaval ensued. The metropolis was transformed into a densely populated urban area, and vast rural areas were turned into slums with mines and factories. Criminality abounded.

Reformation became the war cry in the search for a solution. The existing machinery for the administration of justice had, in all practical terms, disintegrated. The city of London appointed paid night watchmen and later day watchmen, and by this simple expedient, probably became the best policed area in the country. However, elsewhere, the situation remained chaotic.

The appointment by the government of the first "stipendiary magistrate," a full time, paid post in London which eventually became the chief metropolitan magistrate, was a turning point. The novelist, Henry Fielding, succeeded to this post in 1748 and was succeeded by his brother John. Both set about the reform of policing in London.

The Fieldings published pamphlets acquainting the public with the activities of criminals brought to trial. Public awareness was thus stimulated to produce information on which the "thief takers," whom Henry Fielding had recruited, could act. But the main body of public opinion, Parliament, and the leading press were either openly hostile or apathetic to the need for reform of the policing system. Indeed, for many years, the vast majority of English people regarded the nonexistence of a police institution as one of their major blessings.

In 1780, during 6 days of riots fanned by anti-Catholic panic, 700 people were killed and property sustained untold damage. From these serious disturbances grew an increasing awareness by the government and the people of London that some better way of keeping the peace must be found.

It was during the reign of Charles II that the city of London first employed a force of paid watchmen at night. Some think that this is why the watchmen were later nicknamed "Charlies."

The "river police" were created in 1798 and were charged with the duties of eradicating large organized gangs of thieves who preyed on the ships moored in the River Thames and the vast quantities of valuable goods stored in the wharves and warehouses along the river banks. Their success led to the passing of the Thames River Police Act in 1800, which converted this independent body into the first regular professional police force in London.

By 1828, Home Secretary Robert Peel had drawn up his plan for a single police system to operate in London. He introduced his "Bill for Improving the Police in and near the Metropolis" to Parliament in 1829. Enacted that same year, the Metropolitan Police Act set up the "metropolitan police district" and created two commissioner positions to run it under the authority of the Home Secretary. Peel accomplished what William Pitt the younger and other reformers had been unable to do earlier, namely, separate the judicial from the police arms of the administrative processes of justices.

Peel set about appointing the first commissioners immediately after the passage of the act. The partnership of Col. Charles Rowan, a retired officer who fought with the Light Brigade at the Battle of Waterloo, and Richard Mayne, a young Irish barrister, was a famous one. The two new commissioners occupied accommodations in Whitehall Place, but which backed onto a narrow lane known as Scotland Yard. This rear entrance gave a name to the new office which has since been inherited by successive buildings.

Planning proceeded vigorously thereafter and implementation was swift upon its heels. Seventeen new subareas or "divisions" were created; each had a total of 165 men and was headed by a "superintendent" with 4 "inspectors" and 16 "sergeants." A new nonmilitary uniform was adopted. The divisional letter and number of each officer was embroidered on the collar, and every man carried a truncheon about 20 inches long. At night he carried a rattle, but these were later replaced by whistles.

The objectives set by Richard Mayne for his new force were issued to every new recruit, and to this day, can be found in the preface to the General Orders of the Metropolitan Police.

The new police wore a dark blue uniform with a top hat. They were nicknamed "Peelers" or "Bobbies" after their founder, Sir Robert Peel.

> "The primary object of an efficient police is the prevention of crime; the next that of detection and punishment of offenders if crime is committed. To these ends all the efforts of police must be directed. The protection of life and property, the preservation of public tranquility and the absence of crime will alone prove whether those efforts have been successful and whether the objects for which the police were appointed have been attained."

The role thus defined for the new police was a model of clarity and farsightedness, projecting into the 20th century and hopefully beyond as a lucid and lasting definition of policemanship. When the new police officers marched onto the streets of London for the first time, they were met by curious stares and open hostility.

In May 1833, the National Union of Working Classes, led by armed extremists, held a mass meeting at Coldbath Fields within the metropolitan police area. A government prohibition against holding the meeting was ignored by the union. The police marched forward to disperse the crowd and arrest the ringleaders. Several policemen were stabbed and one died from his injuries. The mob was broken up and order restored, for the first time without the use of the army. Yet, old prejudices against the police manifested themselves briefly at the inquest into the death of the police officer killed when the jury returned an astonishing verdict of "justifiable homicide" and the jury was acclaimed by the crowd outside. Thankfully, this verdict was later annulled on appeal. The allegations of brutality leveled against the police were not proved and they were completely exonerated.

Gradually, police uniforms changed. Top hats and frock coats were no longer worn.

From this point in time, a realization grew in the minds of the public of the value and need for a professional police force. Progressively, passive acceptance developed into respect and even admiration as the new Metropolitan Police proved themselves.

Many "birth pangs" were experienced in the early years; one worthy of note was the practice of employing plainclothes officers to detect offenses. A sergeant in plain clothes had been attending meetings of the National Union of Working Classes and reporting the proceedings to the commissioners. There were protests against the use of an "agent provocatuer," and the inevitable inquiry into the incident found the sergeant's conduct to be ". . . highly reprehensible. . . ." They further found that use of plainclothes police, although justified in some circumstances, must be carefully controlled at it was ". . . abhorent to the feelings of the people and most alien to the spirit of the constitution. . . ." The sergeant was dismissed from the force but his superiors appear to have escaped censure.

Through the 19th century the service evolved. Acts of Parliament were passed creating county and city police forces. The basis of these forces was control of pay and conditions of service in elected representatives and in some cases involving justices of the peace or magistrates.

The standards of pay, however, were set very low, and there was little standardization throughout the various forces. Trade unions were formed in society, but not within the police. The effect was that morale lowered and recruits tended to come from the working classes. One theme, however, ran through the system and still exists today—police officers were recruited directly from the public they served. They were given no special powers and no special equipment for their own protection beyond the staff and handcuffs. Thus, such phrases as, "Society gets the police service it deserves," emerged from commentators of the time.

The turn of the century saw the emergence of trade unions which constantly had the police from working class backgrounds thrown against them. The police themselves were seeking to improve their own conditions, and through the 1920's, this was gradually achieved following government intervention. The police federation (unions) emerged and salaries and conditions changed.

As the years progressed, with the exception of the Metropolitan Police, a triangular control of police forces emerged which remains the basis on which the British police function. The Home Secretary and the Home Office through their Inspectorate have responsibility for pay, conditions, staffing levels etc.; the Chief Constable is responsible for discipline and the day-to-day operational running of the force; the Police Authority provides buildings, uniforms, equipment, and handles the numerous other matters affecting the local administration of the force.

World War II saw a new level of public demands and expectations. Winston Churchill broadcast a tribute at the end of the war to the civil defense services who had ". . . helped our people through this formidable ordeal, the like of which no civilized community has ever been called on to undergo. . . ."

At the end of the war, crime began to increase tremendously as servicemen returned, many unable to take up past employments. Traffic increased and the ensuing congestion was blamed on the only tangible authority the public could find. Pay was back at a very low level with goodwill and public cooperation rapidly ebbing away.

Pay, however, remained the principle factor affecting police progress. Through the 1950's, it had fallen behind that of other workers whose unions were able to fight strongly for

"During their entire existence, the British police have relied on the support, cooperation, and active assistance of the public they serve to carry out their duties."

improvements. The number of officers leaving the service to seek better wages began to increase. By the early 1960's, the service was badly depleted in manpower and was unable to cope with the ever-increasing workload. This period was also marked by the recruitment of civilians to fill administrative posts in order to free trained officers for the work of fighting crime.

In 1960, a Royal Commission of Enquiry was established, whose terms of reference, broadly stated, encompassed almost every aspect of matters concerning the control, accountability, morale, behavior, etc., of the police. First fruits were a massive increase in pay, coupled with a statement that police pay should keep its value against changes in the wage index and the economic state of the country. The tide of manpower wastage turned for a time.

Most of the commission's recommendations were incorporated in the Police Act of 1964, which still is the governing authority for all that is done in the service. The police council was abolished and two new bodies were created—the Police Advisory Board, to advise the Home Secretary on general questions affecting the service, and the Police Council for Great Britain, the main negotiating body. Prior to 1964, the jurisdiction of an individual officer was restricted to his own and surrounding force areas. This changed. A constable now has jurisdiction anywhere throughout the whole of England and Wales.

By 1969, through voluntary or compulsory schemes, many amalgamations had reduced the number of forces from 117 in 1966 to 49. These were later reduced again, and by 1974, only 41 forces remained, plus the city of London and Metropolitan.

In the 1960's, the need to find alternative methods of policing to cope with the demands being made on an understrengthed service was recognized. Many experiments were tried in towns and cities throughout the country.

What evolved from these experiments was a system known as "unit beat policing," which provided more mobility by the use of cars superimposed on larger beat areas patrolled on foot. Because the new "beat cars" were painted blue or green and white, the system also became known as the "panda" system and the cars "panda" cars. Each officer was equipped with a personal radio, and so, incidents were dealt with more expeditiously. The system became popular with the police and spread rapidly. By the end of 1968, some 30 million people (60 percent of the population) were covered by it.

Yet, the results in terms of alienation of the public through lack of personal contact and the breakdown in lines of communication, particularly with the socially deprived members of society which have recently culminated in serious rioting in many inner-city areas in the past year, have shown the system to have been a mistake.

During their entire existence, the British police have relied on the support, cooperation, and active assistance of the public they serve to carry out their duties. This support is given only when the public can manifestly perceive the roll of the police to be for their help and protection by daily contact with its members. Any system which removes that close contact, as the unit beat policing system does, results necessarily in the falling away of that public support which is vital to its task.

The seeds for a new beginning were already sown long before the recent troubles became openly apparent for all to see. The plans which are now coming to fruition were laid some time ago to return to traditional methods of policing which will provide the necessary framework for the original concept of the office of "constable" to again form the basis of a law-abiding and peaceful community.

The Derbyshire Constabulary is a leader in the movement toward more traditional forms of policing, and the current experiments being undertaken within the Derby Division of the force are attracting worldwide interest. It is my firm conviction that the experiment will succeed and will prove to be the forerunner of a nationwide return to the idea of the community or traditional police constable which, despite many traumas, has survived for over 1,000 years as the most desirable means of maintaining "the peace."

FBI

(Continued next month)

Illustrations are adaptations of art work appearing in "The Story of Our Police" prepared by the Home Office and the Central Office of Information 1976.

STRIP SEARCHES: CONSTITUTIONAL ISSUES

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

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Few search and seizure issues have attracted more national attention in recent years than the so-called "strip search." In conjunction with widespread media coverage, there have been several recent court decisions focusing on the legality of such searches. The object of this article is to examine those cases and consider their impact on law enforcement.

For the purposes of this article, the term "strip search" denotes the visual inspection of the unclothed human body by law enforcement or other government officers. Courts generally distinguish between this type of search and that which involves the actual physical probing into body cavities. Unless the text clearly indicates otherwise, the term "strip search" is intended to mean the less intrusive, visual inspection.

A survey of cases discloses that strip searches have been challenged in a variety of contexts, including: (1) Border searches, (2) prison searches, (3) searches of pretrial detainees, (4) searches of persons incident to arrest, and (5) searches of students by school officials. Because the personal privacy interest on the one hand and the governmental objectives on the other vary widely depending upon the context of the search, it is necessary to consider each category in its turn.

BORDER SEARCHES

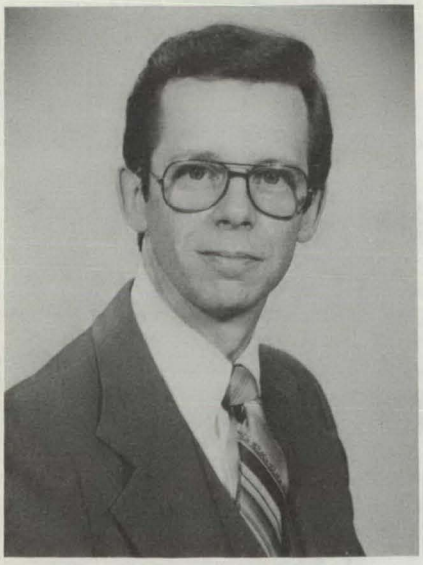
In the words of the U.S. Supreme Court, the authority of the Federal Government to stop individuals and vehicles crossing an international boundary and to conduct searches without warrant and without probable cause "has a history as old as the Fourth Amendment itself. . . . Border searches . . . from before the adoption of the Fourth Amendment, have been considered to be 'reasonable' by the single fact that the person or item in question had entered into our country from outside. . . ."[1] This search authority applies not only to the international border but also to other areas which present the same problems and may therefore be characterized as the "functional equivalent" of the border. In *Almeida-Sanchez* v. *United States,*[2] the Supreme Court stated:

> "Whatever the permissible scope of intrusiveness of a routine border search might be, searches of this kind may in certain circumstances take place not only at the border itself, but at its functional equivalents as well."

The functional equivalent of the border may be an established station near the border, a point marking the confluence of two or more roads that extend from the border, an airport where a nonstop flight from another country has arrived, or a port where a ship docks in this country after entering territorial waters of the United States from abroad.[3]

Although border searches do not require a warrant, probable cause, or even suspicion to justify their initiation,[4] and such searches may include vehicles, luggage, handbags, pockets, wallets, etc., the courts have constructed some standards by which they measure the reasonableness of searches which intrude beyond the outer clothing of the persons stopped.

For example, while a "pat-down" search may be justified by mere suspicion alone because of the relatively low degree of intrusion,[5] a strip search of the person requires a higher level of information for its justification. In *United States* v. *Rodriguez,*[6] the defendant was stopped by customs inspectors at the Seattle-Tacoma International Airport after arriving on a flight from Tokyo. In response to questioning, and by use of an official form, Rodriguez indicated that he was not carrying over $5,000 in monetary instruments. During a baggage check,



Special Agent Hall

a customs inspector discovered rectal pain reliever ointment, rubber prophylactics, and adhesive sealant which he recognized as items commonly associated with narcotics smuggling activities. An examination of the defendant's airline tickets disclosed his travel to certain narcotics source countries, as well as an apparent attempt to conceal that fact. Moreover, Rodriguez' responses to certain questions were suspicious. For instance, he told the inspector that he had recently finished school and worked as an accountant, and yet he apparently did not know the meaning of the term "CPA."

Rodriguez was then taken by the inspector and two agents from the Drug Enforcement Administration to a private room where he was subjected to a pat-down for weapons and a search of his clothing, including his wallet in which was found a bank draft receipt in the defendant's name for $10,000. Rodriguez was then instructed to unfasten his trousers. As he did so, he removed from his underwear two packets of money, each containing $5,000. A full strip search was then conducted.

Rodriguez was tried and convicted. He appealed his conviction, challenging the constitutionality of the strip search. In upholding the validity of the searches, the Court noted three standards which are applicable to border searches, depending on the degree of intrusiveness:

1) ". . . anyone at a border may be stopped for questioning and subjected to an inspection of luggage, handbags, pockets, wallets, *without any suspicion at all* . . ."; however,
2) ". . . *'real suspicion'* is required before a strip search may be conducted . . ."; and
3) ". . . the *clear indication* test is used for body cavity searches." [7] (emphasis added)

"Real suspicion" was defined by the Court as "subjective suspicion supported by objective, articulable facts." [8] The Court concluded that the officer's experience, Rodriguez' responses to questions, his behavior, and the items observed in his luggage met the requisite standard and justified the search in this case. Other Federal courts have followed the same approach as the Court in *Rodriguez,* although they use the term "reasonable suspicion" instead of "real suspicion" to describe the necessary standard to justify a strip search of a person stopped at the border.[9] There appears to be no difference in the standards despite the different terms used.

Thus, a search of the person at the border which is limited to a search of the clothing or such things as purses and wallets requires no specific facts to justify it. However, the more intrusive strip search requires a "real" or "reasonable suspicion."

It should also be noted that the manner in which an initially justified search is conducted may affect its ultimate legality. In *United States* v. *Cameron,*[10] for example, the court held that it was unreasonable for a defendant to be subjected to two forced digital probes and two enemas, and then forced to drink liquid laxative over his continued objection that he was under medical supervision for stomach and rectal problems. The point is that searches which are legal at their inception must be conducted in a reasonable manner in order to pass constitutional muster.[11]

". . . searches which are legal at their inception must be conducted in a reasonable manner in order to pass constitutional muster."

PRISON SEARCHES

A second area in which strip searches have been raised as an issue is that concerning prisoners, i.e., persons incarcerated following conviction for crime. The Supreme Court has held that lawful imprisonment necessarily limits individual rights and privileges,[12] and that even the rights retained may be further limited by legitimate goals and policies of the penal institution.[13] However, convicts do not forfeit *all* constitutional protections, because as one court stated: "[t]here is no iron curtain drawn between the Constitution and the prisons of this country." [14] Thus, convicted prisoners still retain certain rights afforded by the 1st amendment (freedom of speech [15] or religion [16]), the 8th amendment (protections against cruel and unusual punishments),[17] as well as the 5th and 14th amendment (due process).[18]

In addition, the Supreme Court has intimated that some fourth amendment protections may be retained by persons convicted of crime. In *Bell* v. *Wolfish*,[19] a case in which pretrial detainees as well as some convicted prisoners were housed together in the same facility, and where a strip search policy following contact visits was applicable to both, the Supreme Court assumed the existence of some fourth amendment protections for convicted prisoners as well as the pretrial detainees.[20] The Court held that strip searches can be conducted under some circumstances absent the standard of probable cause ordinarily required by the fourth amendment as long as they are "reasonable." [21] The Court explained:

> "The test of reasonableness under the Fourth Amendment is not capable of precise definition in mechanical application. In each case it requires a balancing of the need for the particular search against the invasion of personal rights that the search entails." [22]

Applying the balancing test to the facts, the Court then held that the significant and legitimate security interests of the penal institution outweighed the privacy interests of the inmates. Emphasizing that abuses would not be condoned, the Court said:

> "Courts must consider the scope of the particular intrusion, the manner in which it is conducted, the justification for initiating it, and the place in which it is conducted." [23]

In *Arruda* v. *Fair*,[24] an inmate challenged a prison strip search policy similar to that in *Bell* on the ground that the policy violated the fourth amendment protections against unreasonable searches and seizures. To support the contention that the search was unreasonable and unjustified, the plaintiff pointed out that the searches seldom produced any contraband or weapons. Relying upon the balancing test of *Bell*, the Federal district court rejected the claim and held that no fourth amendment violation occurs "as long as it is a rational and reasonable decision." [25] In response to the contention that the strip searches failed in their objective because contraband was seldom found, the court stated:

> "Plaintiff's argument fails to account for the deterrent effect. . . . The fact that little contraband has been discovered as a result of the visual rectal search is as much a testimony to its effectiveness as a deterrent as its ineffectiveness as a discovery tool." [26]

In *Hunter* v. *Auger*, [27] a Federal appellate court reviewed the policy of an Iowa State penitentiary which required not only the strip searches of prisoners before and after contact visits but of certain *visitors* as well. The decision to have any particular visitor searched was not based upon any specific criterion. In this case an anonymous tip had been received that a particular visitor would be smuggling contraband into the prison. When the visitor refused to submit to the search, visitation rights were withdrawn. The court held:

> "After weighing the interest of correctional officials in preserving institutional security against the extensive intrusion on personal privacy resulting from a strip search, we conclude that the Constitution mandates that a *reasonable suspicion* standard govern strip searches of *visitors* to penal institutions." [28] (emphasis added)

In explaining the reasonable suspicion standard, the court stated that prison officials must point to specific, objective facts and rational inferences which they are entitled to draw from those facts in light of their experience.[29]

It should be noted that the *Hunter* decision does not dispute the authority to strip search the inmates following contact visits. Interestingly, the case does not address the issue of whether the convicted prisoner has a constitutional right to contact visits. That question has drawn a negative response from some courts.[30]

". . . the test of constitutionality for a search is one of reasonableness, requiring 'a balancing of the need for the particular search against the invasion of personal rights that the search entails.' "

Apart from fourth amendment considerations, it is conceivable that the validity of a strip search of a convicted prisoner could be measured in light of some other constitutional protection. For example, the Supreme Court has recognized that prisoners have a due process right of access to courts,[31] and in *Sims* v. *Brierton,*[32] a prisoner challenged a strip search policy on the grounds that it interfered with that right. The inmate, Sims, was seeking to bring a civil rights suit against prison officials. Because he objected to the strip search policy, he advised his attorney that he could not see him or appear for his deposition. When the prison officials refused to waive the policy in Sims' case, a suit was filed alleging that the strip search policy created an obstacle to Sims' access to the court. Noting that the Supreme Court in *Bell* v. *Wolfish* had upheld strip searches by balancing the privacy interests of inmates against legitimate security interests of the penal institution, the court went on to find that in this case it was the inmate's due process interest in access to the courts that was implicated and held:

> "Access to the courts conditioned on submission to a degrading and unnecessary search is unduly restrictive. Absent a showing of any security problem resulting from *inmate attorney* visits. . . . [t]he prison may not require him to submit to a body cavity search before or after his deposition or before or after an attorney visit in preparation for the deposition." [33] (emphasis added)

One other constitutional consideration is worthy of mention at this point. In some instances prisoners have challenged strip search policies on the theory that they constitute cruel and unusual punishment in violation of the eighth amendment. Such challenges are not likely to be successful, however, unless the prisoner can establish that the strip search policies are an *excessive* response to the legitimate security concerns of the institution.[34]

PRETRIAL DETAINEES

It should come as no surprise that most of the recent media and judicial attention pertaining to strip searches has developed in cases where those searches were applied to pretrial detainees. Pretrial detainees are persons who have been arrested, but not yet convicted of a crime, and who are being detained pending trial or pretrial release.

The starting point for any discussion of the rights of pretrial detainees is *Bell* v. *Wolfish,*[35] in which the Supreme Court considered the scope of rights available to such detainees during the period of confinement. As noted herein above, convicted persons do not forfeit all of their constitutional protections by reason of their conviction and confinement. It follows then that pretrial detainees—who have not yet been convicted—retain at least those constitutional rights enjoyed by convicted prisoners,[36] even though detainees do not possess the full range of freedoms of an unincarcerated individual.[37] The occasion of the Court's decision in *Bell* was a class action brought by inmates of the Metropolitan Correctional Center (MCC)—a federally operated, short term correctional facility in New York City. In addition to pretrial detainees, the facility also houses some convicted prisoners, witnesses in protective custody, and persons incarcerated for contempt. Among the several issues raised in the case was the legality of routinely strip searching the detainees following contact visits. The Federal court of appeals sustained the ruling of the district court which enjoined several practices at the facility, including the strip search policy, on the grounds that pretrial detainees are presumed to be innocent, that their incarceration is for the sole purpose of ensuring their presence at trial. The court held that any deprivation or restriction of rights beyond those which are necessary to ensure confinement must be justified by a "compelling necessity." [38] On review, the Supreme Court rejected all three bases for the lower court opinions and reversed.

First, the Court pointed out that the presumption of innocence is a doctrine that allocates the burden of proof in criminal trials, but has "no application to a determination of the rights of pre-trial detainees during confinement before his trial begins." [39]

Second, with respect to the plaintiff's contention that the sole purpose of confinement is to ensure the detainee's presence at trial, the Court noted that the government also has a legitimate interest in maintaining security and order at a detention facility and to make certain no weapons or illicit drugs reach detainees. Restraints that are reasonably related to the institution's interest in maintaining jail security do not, without more, violate constitutional rights of the detainees.[40]

Third, the Court rejected the standard of "compelling necessity" adopted by the court of appeals in measuring the constitutional protections to be afforded pretrial detainees under the Due Process Clause. The Court stated:

> "In evaluating the constitutionality of conditions or restrictions of pretrial detainees . . . we think that the proper inquiry is whether those conditions amount to punishment of the detainee. For under the Due Process Clause, a detainee may not be punished prior to an adjudication of guilt in accordance with due process of law." [41]

The Court noted that "if a particular condition or restriction of pre-trial detention is reasonably related to a legitimate governmental objective, it does not, without more, amount to punishment. Conversely, if a condition or restriction is not reasonably related to a legitimate goal—if it is arbitrary or purposeless—a court permissibly may infer that the purpose of the governmental action is punishment that may not constitutionally be inflicted upon detainees. . . ." [42] The Court suggested, however, that the legitimate objective of maintaining security of the detention facility "may justify imposition of conditions and restrictions of pre-trial detention and dispel any inference that such restrictions are intended as punishment." [43]

Given the legitimate security concerns at MCC, the Court held that the plaintiffs had failed to meet their burden of showing that the policy of routinely strip searching detainees following contact visits was an exaggerated response to those concerns, thus constituting "punishment" in violation of due process.[44]

Finally, the Court considered the strip search policy in light of the fourth amendment prohibition against unreasonable searches and seizures. Assuming, without deciding, that pretrial detainees retain some fourth amendment protection, the Court then noted that the test of constitutionality for a search is one of reasonableness, requiring "a balancing of the need for the particular search against the invasion of personal rights that the search entails."

Applying the balancing test to the facts of this case, the Court ruled that the legitimate security interests of the institution outweighed the privacy interests of the inmates, and the strip searches did not violate the fourth amendment.[45]

It is important to note that *Bell* does not establish a *per se* rule allowing *routine* strip searches of detainees, regardless of the circumstances. The Court was careful to note that several factors must be considered in deciding whether searches are reasonable: The scope of the particular intrusion, the manner in which it is conducted, the justification for initiating it, and the place in which it is conducted.[46]

These factors, and others, have been relied upon by the lower courts in the aftermath of the *Bell* decision to measure the lawfulness of strip searches of pretrial detainees in contexts other than contact visits. Courts have particularly distinguished between pretrial detainees charged with relatively serious offenses who are to be held for a substantial period of time, and those who are to be detained only briefly, usually for minor offenses.

Post-*Bell* Developments

One of the more widely publicized decisions following *Bell* is *Logan* v. *Shealy.*[47] Logan, a female attorney, was arrested in Arlington County, Va., for driving while intoxicated. Following her refusal to submit to a breathalyzer test, warrants were issued by a magistrate for both driving while intoxicated and refusal to take the test. She was then taken before the magistrate who ordered her to be held for 4 hours or until a responsible person took custody of her, at which time she was to be released on her own recognizance. She was then turned over to the custody of the sheriff's office where, prior to being allowed to call someone, she was subjected to a strip search and placed in a holding cell. She was then given an opportunity to call a friend who came and assumed responsibility for her. At the time of her release, she had been under arrest for approximately 2 hours and 35 minutes, of which 1½ hours had been in the custody of the sheriff's office.

Logan subsequently brought a law suit under Title 42 U.S.C. Section 1983, for money damages, as well as declaratory and injunctive relief against a host of government officials and the County of Arlington, alleging deprivation of her civil rights. In pertinent part she challenged the constitutionality of the strip search policy of the sheriff's office, which routinely required that all detainees be searched regardless of their offense.

Following presentation of the plaintiff's evidence at trial, the district court directed verdicts for the defendants with respect to the monetary damages and withheld judgment on the declaratory and injunctive relief

". . . a strip search of a 'temporary' pretrial detainee must be based upon some reasonable belief, supported by articulable facts, that the detainee possesses weapons or contraband on his or her body."

claim pending further briefing and argument. After the posttrial arguments were completed, the district court rejected the plaintiff's claims for declaratory and injunctive relief and held that the strip search policy was constitutional under the Supreme Court's decision in *Bell* v. *Wolfish.* The court reasoned that Logan had not shown that intoxicated detainees should be treated differently in this respect than other detainees, or that the policy was an exaggerated response to a legitimate security concern.

On appeal, the Federal appellate court reversed that portion of the district court's ruling relating to the strip search policy. Differing with the district court's application of *Bell,* the appellate court found that the plaintiff's strip search was not reasonably related to the security needs at the detention center. The court listed the following factors which distinguish this case from *Bell*:[48]

1) At no time would plaintiff or similar detainees be intermingled with the general jail population;
2) Plaintiff's offense was not one commonly associated with the possession of weapons or contraband;
3) There was no cause in plaintiff's specific case to believe that she might possess either weapons or contraband; and
4) At the time of the strip search, plaintiff had been at the detention center for 1½ hours without even a pat-down search.

The court further took notice of the record from another case,[49] in which it was noted that the Arlington County strip search policy had already been revised to limit mandatory strip searches to those instances where there was probable cause to believe that a particular detainee was concealing weapons or contraband.

Based upon these considerations, the appellate court remanded the case to the district court with instructions to issue an appropriate decree declaring unconstitutional the strip search policy which was in force at the time of the plaintiff's arrest and granting a permanent injunction against its future enforcement.[50] Furthermore, the court reversed the directed verdicts in favor of the defendants and remanded with instructions that judgment be entered against them for any "damages determined by a jury to have been proximately caused by the strip search,"[51] unless the defendants could establish their good faith or other defenses.

Pursuant to an application by the defendants to the Supreme Court, Justice Rehnquist—the author of the *Bell* v. *Wolfish* opinion—granted a temporary stay of the appellate court's mandate pending review by the full Court.[52] Justice Rehnquist expressed his view that the ruling of the court was at odds with the decision in *Bell.*[53] However, the full Court declined to take the case on review, the temporary stay expired, and the appellate court's mandate became effective.[54]

Logan is only one of several post-*Bell* decisions by the lower Federal courts in which a strip search policy routinely applied to all pretrial detainees was weighed in the balance and found wanting. A similar case is *Tinetti* v. *Wittke*,[55] in which the plaintiff, a mother of four, was stopped in Racine County, Wis., for speeding. Because she was a nonresident she was required to post a $40 bond. Due to her inability to post bond, she was required to go to the sheriff's department where she was strip searched and held for 2 hours until a relative arrived and secured her release. The search was consistent with a written policy of the department which required the strip search of all persons detained in the jail, regardless of the offense.

The plaintiff filed a suit seeking declaratory and injunctive relief restraining the defendants from strip searching persons arrested for nonmisdemeanor traffic violations absent probable cause to believe the arrestee was concealing weapons or contraband on his or her body. In sustaining the plaintiff's challenge, the court distinguished between pretrial detainees charged with crimes and traffic violators where there is little reason to suspect that they have weapons or contraband concealed.[56] The court then held that to subject a "non-misdemeanor traffic violator incarcerated only due to the inability to post cash bond, to a strip search *without probable cause* to believe that [the detainee] was concealing weapons or contraband . . ." was unconstitutional.[57]

In both *Logan* and *Tinetti*, the detainees were held in cells separate from the general jail population, a factor considered by the courts to be relevant in minimizing the security interests of the institution. However, in *Smith* v. *Montgomery County, Md.,*[58] the plaintiff and other pretrial detainees were to some extent intermingled with the general jail population. Plain-

tiff was arrested at 10:00 p.m. for contempt of court in failing to appear in connection with a child support action. She was taken to the Montgomery County Detention Center (MCDC) to be housed overnight. At the center she was subjected to a strip search in the presence of another female detainee. The following morning she appeared before a judge who dismissed the charge against her. She then filed suit against the county and several individual defendants seeking, *inter alia,* a preliminary injunction against strip searches of pretrial detainees in the absence of probable cause.

The Federal district court granted the injunction, but only with respect to "temporary detainees" such as the plaintiff. The court thus distinguished between temporary detainees and other pretrial detainees as follows:

> " 'Temporary detainees' include persons arrested and held overnight or for another short period before appearing before a judicial officer and those waiting to be released while bond is posted, a relative comes, or the like. It does not include all pre-trial detainees, for example, those who are unable to make bond and are being held for a matter of weeks or months until trial." [59]

In response to the defendants' contention that the plaintiff and other temporary detainees were intermingled with the general jail population, the court described that as only one of the several factors which should be considered. Moreover, the court noted that in this case, the intermingling of temporary detainees with the general jail population was limited and could be avoided altogether.[60]

The distinction articulated by the court in *Smith* between "temporary detainees" and "other pretrial detainees" is one which obviously offers some explanation for the high rate of success in challenging strip search policies since the *Bell* decision.[61] None of the cases cited or discussed herein above challenges the holding of the Supreme Court in *Bell* that privacy interests of pretrial detainees may, under appropriate circumstances, be outweighed by the legitimate security interests of the detention facility. However, when the detainee may be characterized as a "temporary" one, in the sense described by the court in *Smith*, the courts have consistently struck the balance in favor of requiring some justification, beyond the fact of temporary confinement, to support a strip search.

In *Logan, Tinetti,* and *Smith*, the suggested standard was *probable cause* to believe that the detainee possessed weapons or contraband.[62] Other courts have indicated that the lesser standard of *reasonable suspicion* would be sufficient.[63] The one common thread which runs through all of these cases is that of "reasonableness." And the one point which seems clear at this time is that a strip search of a "temporary" pretrial detainee must be based upon some reasonable belief, supported by articulable facts, that the detainee possesses weapons or contraband on his or her body.

One additional issue litigated in many of the above-cited strip search cases relates to the location and manner in which the search is conducted. Frequently, the plaintiffs complained that the searches were conducted under conditions where they were visible (or potentially so) to persons other than the officers conducting the search.[64] The views of the courts may best be summed up in the following statement by one of them:

> "We think that, as a matter of law, no police officer in this day and time could *reasonably* believe that conducting a strip search in an area exposed to the general view of persons known to be in the vicinity—whether or not any actually viewed the search—is a constitutionally valid governmental 'invasion of the personal rights that such a search entails.' " [65]

INCIDENT TO ARREST

The foregoing discussion concerning pretrial detainees sheds some light on a closely related topic, the search incident to arrest. A search of the person incident to a lawful custodial arrest is reasonable under the fourth amendment and requires no justification beyond the fact of the arrest itself.[66] That search may be a "full search of the person" [67] and effects taken from the person and may occur immediately upon arrest or later at the station.[68] There is little guidance from the courts with respect to the degree of intrusiveness *upon* the body which those searches may entail. It is clear that searches may not routinely be made *into* the body by virtue of custody alone,[69] and that they may not—either because of the degree of intrusiveness or the manner in which they are conducted—violate due process.[70]

". . . strip searches may be conducted *routinely* with respect to convicted prisoners or pretrial detainees when the searches are rationally related to legitimate security concerns of the prison or detention center. . . ."

In light of the recent cases discussed above involving strip searches of pretrial detainees, it appears that a *routine* strip search may not be justifiable as an incident of every arrest. A State case which serves to illustrate the point is *People* v. *Seymore,*[71] in which the defendant was arrested for carrying a concealed weapon (a bailable misdemeanor under State law). Shortly after his arrest he mentioned to the police that he had previously been in the penitentiary, a fact which could elevate the offense to a felony. The defendant was then strip searched and incarcerated for a period of 2 to 3 hours pending completion of a record check. The court upheld the strip search in this case, but added this explanation:

> "By approving a strip search incident to the custodial arrest of the defendant in this case we do not mean to . . . permit the intensive intrusion of a strip search into one's privacy in all custodial arrests. In fact we here acknowledge that a strip search may be entirely unreasonable and a violation of constitutional rights when conducted incident to custodial arrests in certain situations." [72]

Perhaps the most logical inference to be drawn from the recent cases is that while a person may clearly be searched incident to a custodial arrest without further justification, the legality of routinely conducting a more intrusive strip search should not be presumed. This is particularly true if the detainee is to be only temporarily detained and there is not at least a reasonable suspicion to believe that weapons, contraband, or other evidence is being hidden on or about his body.

SCHOOL SEARCHES

There is one additional context in which strip searches have been the subject of recent litigation and which justifies some comment.

In *Doe* v. *Renfrow,*[73] a suit was filed against certain school and police officials as the result of the plaintiff being subjected to search (including a strip search) while at school. To combat perceived drug problems at the Highland, Ind., Junior and Senior High Schools, school officials invited the police department to assist by bringing trained canine units into the schools. When during one such activity a dog alerted to the plaintiff, she was subjected to a search of the pockets of her clothing. When that search failed to produce contraband, she was escorted to a nurse's station where she was strip searched. No contraband was found. It was later discovered that plaintiff had been playing with one of her own dogs that morning and that the dog was in heat.

Considering the constitutional issues raised by the plaintiff, the district court ruled that use of the trained dogs to sniff the student's clothing was not a search under the fourth amendment; [74] that the dog's action of alerting to the plaintiff provided "reasonable cause" to justify the search of plaintiff's pockets; but that the dog's alert was not sufficient by itself to justify the strip search. The court stated:

> "Before such a search can be performed, the school administrators must articulate some facts that provide a reasonable cause to believe the student possesses the contraband sought. The continued alert by the trained canine alone is insufficient. . . ." [75]

The "reasonable cause" standard suggested by the court appears to be essentially the same as the probable cause standard of the fourth amendment. However, a much stricter application of the standard was made by the court when the search became more intrusive and evolved into a strip search. The fact that the person searched was a young school girl, and not a person who had been arrested for some crime, provides some explanation for the higher standard of justification for the search.

SUMMARY

In summary, it should be noted that strip searches may be conducted *routinely* with respect to convicted prisoners or pretrial detainees when the searches are rationally related to legitimate security concerns of the prison or detention center (i.e., at the time of incarceration, following contact visits, etc.). Otherwise, some articulable level of information is necessary—i.e., reasonable suspicion (border searches or temporary detainees) or probable cause (students or perhaps other persons not under arrest). In all circumstances where a strip search is justified, it must be conducted in a reasonable manner.

The court cases reflect that most of the recent litigation stems from routine strip searches of temporary detainees. It is noteworthy that all of the cases in that category cited or discussed in this article are civil suits, generally challenging blanket strip search policies. The fact that strip searches can be reasonable under appropriate circumstances has been clearly established. To overcome the serious personal privacy interests implicated thereby, any strip search policy should carefully articulate legitimate governmental interests which justify its implementation. **FBI**

Footnotes

[1] *United States* v. *Ramsay,* 431 U.S. 606, 619 (1977); *see also, Torres* v. *Puerto Rico,* 442 U.S. 465 (1979); *United States* v. *Garcia,* 672 F.2d 1349 (11th Cir. 1982).

[2] 413 U.S. 266, 272 (1973).

[3] *See, e.g., United States* v. *Price,* 672 F.2d 1077 (2d Cir.), *cert. denied,* 102 S.Ct. 2274 (1982); *United States* v. *Richards,* 638 F.2d 765 (5th Cir. 1981); *United States* v. *Reyna,* 572 F.2d 515 (5th Cir.), *cert. denied,* 439 U.S. 871 (1978).

[4] *See, United States* v. *Palmer,* 575 F.2d 721 (9th Cir. 1978); *Henderson* v. *United States,* 390 F.2d 805 (9th Cir. 1967).

[5] *United States* v. *DeGutierres,* 667 F.2d 16 (5th Cir. 1982); *United States* v. *Dorsey,* 641 F.2d 1213 (7th Cir. 1981).

[6] 592 F.2d 553 (9th Cir. 1979).

[7] *Id.* at 556. *See also, United States* v. *Ek,* 676 F.2d 379 (9th Cir. 1982) ("clear indication" test applied to X-ray search of person stopped at border); *United States* v. *Aman,* 624 F.2d 911 (9th Cir. 1980).

[8] *United States* v. *Rodriguez,* 592 F.2d 553, 556 (9th Cir. 1979).

[9] *United States* v. *Moody,* 649 F.2d 124 (2d Cir. 1981); *United States* v. *Dorsey,* 641 F.2d 1213, 1217 (7th Cir. 1981); *United States* v. *Sandler,* 644 F.2d 1163 (5th Cir. 1981) (en banc); *United States* v. *Nieves,* 609 F.2d 642 (2d Cir. 1979).

[10] 538 F.2d 254 (9th Cir. 1976).

[11] *Id. See also, United States* v. *Carpenter,* 496 F.2d 855 (9th Cir. 1974).

[12] *See, Bell* v. *Wolfish,* 441 U.S. 570 (1979); *Jones* v. *North Carolina Prisoners' Labor Union, Inc.,* 433 U.S. 119 (1977); *Price* v. *Johnson,* 334 U.S. 266 (1948).

[13] *See, Bell* v. *Wolfish,* 441 U.S. 520, 546 (1979).

[14] *Wolff* v. *McDonnell,* 418 U.S. 539, 555 (1974).

[15] *Pell* v. *Procunier,* 417 U.S. 817 (1974).

[16] *Cruz* v. *Beto,* 405 U.S. 319 (1972).

[17] *See, e.g., Hutto* v. *Finney,* 437 U.S. 678 (1978); *Estelle* v. *Gamble,* 429 U.S. 97 (1976).

[18] *See, e.g., Bounds* v. *Smith,* 430 U.S. 817 (1977) (ensuring prisoners access to the courts by requiring adequate prison libraries); *Wolff* v. *McDonnell,* 418 U.S. 539 (1974) (applying due process standards to prison disciplinary proceedings).

[19] 441 U.S. 520 (1979).

[20] *Id.* at 558.

[21] *Id.* at 560.

[22] *Id.* at 559.

[23] *Id.*

[24] 547 F.Supp. 1324 (D.C. Mass. 1982).

[25] *Id.* at 1333.

[26] *Id.* at 1334. But *see Hurley* v. *Ward,* 549 F.Supp. 174 (S.D.N.Y. 1982) (routine strip searches of prisoners following contact visits upheld, but probable cause needed otherwise).

[27] 672 F.2d 668 (8th Cir. 1982).

[28] *Id.* at 674.

[29] *Cf. United States* v. *Cortez,* 449 U.S. 411 (1981); *Terry* v. *Ohio,* 392 U.S. 1 (1968).

[30] *See, e.g., Inmates of Allegheny County Jail* v. *Pierce,* 612 F.2d 754 (3d Cir. 1979); *Ramos* v. *Lamm,* 639 F.2d 559, 580 n.25 (10th Cir. 1980).

[31] *Procunier* v. *Martinez,* 416 U.S. 396 (1974).

[32] 500 F.Supp. 813 (E.D. Ill. 1980).

[33] *Id.,* at 817. But *see, Arruda* v. *Fair,* 547 F.Supp. 1324, 1335 (D.C. Mass. 1982) (strip searches of inmates following visits to law library or after visiting with attorney held not to interfere with prisoners' access to courts or legal representation).

[34] *See, e.g., Arruda* v. *Fair,* 547 F.Supp. 1324 (D.C. Mass. 1982); *Hendrix* v. *Faulkner,* 525 F.Supp. 435 (D.C. Ind. 1981); *Hutchings* v. *Corum,* 501 F.Supp. 1276 (E.D. Mo. 1980).

[35] 441 U.S. 520 (1979).

[36] *Id.* at 545.

[37] *Id.* at 546.

[38] *Id.* at 528.

[39] *Id.* at 533.

[40] *Id.* at 540.

[41] *Id.* at 535.

[42] *Id.* at 539.

[43] *Id.* at 540.

[44] *Id.* at 560–561.

[45] *Id.* at 558–560.

[46] *Id.* at 559–560.

[47] 660 F.2d 1007 (4th Cir. 1981), *cert. denied, sub nom Clements* v. *Logan,* 455 U.S. 942 (1982).

[48] *Id.* at 1013.

[49] *De Mier* v. *Arlington County,* Civ. Action No. 80–1086–A, slip op. (E.D. Va. 1981).

[50] *Logan, supra* note 47, at 1013.

[51] *Id.* at 1014.

[52] *Clements* v. *Logan,* 454 U.S. 1304 (1981).

[53] *Id.* at 1309–1310.

[54] 455 U.S. 942 (1982).

[55] 479 F.Supp. 486 (E.D. Wis. 1979), *aff'd,* 620 F.2d 160 (7th Cir. 1980) (*per curiam*).

[56] *Id.* at 491.

[57] *Id.*

[58] 547 F.Supp. 592 (D. Md. 1982).

[59] *Id.* n. 2 at 593.

[60] *Id.* at 599.

[61] *See, e.g., Logan* v. *Shealy, supra* note 47 (detainee held 1½ hours); *Tinetti* v. *Wittke, supra* note 55 (detainee held 2 hours); *Iskander* v. *Village of Forest Park,* 690 F.2d 126 (7th Cir. 1982); *Tikalsky* v. *City of Chicago,* 687 F.2d 175 (7th Cir. 1982) (detainee held for 4 hours); *Hunt* v. *Polk County, Iowa,* 551 F.Supp. 339 (S.D. Iowa, 1982).

[62] *Logan* v. *Shealy, supra* note 47, at 1013; *Tinetti* v. *Wittke, supra* note 55, at 491; and *Smith* v. *Montgomery County, Md., supra* note 58, at 593. *See also, Salinas* v. *Breier,* 517 F.Supp. 1272 (E.D. Wis. 1981).

[63] *See, e.g., Tikalsky* v. *City of Chicago,* 687 F.2d 175 (7th Cir. 1982); *Hunt* v. *Polk County, Iowa,* 551 F.Supp. 339 (S.D. Iowa, 1982).

[64] *See, e.g., Iskander* v. *Village of Forest Park, supra* note 61; *Smith* v. *Montgomery County, Md., supra* note 58. *See also, Fisher* v. *Washington Metropolitan Area Transit Authority,* 690 F.2d 1133 (4th Cir. 1982).

[65] *Logan* v. *Shealy, supra* note 47, at 1014.

[66] *United States* v. *Robinson,* 414 U.S. 218 (1973).

[67] *Id.*

[68] *United States* v. *Edwards,* 415 U.S. 800 (1974).

[69] *See, e.g., Schmerber* v. *California,* 384 U.S. 757 (1966).

[70] *See, e.g., Rochine* v. *California,* 342 U.S. 165 (1952).

[71] 416 N.E.2d 1070 (Ill. 1981).

[72] *Id.* at 1076. *See also, State* v. *Clark,* 654 P.2d 355 (Hawaii, 1982).

[73] 475 F.Supp. 1012 (N.D. Ind. 1979), *aff'd,* 631 F.2d 91 (7th Cir. 1980) (per curiam).

[74] *Id.* at 1024.

[75] *Id. See also, M.M.* v. *Anker,* 477 F.Supp. 837 (E.D.N.Y. 1979).

WANTED BY THE FBI

Photographs taken 1975 *Photographs taken 1979*

Rodney Burl Smith

Rodney Burl Smith, also known as Steven Combs and Rod Smith

Wanted for:

Interstate Flight—Armed Robbery

The Crime

Rodney Burl Smith is being sought in connection with his escape from a maximum security prison in California where he was serving a lengthy sentence for five counts of armed robbery.

A Federal warrant was issued on March 17, 1980, at Sacramento, Calif.

Criminal Record

Smith has previously been convicted of grand theft and armed robbery.

Description

Age	27, born April 8, 1956, Berkeley, Calif.
Height	5′10″ to 6′.
Weight	165 pounds.
Build	Medium.
Hair	Brown.
Eyes	Green.
Complexion	Fair.
Race	White.
Nationality	American.
Occupations	Machinist, welder.
Scars and Marks	Tattoo of cross on left arm and left hand.
Social Security Number Used	546-13-1317.
FBI No.	267 326 N4.

Classification Data:

NCIC Classification:
PO1413PO18PIPI14PI18.

Fingerprint Classification:
14 O 13 U OOO 18
I 20 W IOI

I.O. 4913

Right thumbprint

Caution

Smith may be traveling with Robert Daniel Laucella, who is also being sought by the FBI. Smith should be considered armed, extremely dangerous, and an escape risk.

Notify the FBI

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

Change of Address

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FBI LAW ENFORCEMENT BULLETIN

Complete this form and return to:

Director
Federal Bureau of
Investigation
Washington, D.C. 20535

Name

Title

Address

City State Zip

Interesting Pattern

This interesting pattern is classified as a double loop-type whorl with an inner tracing. Although the two separate loop formations are very short, they each possess the sufficient length to form definite shoulders. All the requirements for the double loop whorl are present.

U.S. Department of Justice
Federal Bureau of Investigation

Official Business
Penalty for Private Use $300
Address Correction Requested

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Federal Bureau of Investigation
JUS–432

Second Class

Washington, D.C. 20535

The Bulletin Notes

that Patrolman Thomas Bencivengo is credited with saving the lives of 12 people who were residents of an apartment house that was struck by fire at 5:00 a.m. on January 30, 1983.

Alerted to the fire by a passing motorist, Bencivengo turned on the siren of his patrol car and went into the building and aroused each occupant as the fire crept up the back wall of the building. The Bulletin joins the Chief of Police in the Borough of Mt. Arlington, N.J., in praising this officer's action in saving 12 people by his quick thinking.