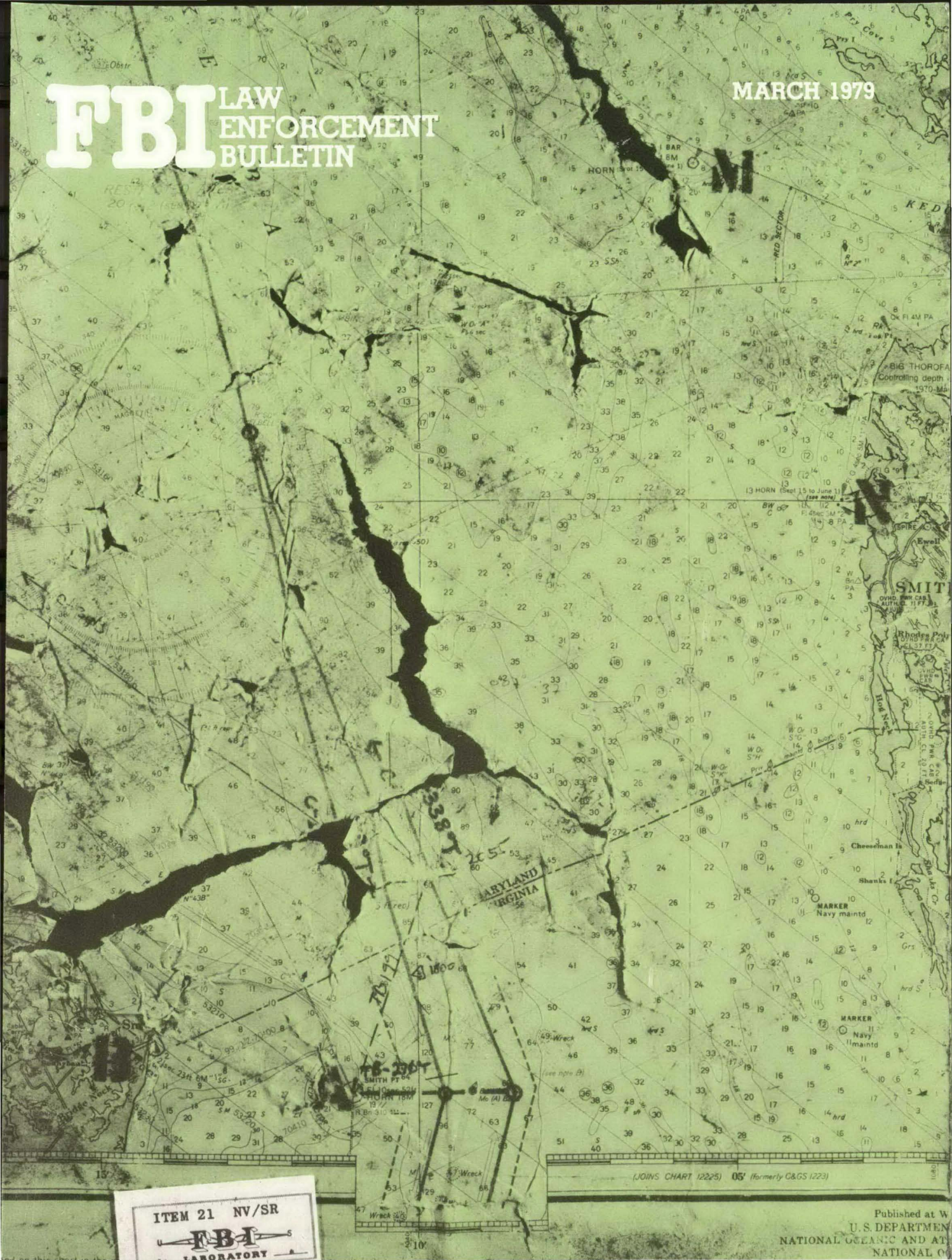


# FBI LAW ENFORCEMENT BULLETIN

MARCH 1979



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# FBI LAW ENFORCEMENT BULLETIN

MARCH 1979, VOLUME 48, NUMBER 3

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**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 through December 28, 1983.

Published by the Public Affairs Office,  
Homer A. Boynton, Jr., Inspector in Charge  
*Editor*—Thomas J. Deakin  
*Associate Editor*—William E. Tribble  
*Staff*—Kathryn E. Sulewski, Gino Orsini,  
Jeffrey L. Summers







A navigational chart recovered and reconstructed by Special Agents and physical science technicians.

## Document Restoration and the Cuyahoga Disaster

By PETER A. SMERICK  
Special Agent  
Laboratory Division  
Federal Bureau of Investigation  
Washington, D.C.

On October 20, 1978, at approximately 9:07 p.m., the U. S. Coast Guard cutter Cuyahoga and Argentine freighter Santa Cruz II collided in the Chesapeake Bay, 3½ miles northeast of Smith Point in Virginia, near the mouth of the Potomac River. As the result of the impact, the Cuyahoga, a 125-foot training vessel, sank to the bottom, taking with her 11 of the 29 crewmembers. Spokesmen called the collision "one of the worst accidents in the U. S. Coast Guard within the last ten years."



Several days after the accident, Navy and Coast Guard divers began the difficult and grim mission of raising the sunken ship to remove it as a hazard to navigation. Since it was believed an examination of the Cuyahoga and its contents undoubtedly would produce valuable information regarding the causes of the disaster, the U.S. Coast Guard requested assistance of personnel of the Document Section, Federal Bureau of Investigation Laboratory, who were needed to participate in the search of the Cuyahoga and to

restore, preserve, and take custody of charts, logs, and other documents recovered from the ship. In response, Special Agent-Document Examiners from the FBI Laboratory, together with members of an investigating board of inquiry and its board chairman proceeded to the salvage site aboard the Coast Guard cutter Point Brown.

It is perhaps opportune at this point to explain that although document examiners are generally regarded

as being concerned primarily with handwriting examinations, their capabilities are considerably more extensive. And, the recovery and reconstruction of water-damaged documents is only one of the many services they can provide. Frequently, examinations are made not only of handwriting and handprinting, but of typewriting, checkwriter impressions, rubber stamp impressions, watermarks, printing methods, obliterations, alterations, paper and ink, shoeprints, tire treads, photographic processes, and charred paper. In fact, Document Section personnel are capable of conducting practically any type of examination that can be made of a piece of paper.

It is likewise noteworthy that their work is not limited to paper evidence, since this section examines many

U. S. Coast Guard cutter Cuyahoga (1974).





types of evidence used in the preparation of documents, as well as miscellaneous items which bear handwriting or other forms of printing or lettering. Thus, it is not uncommon for an examiner to handle, for example, such diverse specimens as used typewriter ribbons, lead printing dies, or wooden crates bearing obliterated addresses.

Despite the diverse and varied functions of Document Section personnel, the investigation conducted aboard the Cuyahoga represents one of the more unusual aspects of their duties.

When the group arrived at the salvage site, work had already begun. A mile-wide area in the usually traffic-filled channel northeast of Smith Point had been cordoned off to prevent interference from ships in the vicinity and to protect them from scraping the Cuyahoga's mast, which had come to rest only 4 feet beneath the water's surface. Navy and Coast Guard divers had successfully maneuvered cables beneath the bow and stern of the ship and connected them to overhead cranes mounted on barges.

When the effort to raise the vessel began, the salvagers had expected the ship to be raised at a rate of about 15 feet per hour from its 57-foot depth. But they had underestimated the lifting ability of the cranes, and the vessel broke the water's surface only 4 minutes after the cranes were engaged. Six massive pumps worked to clear the Cuyahoga which was two-thirds filled with water.

Although deteriorating weather conditions and threatening waters jeopardized the operation, Navy tugs managed to position a 220-foot barge under the Cuyahoga, which had been lifted 30 feet above water. As the suspended cutter swayed in the wind, the salvage master skillfully lowered the vessel onto the waiting barge, and Navy personnel scrambled aboard with cables to secure her.

Once the Cuyahoga was secured to the barge, members of the boarding party conducted a preliminary examination of the ship's instruments, but because of the unavailability of adequate lighting, no documents or navi-

gation instruments were removed at that time. Instead, Navy tugs towed the barge to Portsmouth, Va., where an inspection of the cutter was conducted the following day.

At this time, mangled logs, navigation charts, and other records were carefully placed between sheets of blotting paper and cardboard preparatory to removal from the ship. An item-

ized list describing the recovered documents was meticulously prepared, and all articles were systematically marked for identification.

FBI Laboratory technicians assisted the document examiners in the tedious task of preserving and reconstructing fragments of charts, log books, and other documents which had been submerged in brackish sea water for 11 days. Special techniques using scalpels and other laboratory in-

Preparatory to a thorough search, the recently raised Cuyahoga, still in a supporting sling, is pumped dry.





struments were employed to separate individual documents without incurring additional damage. Controlled experiments were conducted to determine which documents could withstand fresh water rinsing in an effort to remove brine, diesel fuel, and silt.

Individual sheets of paper, such as radio instruction forms, were immersed in trays of cool, flowing water for approximately 2 to 5 minutes. While under water, silt was carefully removed from the documents with the aid of fingerprint brushes. However, this technique proved detrimental to navigation charts because a substantial amount of sizing, a rosin added to paper to give it water repellency and strength, was extracted from the paper by the action of sea water.

After the cleansing process, numerous dehydration experiments were conducted on miscellaneous document fragments. Accelerated drying methods, such as the application of microwave energy and the use of cabinets equipped with heaters and fans, were explored. Evaluation of test results determined that the integrity of

these documents could best be maintained through the use of blotting paper alone.

Each chart, log book, and communication was positioned between sheets of white blotting paper, covered with plexiglass, and subjected to pressure. The drying process was monitored, and fresh blotters were frequently substituted over a period of several days. Moisture and a coincidental but insignificant amount of ink were removed through osmosis. Plexiglass and plastic were used to protect the reconstructed charts and logs.

The Photographic Operations Unit of the Laboratory methodically photographed over 250 items of evidence in a 24-hour period and produced over 3,500 black and white and color photographs for the U.S. Coast Guard Marine Board of Inquiry.

Upon the conclusion of the operation, participating Special Agents offered testimony before the Marine Board of Investigation at Norfolk, Va., and documents recovered from the Cuyahoga were returned to Coast Guard authorities.

It is anticipated that intelligence gleaned from these charts, log books, and reconstructed communications will shed new light on the circumstances surrounding the collision which sent the Cuyahoga to the bottom of the Chesapeake Bay. **FBI**



Document restoration is a painstaking process.





# The Fire Scene and Officer Safety

By DET. JOHN W. DILLON

*Police Department  
Baltimore, Md.*

## Introduction

The primary mission of a law enforcement agency is the protection of life and property. In fulfilling this mission, the police devote many hours in patrol activities. This ready availability provided by round-the-clock coverage often means the police officer is the first public safety representative at the scene of a fire. On such occasions, training and job responsibilities demand that the officer do something. This is the challenge: Contributing to his mission of protecting life and property or needlessly jeopardizing his safety or the well-being of others. These situations severely tax his judgment. An operational error resulting from inadequate information or a lack of understanding may lead to needless injuries or fatalities.

A prudent police officer does not blindly rush up to an armed and dangerous suspect, nor does the officer run into a commercial establishment responding to "hold-up in progress" call. Training and past experience dictate that such reactions are inappropriate because the risks involved are too great. This logic also applies to burning buildings. Deliberation, care, and planning are necessary if the officer is to perform these duties with a minimum of risk to himself or the occupants.

## A Safe Response

The acronym SAFE has been devised to assist you to deal effectively and safely with these situations:

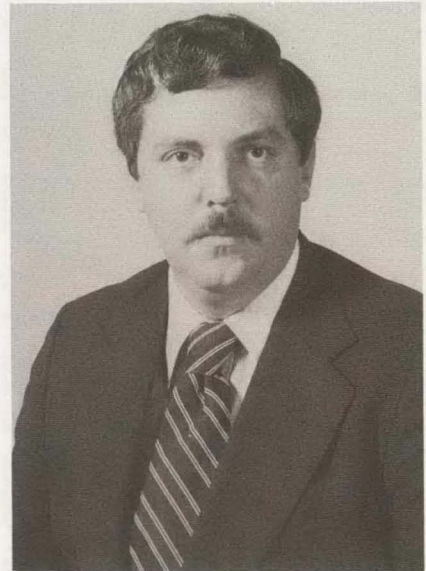
1. Summon aid
2. Alert occupants and nearby residents
3. Facilitate response of firefighting apparatus
4. Evacuate

*Summon aid*—The very first thing you should do upon discovering a fire is to summon aid. Notify the dispatcher in a clear, audible voice and perform the following:

1. Give the address or the nearest intersection of the fire.
2. Request an ambulance if you see injured persons.
3. Request backup assistance, and
4. Do not become impatient and act alone. Fire department response time is measured in minutes.

*Alert occupants and nearby residents*—Attract the attention of occupants and nearby residents. Activate the dome warning light, flash the spotlight into windows, blow the horn, or if in a vehicle so equipped, sound the siren. If on foot patrol, or when assistance arrives, sound your whistle, ring doorbells, and knock loudly on doors to arouse the occupants.

*Facilitate response of firefighting apparatus*—Be prepared to assist the responding fire department, and make yourself available to direct the firefighters to the proper location. Park your vehicle at the curb and away from the fire scene or fire hydrant. Keep roadways clear for fire equipment. Un-



Detective Dillon



occupied patrol vehicles at intersection will only delay the arrival of the equipment. Backup units should allow at least 100 feet clearance between them and the nearest fire apparatus. Parking any closer prevents the removal of hoses, ladders, or the movement of the truck itself if necessary.

**Evacuate**—The letter E, the last in the acronym, is especially selected for this position as this should be the last on the chain of activities at the scene of the fire. Do not allow the situation to control you. If you can hear fire apparatus responding, you may be of greater assistance by remaining outside the building and assisting the fire department by directing their search (especially if you have observed trapped people not in immediate danger). Firefighters are equipped with life support equipment designed for entering burning buildings. They have the means to reach people trapped in upper floors without entering the building. Beyond this, they are specially trained in fire rescue work.



Commissioner Donald D. Pomerleau  
Police Department  
Baltimore, Md.

### Evacuation Under Extraordinary Circumstances

There may be some instances when arrival of firefighting apparatus might be delayed because of hazardous driving conditions, traffic congestion, or the unavailability of apparatus near the scene because of other fires. In these cases, there is no other recourse for officers at the scene but to evacuate persons unable to escape due to age, infirmities, injuries, or incapacitation resulting from the heavy smoke.

Under these circumstances, attempt to locate who has fled the building and obtain as much information as possible about who may still be inside and their approximate location. *Remember*—the more information you can obtain, *the better your chances will be to effect a rescue.*

When entering the building, beware of "flashback." This is an explosion-type reaction which occurs when a door or window is opened feeding a surge of oxygen to the fire. *Watch for the appearance of a "breathing building" (one which puffs out smoke and seems to suck the smoke back in, or for the appearance of quickly swirling smoke).* These are favorable conditions for flashbacks. **DO NOT ATTEMPT TO ENTER THE BUILDING WHEN THESE CONDITIONS ARE PRESENT!**

### Entry

If you make the decision to enter the building, follow these simple procedures:

1. Depending on the size of the building, all entrances to stairwells should be covered by officers working in pairs. **NOTIFY DISPATCHER OF THIS DECISION AND KEEP RADIOS TURNED UP ON HIGH VOLUME.** Take your flashlight and plan your search as to which officer will enter the building and who will cover the various parts of the building.

2. Keep low or crawl on the floor. The best air available will be near the floor. Breathing through wet cloth has no effect on the toxic gases that may be present, and

3. **NEVER USE AN ELEVATOR**—use the stairs. If the fire is burning near the elevator shaft, the elevator will automatically stop at that floor and open its doors. The elevator shaft also makes an excellent chimney, sucking heat, smoke, and flames toward the top of the building.

### Search

It is important for the searching officers to move quickly through the building and to be as thorough as possible. Trapped or frightened tenants may hide from the fire and at the same time be hiding from you. When conducting a search, follow these basic procedures:

1. Feel the door before entering a room. If it is hot, do not open.

2. Search one room at a time. Close the door when you finish.

3. During your search, check those areas in which people are likely to be hiding from the fire: Behind doors, under windows, under beds, under mattresses, in closets, behind or under furniture, in bathrooms, shower stalls, and bathtubs.

4. As most police officers carry chalk in their cars to outline crime or accident scenes, mark a white X on the doors of the rooms you have searched. (White X is also used by the fire department to indicate the areas that have been searched.)

5. Do not become disoriented. Note changes in direction; if necessary, count paces or discuss directions with your search partner.

6. Know and use alternate methods of exit to the stairs. Consider adjoining buildings, fire escapes, as well as outside stairways, and

7. Observe closely your search partner for indications of carbon monoxide poisoning: Cherry-red complexion, dizziness, and instability. Do not hesitate to exit the building if you notice these symptoms.

### Trapped

Do not panic; keep the occupants calm if you are trapped in the upper floors, and follow these steps:

1. Find a room farthest from the source of the flames and isolate yourself by closing the door behind you.



2. Once secured in the room, open a window and signal for help.

3. If breathing becomes difficult because of the smoke, stay as close to the floor as possible. (Smoke inhalation accounts for more victims than the fire.) Under these circumstances, hang a sheet or blanket out of the window to attract attention, and

4. Close door behind you. It will normally keep fire out of a room for approximately 30 minutes. If you do not panic, it affords you a considerable margin of safety.

Building searches are extremely dangerous even for experts. Evaluate your situation carefully. Don't enter unless you have to. If you do begin a search, cease your search when the fire department arrives and report your progress to a firefighter. *Above all remember* firefighters are specifically equipped and trained to deal with fires and the occupants of burning buildings. Attempt rescues only under extraordinary conditions. Your assistance is

generally more beneficial if you can accurately direct the fire department to the location it is needed and follow procedures to facilitate the work of the firefighting equipment responding to the emergency.

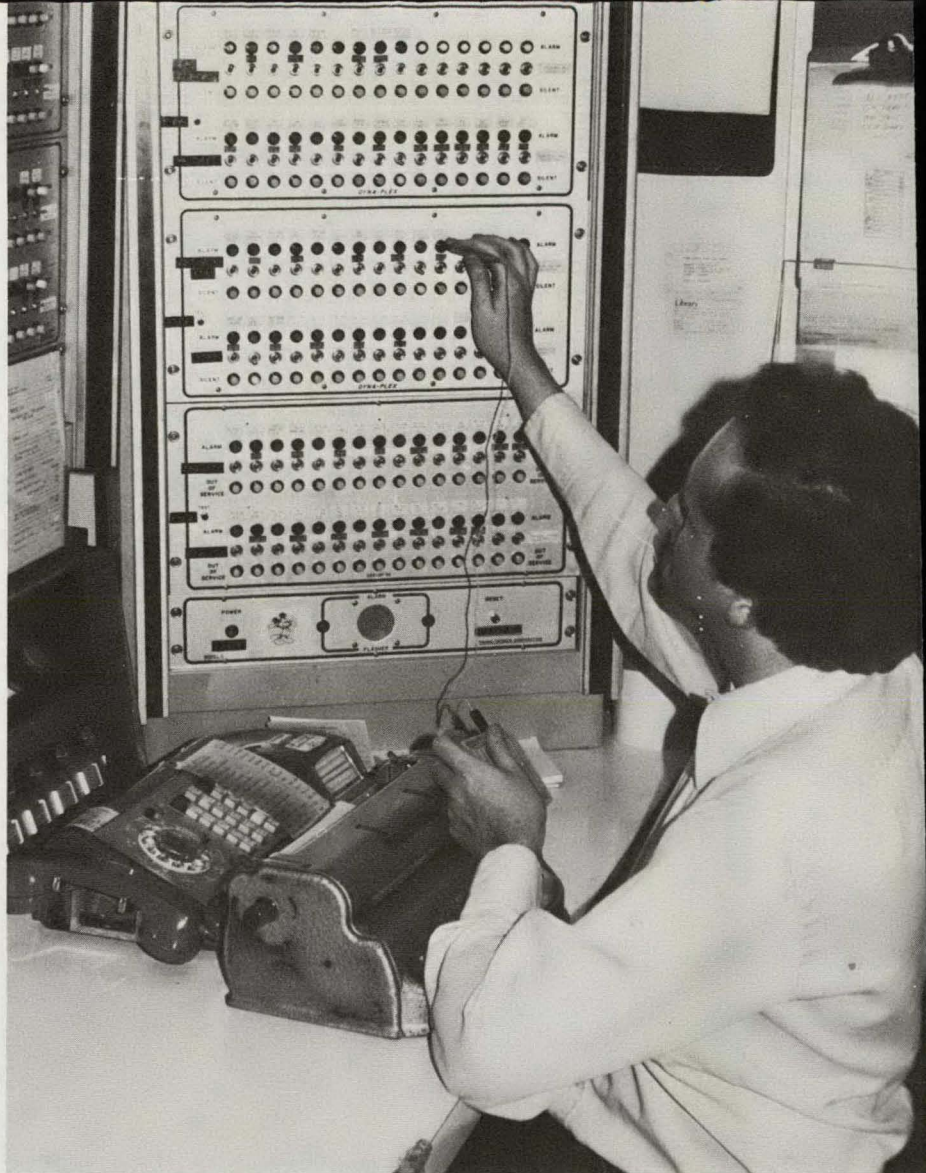
**FBI**

Photo of a breathing building—beware of flashbacks.





Dispatcher uses a light probe to identify an incoming alarm.



Chief Barber



Rich Vorie





# University of California Blind Dispatcher Program

By CHIEF JOHN C. BARBER\* and RICH VORIE

*Police Department  
University of California  
Los Angeles, Calif.*

*Campus Telecommunications Manager  
University of California  
Irvine, Calif.*

*EDITOR'S NOTE: Articles published in the FBI Law Enforcement Bulletin are solely for the information and assistance of law enforcement personnel. While brand names and companies may be mentioned from time to time, it should not, under any circumstance, be construed as an endorsement for any product or service by the FBI.*

Kevin Harkins was explaining to a student how he became California's first blind dispatcher when an officer's voice crackled over the radio, "Irvine 914, request a record check on a van license number . . . ." He leaned forward in midsentence to respond, "914 Irvine, 10-4." Kevin turned on a teletype unit to query the computer in Sac-

ramento for information. Quickly, the answer returned on the teletype and was typed on a punchtape in Braille by a converter unit on the terminal. He read the tape by touch as fast as it came off the machine. After relaying the requested information to the officer and making log entries with his Braille typewriter, Kevin continued to explain how he had entered a field that had been closed to the unsighted. However, before Kevin was able to start his new career, certain equipment modifications were made to facilitate the establishment of a blind dispatcher program.

## Equipment

The task of selecting and adapting the equipment needed to implement a Braille dispatch capability for the University of California, Irvine Campus,

Police Department began 2 years ago. Prior to that time, there was no known police dispatch operation staffed by a blind person. This project was to set a precedent in law enforcement dispatching. It became obvious, too, that a major challenge in establishing the program would be the operation of the computer terminal associated with the California Law Enforcement Teletype Network (CLETS), a computer-controlled information system serving California law enforcement agencies.

In its efforts, the department soon discovered that among the most valuable resources for establishing the program were the Braille Institute, the National Federation of the Blind (NFB), the Sensory Aids Foundation (a California nonprofit corporation), and

\*Formerly assigned as police chief of the University of California, Irvine Campus, Irvine, Calif.



Triformation Systems (a manufacturer of high-speed Braille terminals). In contacting the manufacturer, it was learned that their least expensive Braille computer terminal device could be used in direct conjunction with the department's existing Model 33 teletype machine with virtually no modification. With this type of terminal connected to the teletype, a blind person could use the standard keyboard to query the CLETS network for needed information to verify the content of the request, as well as the response. All these procedures were accomplished by the BD-3 embosser which forms an individual Braille character that corresponds to a specific character on the keyboard of the teletype. This Braille system provided the most convenient method for simultaneously producing Braille and typed outputs.

The next step required obtaining approval from the CLETS Advisory Committee, which administers overall control of the network. This approval centered mainly around the problem of providing adequate security. Special

precautions were taken to insure the preclusion of unauthorized entry by using electrically controlled doors and lexan glass. By meeting this requirement, the department was granted permission to initiate a 6-month trial evaluation.

### Special Aids

Several other factors needed to be addressed before the dispatching program could be adapted for a blind person. Although less technical in nature, they were equally important in the successful completion of the project. Among the special aids required were a light probe, Braille watch, Braille map, Braille telephone directory, and a Braille label tape embosser. The light probe obtained from the Telephone Pioneers of America served as a multifunction device.

It's essential that the dispatcher know the purpose of these aids since the campus has a sophisticated building security alarm system, which alerts

the dispatcher to unauthorized intrusion via a large series of lights and toggle switches and an audible alarm. Upon hearing the alarm, the dispatcher scans the field of lights with the light probe, which emits an audible tone when directed at a light source, until he locates a particular combination of toggle switch position and light. He then uses his sense of touch (toggle switch position) and hearing (tone from light probe) to locate the appropriate alarm. A Braille-embossed label tape coded by building location identifies the actual campus building and room number associated with the individual alarm. The light probe can also be used to determine which telephone lines are in use on the multiline telephone console. There are also other status lights associated with the dispatch position, and the light probe is used to verify their condition as well. A Braille-embossed topographical map serves to familiarize the dispatcher with the physical relationship between the different campus locations and buildings. A comprehensive Braille telephone directory lists all



Dispatcher uses a Braille rolodex file which contains vital campus information.



Dispatcher uses a comprehensive Braille directory which lists all campus faculty, staff, and departments.



faculty, staff, and departments. In addition, all pertinent policies and procedures and manuals have been translated into Braille.

In June of 1976, the department received final approval from the CLETS Advisory Committee regarding the continuation and expansion of blind police dispatch operations throughout the State. The department was then informed by the local county agency that they intended to upgrade to the faster teletype, Model 40, on all terminals associated with the CLETS network. The Model 40 uses a cathode-ray tube and screen and a high-speed printer, which is 12 times faster than the old teletype. Research conducted disclosed that there were several manufacturers of speed compatibility devices on the market, and all were costly. It was at this point that the department approached Triformation Systems and asked for their help. If such a device could be manufactured at a relatively low cost, there would be a market in low- and medium-speed Braille devices for other users.

In addition, the entire data processing market could utilize a speed compatibility device to solve similar problems in a multitude of nonhandicapped applications—hence, the beginning of a mutually beneficial endeavor. They were willing to undertake the development of a prototype speed compatibility device for a cost of only \$1,700, part of which they donated. The remainder of the money was donated by the Sensory Aids Foundation of Palo Alto, Calif., an organization interested in what the department was trying to accomplish, i.e., to provide new employment opportunities for the handicapped. The device was built, tested, and delivered in February of 1977, at the same time the Model 40 was installed. The new speed compatibility device functions as a storage tank for data information. The data comes off the CLETS network at 1,200 words per minute and is stored in the device which reduces its Braille tape at 110 words per minute; the department had solved its last equipment problem.

## Operation Success

Kevin Harkins was the candidate selected to be the State's first totally nonsighted police dispatcher. His ability to master new challenges was no small factor in the success of the operation. His capacity to compensate for the loss of sight was demonstrated in his being totally accepted and relied upon by the police officers. He had an extremely keen sense of touch and hearing, and with seemingly little effort, was able to commit large amounts of information to memory with above-normal retention and recall ability.

The potential for use of a similar program in police agencies throughout the Nation with less than 50 sworn personnel is quite feasible and relatively inexpensive. Chief Barber reports, "Kevin is taking on more complex and demanding tasks as his experience and confidence grow. We are interested in seeing how far he can go. He is now training our sighted dispatchers and assisting in some other duties at the company desk."

Kevin states, "Blindness is not a handicap; it is only people's attitudes that make the blind handicapped."

"10-4, Kevin," say his admiring police associates.

**FBI**



Dispatcher uses a Triformation System Braille paper tape embosser to read incoming message.









# Mandatory Physical Conditioning Standards

By GLEN B. CRAIG

*Commissioner  
California Highway Patrol  
Sacramento, Calif.*

Officer drags a 160-pound dummy from a car for a distance of 50 feet to test body strength.





Commissioner Craig

The number and severity of job-related injuries and illnesses which affect the physical performance of officers has been a problem of increasing concern to the California Highway Patrol (CHP). Occupational disabilities, in many cases, severely restrict the physical activity of officers and are costly in terms of paid time off or disability retirements. As a result, the department is in the process of implementing mandatory physical conditioning standards.

In the past, the CHP has had no specific standards or requirements for physical fitness subsequent to the entrance examination and intensive physical training regimen at the academy. Maintenance of physical fitness by field officers has been largely self-determined, although often spurred by the concern of supervisors who desired their personnel to avoid problems arising from extra pounds.

Those factors raised legal questions, and the California Department of Justice was requested to provide opinions concerning various aspects of implementing the physical conditioning standards. Four conclusions were reached:

1. The department may require its employees in the class of State traffic officer to adhere to standards of physical condition which were not in effect at the time the officers were appointed. The opinion stated, "It is clear that the terms and conditions of State employment may be changed from time to time and that State employment is accepted subject to such changes."

2. Standards of physical condition which are not arbitrary, discriminatory, or unreasonable may be adopted to improve the efficiency of public service. However, if such standards have a disproportionate adverse effect upon any group in terms of race, color, religion, sex, or national origin, then it must be shown that they are job-related and that no alternative, less discriminatory means of accomplishing the same result is available.

3. With respect to enforcement of physical standards, valid standards may be enforced under numerous provisions of the State Civil Service Act, and

4. Potential liability to the department "could arise only where the officer's deficient physical condition created or increased the risk of injury."

The goal of the new standards, therefore, is to assist officers in retaining top physical shape throughout their careers.

The program includes three primary elements:

1. Job-related pre-employment physical ability tests to aid in selecting the best-qualified persons to be cadets;

2. A physical conditioning program for cadets at the academy; and

3. A physical conditioning standard with exercise programs tailored to individual officers to ensure that all officers maintain the best possible physical condition following graduation from the academy.

Physical ability, including strength, is essential in the performance of some of an officer's most critical job tasks. Even though those incidents do not represent a large percentage of the job, it is vitally important that the officer be able to perform adequately the physical tasks as the need arises.

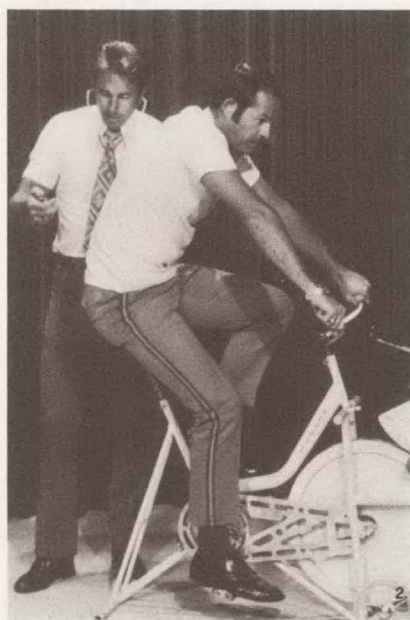
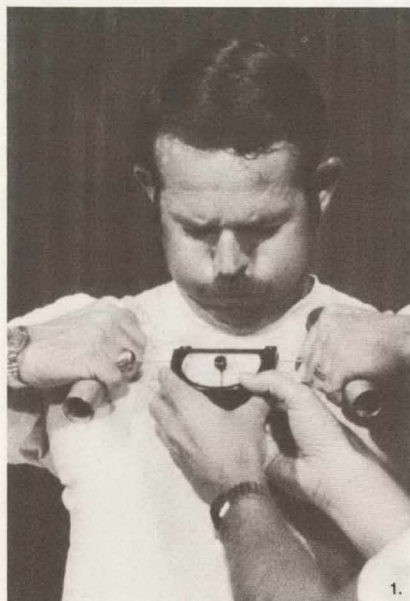
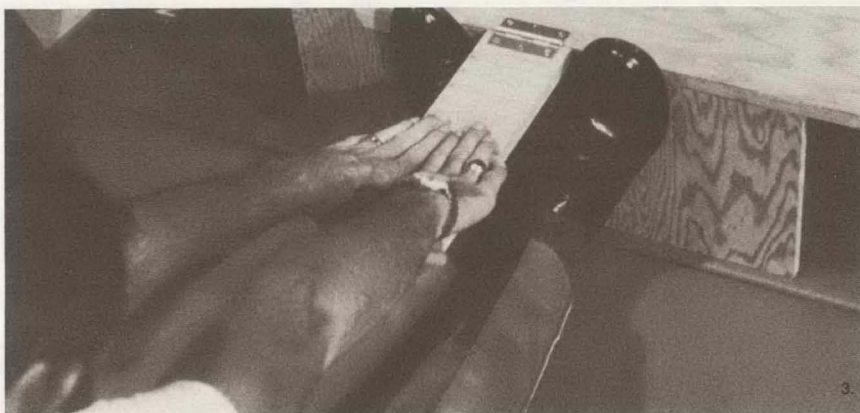
One sobering fact came to light while the physical standards were being developed. Medical examinations were given to 50 officers (representative of the State) at the University of California at Davis. Four of them—or 8 percent—were found to have coronary heart disease in varying stages, indicative that a substantial number of officers might be subject to heart problems during periods of strenuous physical exertion.

On the other hand, there was a recent example of the potential benefits of being in good physical shape. An officer in a southern CHP field office enthusiastically participated in a pilot physical fitness program. Approximately a year after improving his physical condition, this officer was injured in a high-speed motorcycle accident, suffering a compound leg fracture as well as other injuries. The doctor at the hospital was amazed to find the injured



Tests conducted to establish physical conditioning standards:

1. Static strength test (upper body) using a cable tensionometer.
2. Aerobic test using a bicycle ergometer.
3. Sitting extension test measuring flexibility of lower spine. Note the difference in flexibility between female officer (upper photo) and male officer.
4. Back strength measured with loose weight plates. The weight is held constant at a 45 degree angle for a predetermined period of time.





officer's pulse rate and blood pressure were normal and that there was no evidence of shock. When this case was compared to two other similar accidents, it was noted that the CHP officer's period of recuperation was only one-third as long; the doctor attributed the relatively speedy recovery to his physical condition.

Patrolling highways is largely sedentary by nature, but is interspersed with periods of high-intensity activities, such as removing injured people from wrecked cars, wrestling with combative suspects, and running around or vaulting barriers while in foot pursuit of suspects.

A recent study revealed that back injuries and cardiovascular problems

constitute the highest percentage of police job-related disability retirements.<sup>1</sup> The study presented strong evidence that police officers are only average to below average in physical fitness. In the same respect, the National Institute of Health and Occupational Safety reported the police profession to have the highest degree of stress-induced illness (most frequently manifested by high blood pressure).<sup>2</sup> Police thus pose a higher risk for coronary heart disease when compared to the general population.

The high-stress environment, coupled with a below-average physical condition, presents overwhelming evidence for the need for sound, vigorous

physical fitness standards, believed to be the most effective countermeasure for preventing fatal heart attacks.

The physical fitness standards will apply to all officers. Standardized methods of measuring individual physical levels have been developed, and each officer will have to meet a minimum level of physical fitness.

Researchers at the University of California, Davis, have identified the types of tasks performed by CHP officers in order to correlate them to the energy output and the strength needed to perform those tasks.<sup>3</sup> Objectives of the study were to develop an operational method of determining aerobic capacities of traffic officers, functional tests of low back and hip flexibility, and an annual testing program to assess physical fitness levels.

Cone-laying sequence follows a simulated flare pattern. Officer is wearing a backpack which measures the amount of maximum oxygen intake.





The old idea that fitness can be determined by a person's appearance has only partial validity for assessing functional fitness. Agility tests with standardized qualifications, such as sit-ups and pushups, can tell a good deal about fitness as far as dynamic strength is concerned. They will, however, tell very little about flexibility or cardiovascular efficiency.

Flexibility relates to the body's ability to move within an acceptable range of motions without creating undue stress in joints, muscles, or bones. Cardiovascular fitness refers to the ability of the heart, lungs, and circulatory system to deliver oxygen and needed nutrients to the body's cells.

The simplest possible test is being devised to measure the required strength or agility for each job-related

task; the goal being to assure the likelihood an officer can perform the task without being injured. For example, an officer not possessing the upper body strength to permit easy scaling of a chain link fence has a high probability of injury if the task becomes necessary in the line of duty.

Prior to implementation of physical fitness standards, medical screenings of incumbent officers must be performed to assess the individual level of physical fitness; Federal aid to help fund this cost is being sought. Officers not meeting the physical standards will be counseled and assisted by training physical fitness coordinators.

It is likely the fitness test will involve aerobic testing using a bicycle ergometer, percent of body fat evalua-

tion using skinfold calipers, upper and lower body strengths using the bicycle ergometer, abdominal strength using loose weight plates, and flexibility using the sitting extension method.

Through regular testing, physical deficiencies would be identified. Subsequently, appropriate exercises would be prescribed to help overcome these shortcomings. In the event an officer cannot meet the standard after extensive training, some type of sanction would be employed.

There is every reason to believe that there will be a direct correlation between the development of body strength, agility, and flexibility, and the reduction of back, neck, and other disability injuries. Tracking methods, such as checks on disabling injuries and illnesses, sick leave usage, and improved performance, will be used to evaluate the project's cost effectiveness.

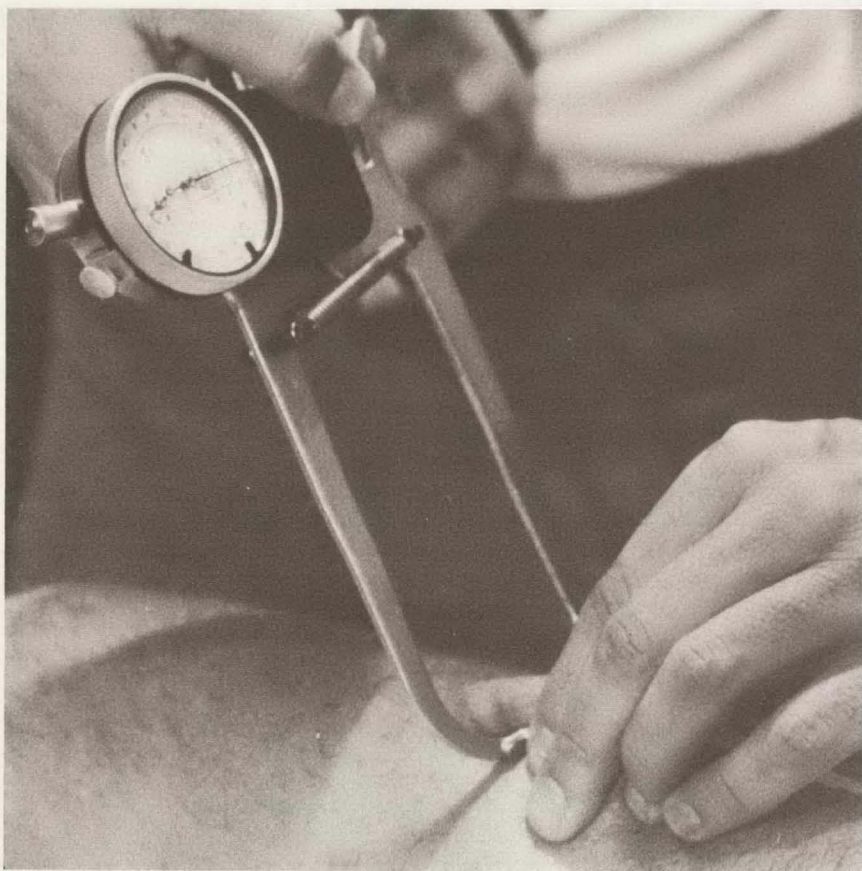
The physical fitness program should ultimately reflect an improved occupational safety record. But most important of all, each officer will be rewarded with an improved quality of life and better personal health. **FBI**

#### Footnotes

<sup>1</sup> California Highway Patrol study—1973-1977, Departmental Industrial Disability Retirements, March 1978; Physiological Fitness Project, Los Angeles County Sheriff's Department, September 1973.

<sup>2</sup> Proceedings of symposium in Cincinnati, Ohio, sponsored by the National Institute of Occupational Safety and Health, May 1975; "Job Stress and the Police Officer," U.S. Department of Health, Education, and Welfare, December 1975.

<sup>3</sup> Physically demanding or stressful tasks included directing traffic, using a pry bar, changing tires, setting flare patterns, pursuit or high-speed driving, passive resistance arrest, combative arrest, using a baton, wrestling, exchanging blows with fists, handcuffing, and using a control hold; general activities included running, climbing, jumping, lifting, carrying, crawling, pushing, and pulling.



Skinfold calipers measure percentage of body fat.



# Radio Paging

## A Communications Savings

By CAPT. GLENN H. TEGTMEYER

*U.S. Air Force Military Police  
N. Syracuse, N.Y.*



Capt. Glenn H. Tegtmeier



Col. George D. Courington, USAF

The present fiscal crisis facing many Federal, State, and municipal law enforcement agencies necessitates the close control of each dollar expenditure. Since radio communications represent a significant portion of most police department budgets, it is fitting that this expenditure receive the same careful scrutiny given other major dollar outlays. American businesses and industries are currently reviving a radio communications technique previously thought to have only limited applications in the public sector—radio paging.

Prior to making a decision concerning communications, the police administrator should ask at least three questions:

1. What are the department's or agency's communications objectives, that is, for what purposes are communications necessary?
2. Are radio communications, clearly one of the most expensive alternatives, needed to meet these departmental goals? and
3. Are two-way radio communications the only acceptable alternative solution?

It is this last question, perhaps somewhat of a departure from the traditional police approach to the communications issue, that is considered here.

Few of us in the law enforcement community would argue against the need for two-way radio communications for the patrol function of a department. The justification for the patrolman on the street to have adequate and reliable two-way communications is all too apparent. His function and survival depend upon it. But what about the myriad of other departmental personnel who work irregular or sporadic hours, are subject to call, or possess a particularly vital knowledge or expertise? How effective contact is expeditiously maintained with the chief, deputy chiefs, EOD personnel, criminal investigators, crime scene technicians, S.W.A.T. members, and others in a crisis situation may often be as critical as contact with the patrolman on the beat.

There are two traditional methods used for maintaining close contact with key personnel. The first involves providing the individual with portable two-way radio communications in a private or agency automobile, in the home and/or office, or in the actual possession of the person. The second method revolves around the telephone and the use of some form of alerting system. For the most part, the first system is often unnecessarily expensive, and neither method is particularly effective in many situations.

Presently, the cost of even the most inexpensive FM transceiver is in the hundreds of dollars. Even after investing this large cash outlay, timely contact with key personnel is far from guaranteed. Fixed or vehicle radios



have the obvious limitations for their proximity to the individual. Even a portable radio cannot be readily used at all times and in all places, i.e., staff meetings, church, undercover work, etc., due to the noise factor, bulkiness, or security. Finally, telephone calls or alerting systems are only successful if the individual(s) to be contacted are at their own or a predetermined telephone. Should the individual be in transit between telephone locations, attending to personal business, or at a location where there is no telephone available contact by this method is simply not possible.

Pagers, on the other hand, rarely result in out-of-contact situations. Unless the individual shuts it off or an equipment failure occurs, immediate contact under nearly any circumstance is possible. The cost of a department-owned paging system as an add-on to an existing police radio network can be cheaper than a single two-way radio unit. For example, the paging control unit of one major manufacturer sells for less than \$300. With an inexpensive connecting cable, this unit can be readily installed on an existing base-station transceiver, and can have the capacity of five separate paging units. Other systems are available with greater capacity or flexibility at greater costs.

An individual paging unit presently costs less than \$200 for a combination voice and tone model; the cost is considerably less for only a "beeper" unit. It has been predicted that further miniaturization of the microcircuits currently used in pagers will continue to drop costs to under \$100 per unit. Although not considered by some police administrators as overall desirable as agency-owned and controlled equipment, a single pager can be rented from commercial companies for an approximate rate of \$25 per month. These rates drop to about \$10 a month if the pager unit is purchased from the company.

Several additional cost factors should also be considered. With the continuing improvements in the state-of-the-art of radio communications, large capital expenditure on radio equipment is not justifiable if the equipment soon becomes technologically

obsolete. As manufacturers discontinue models, parts and service can also become a problem. Paging systems, however, represent a considerably lower capital investment, and therefore, are less costly to modernize or replace. In fact, the main thrust in the paging industry appears to be toward making smaller an already small product. Additionally, some manufacturers of both two-way and radio paging communications systems readily admit that the upkeep and repair costs of a paging system is also considerably less. This latter savings can be a significant

**"American businesses and industries are currently reviving a radio communications technique previously thought to have only limited applications in the public sector—radio paging."**

one for both small departments on tight budgets, as well as for large departments with numerous radio resources.

A second benefit of a paging system is a reduction of radio traffic on already overcrowded radio frequencies, thus significantly improving the quality of existing communications. Important radio transmissions, some of which were previously unheard due to excessive radio traffic or background noise, can be selectively directed to the individual for which they are intended, minimizing the possibility of missed vital information. Additionally, many routine matters can be directed through telephone communications by a simple beep, thus further reducing unnecessary crowding of essential emergency frequencies.

Pagers come in all sizes, shapes, colors, and with a full line of their own options and accessories. There are

tone-only pagers, tone and voice pagers, and number readout pagers, soon to be marketed, that can receive and display specific phone numbers to call. There are small wrist pagers, and pagers that have two different tones; one tells you to call the office, the other to call home. A detective on a stakeout can use a model that vibrates instead of beeping. Some pagers have memory switches to tell you to check for pagers after leaving a meeting, for instance. There are pagers that can be used for radio channel monitoring, and pagers that are made for conference-style multiple alerts. Even burglar alarms can be hooked up to activate beepers. Applications of paging systems are limited by the imagination of the user, and only temporarily, by technology. Certain commercial rental companies can currently expand paging coverage beyond normal transmitting range, up to and including multi-State capabilities. Experiments with satellite links are also being conducted.

Finally, the morale of key individuals within departments should not be overlooked. Those people who must constantly restrict their activities due to their on-call function, can benefit greatly by the additions of a paging system to a radio network. Pagers are small, lightweight, and can be worn comfortably. Unlike bulky and noisy radios, and the trouble of constantly relaying telephone numbers, pagers permit these personnel freedom of movement to lead a more normal lifestyle, while making them even more readily available to respond to contingency situations.

**FBI**



# Alcoholism and the Policeman

## Identifying and Dealing with the Problem

By JOHN G. STRATTON, Ph. D. and DEPUTY BRIAN WROE

*Director*

*Alcoholism Counselor  
Psychological Services Unit  
Los Angeles County  
Sheriff's Department  
Los Angeles, Calif.*

For many years, police have been seen as the last resort when tragedy strikes others. They are expected to handle all types of people with all types of problems. Whether it be mediating a family dispute, finding a lost child, counseling a victim of a crime, or assisting an alcoholic, the police officer is viewed as the answer to the problem or the conduit through which an answer can be found. Society, the police department, and the individual officer all expect the police person to cope with these incidents and restore order. However, when the person responsible for solving problems for others has a problem himself, society often is disillusioned, the department is confounded, and the individual officer is bewildered and confused.

The disillusionment weighs upon everyone whose expectations of police go beyond the capabilities of any individual or group of human beings. There is a tendency for society, the department, and individual officers to some-

how overlook the fact that the person in uniform is an individual with the same frailties and weaknesses as others. But being a member of the human race entitles police to have the same kind of problems—be they related to occupation, family, finance, or to any other difficulty which adversely affects people—as the rest of society.

The object of this article is to examine the police officer with a drinking problem, and to explore the various alternatives available to the individual and the department which might alleviate this problem.

### Approaches to the Problem

Both private industry and law enforcement have attempted various approaches to deal with the problem employee, but many administrators and supervisors have little, if any, background in understanding alcoholism. More often the victim is regarded with contempt rather than understanding. He is considered a moral weakling, lacking in willpower. The American Medical Association, however, recog-

nizes alcoholism for what it is—a chronic, progressive disease which, if left untreated, can cause permanent damage, physical incapacities, or death.

In a profession where a partner system exists and one's survival may be dependent on another, there is sometimes an unwritten code which precludes informing on one's fellow officer. This attitude is evident in cases in which an officer works with a fellow officer knowing he has a drinking problem and continues to ride patrol with him (even if he is drinking) rather than refusing to work with him or reporting the behavior to a supervisor. This attitude can even extend to supervisors who, with the best intentions, are unable to confront the officer regarding his behavior and instead choose to ignore the problem, hoping it will pass or the individual will eventually retire or resign.

All too often the peace officer may be retired after 20 to 25 years of tension-provoking field assignments to



a future of inactivity and alcohol. He may have been subjected early in his career to the idea that alcohol was the panacea for many discouragements. If he then experiences job-related frustrations, he may use alcohol to remove or solve problems he is having outside of the job. It is precisely at this point that the department may have to contend with an alcoholic employee. The progression of alcoholism may be extremely rapid, and its rate will vary among problem drinkers. The amount of alcohol consumed or the length of time involved have a minimal impact on whether or not the employee may express alcoholic tendencies.

Due to the individualized progression of the disease, the alcoholic may be afflicted at different ages and career levels. Because alcoholism is accompanied by a variety of other problems and difficulties, the victim and the employer become confused and frustrated as to the nature of the problem and how to effect a remedy.

The alcoholic fears losing his job since it provides respectability and the necessary rationale to continue to deny the alcoholism. He may relinquish his property, even friends and family, but the job appears to be the last thing the working alcoholic wants to give up.

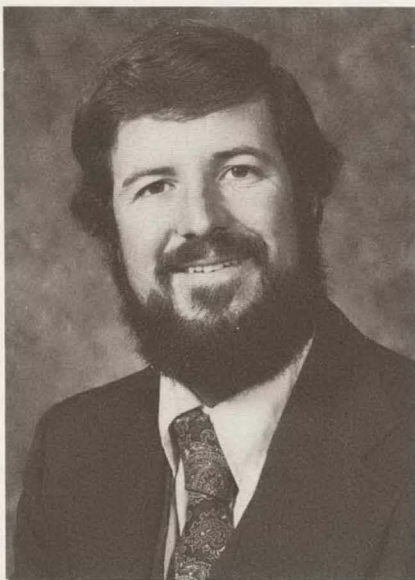
It is practically impossible for even an enlightened department to provide resources aimed at helping the alcoholic resolve family, financial, emotional, and job-related problems effectively if it fails to direct the officer into an alcohol recovery program first. It should be obvious to any employer that an employee suffering from the later stages of alcoholism will be unable to solve various problems if he is unable or unwilling to deal with alcoholism.

Recognizing this fact, many companies in private industry have established employee assistance programs that have been extremely successful in rehabilitating the problem employee to a full and productive worker. Most programs operate with a 70 to 85 percent rate of success. However, it must be remembered that private industry is in

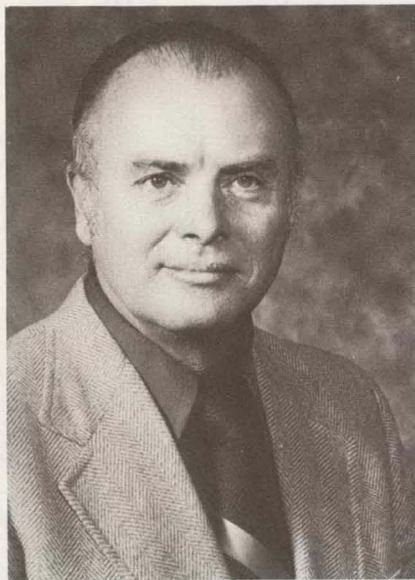
business to make money. Although these programs are humanitarian in nature, they are also of value in terms of increased productivity and profits. If one considers only the costs of training new employees, sick days wasted, long lunches, and the increasing frequency of work-related accidents, these programs prove valuable to the agency. The fact that as a result of programs such as these, an individual of depreciated productivity and self-esteem can be restored to a full-functioning member of society cannot be discounted. This is the most valuable contribution we can make to a fellow human being.

#### **A Program for Law Enforcement**

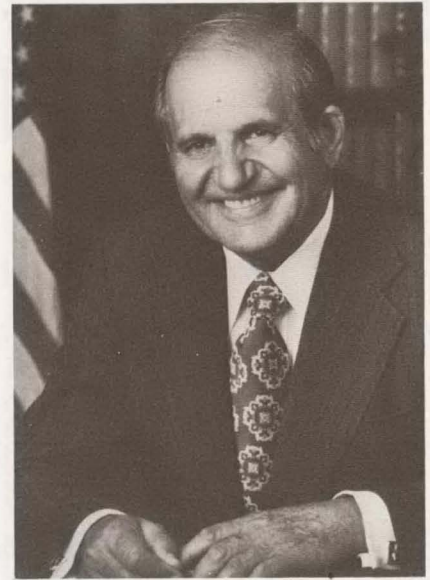
The success of many of the programs in private industry has caused progressive-thinking law enforcement officials to implement programs similar to those proven in the private sector. The approach recognizes the grim statistics—1 out of every 10 people in our society has a drinking problem and a



John Stratton



Brian Wroe



Sheriff Peter J. Pitchess



large percentage of people with drinking problems are members of the work force, with only approximately 3 percent comprising "skidrow" alcoholics.

Law enforcement personnel are people and therefore should have the same rate of alcoholism as is found in other professions. There have been popular treatises in books, movies, and literature dealing with police and often implied in these works is the idea that many police have drinking problems. Although there are no verifiable statistics, it would appear that they should be about the same as the norm. As more research develops on the stressfulness of police work and the often inappropriate method of stress reduction through alcohol consumption, one might make a case for the higher incidence of alcoholism. Whatever the actual percentage, problem employees must be dealt with by the law enforcement agency for the good of everyone involved.

A program established by the sheriff of Los Angeles County was the result of a combined effort on the part of several recovered alcoholic officers, the department psychologist, and the administration. The purpose was to provide an avenue for employees troubled by their drinking to find a way to correct their problem.

Several aspects of this program were considered essential:

1. Confidentiality or anonymity for anyone seeking assistance from the program;
2. Employee awareness of the program and aspects of alcohol; and
3. Supervisory training regarding the program and appropriate methods of supervision.

Recognizing the problem is the first step to its resolution; taking steps to correct the problem is the next phase. People who have problems do not need others to know of them in order for the problem to be resolved. Since anonymity is a concern of the alcoholic, confidentiality becomes of utmost importance. The need for department knowledge is nonexistent as

long as the individual functions well and effectively on the job. The department's and the supervisor's responsibility is to ensure the employee performs his duties properly, not to determine whether the employee is or is not an alcoholic. The program in Los Angeles is based on anonymity and is a method for those who wish to seek assistance for their problem; it is not punitive.

Because of problems related to alcohol in the law enforcement profession, it would appear appropriate that

**"It is practically impossible for even an enlightened department to provide resources aimed at helping the alcoholic resolve family, financial, emotional, and job-related problems effectively if it fails to direct the officer into an alcohol recovery program first."**

the department and concerned officers develop their own program. It would also be extremely beneficial if the agency had access to recovering alcoholics in its ranks who would volunteer to become involved in the program. In recognition of the high recovery rate characteristic of organizations such as Alcoholics Anonymous, fellowship of this nature should be utilized whenever possible. The program, sanctioned by the sheriff and under the auspices of the Psychological Services Unit, is experiencing great success. Although it is sanctioned, the group remains completely autonomous and confidential. Absolutely no records are maintained involving membership or attendance.

Because the problems experienced by law enforcement personnel are similar, even though the officers work for separate agencies, the program in Los Angeles County is open to any active or retired law enforcement

personnel in the area. There are personnel from over eight agencies involved, including employees from county, city, State, and Federal departments. The program is conducted by police officers themselves, and as a result, a helping fellowship has developed which provides additional support among the officers. There is no cost to any department. The program is conducted on a free and voluntary basis by the members whose sole remuneration is the knowledge that they have assisted a fellow officer toward recovery and a more rewarding life.

Employee awareness and confidence in the confidentiality of the program are essential. Awareness and understanding of the program can be promoted through several means, such as announcements in monthly department newsletters, explanations of the program at station meetings or in-service training, and at classes for personnel at various management levels in the organization.

In addition, instruction about alcohol and its debilitating effects can inform personnel and make them more cognizant of various aspects of alcohol. Illustrative and educational pamphlets can also be developed.

The supervisor, as an employee, needs to be aware of alcoholic behavior, the department's program, and its value to individuals. In addition, he needs to be cognizant of methods of identifying problem employees and the possible manifestations of alcoholism, such as excessive absenteeism (often someone other than the employee calling in), unreported absences, arriving late and/or leaving early, poor quality work, erratic performance, lowered productivity, friction with coworkers, and increased accident rates.

In addition, supervisors need to know their department's responsibilities and the methods and approaches of dealing with problem employees. Supervisors should know that part of their job with problem employees involves:

1. Documenting specific instances of deteriorating work performance;





2. Having a frank and firm discussion with the employee regarding poor performance;
3. Explaining to the employee that unless he or she voluntarily decides to seek help, his or her job will be in jeopardy;
4. Suggesting that the employee consider contacting the department psychologist's office for confidential counseling, and/or involvement in the alcoholism program; and
5. Insuring the employee that the psychologist or alcoholism counselor *will not* discuss this meeting with his employer, if they decide that as the supervisor, they should make the appointment for the employee. (The only information that will be given is whether the employee kept his appointment or not.)

If needed, the department psychologist's office can provide supervisors with consultation on methods of working with problem employees.

Following are recommendations of appropriate and inappropriate behavior for supervisors in working with problem employees:

#### DO

Make it clear that the supervisor is concerned only with job performance. Unless performance improves, the employee's job is in jeopardy.

Explain that the employee must decide for himself/herself whether or not to accept assistance.

Emphasize that all aspects of the department psychologist's office and alcoholism program are completely *Confidential and Anonymous*.

#### DON'T

Try to diagnose the problem.

Discuss drinking unless it occurs on the job.

Moralize.

Be misled by sympathy-evoking tactics, at which the problem employee or alcoholic becomes an expert.

Pin a label (alcoholic, neurotic, addict) on anyone who has not first labeled himself/herself.

Cover-up for a friend. Misguided kindness can lead to a serious delay in real help reaching him/her.

Supervisors must keep in mind that the sooner the problem is identified and dealt with, the more likely a satisfactory solution will be reached—a solution that will benefit the department, the supervisor, the employee, and the community which they serve.

**FBI**

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# ShARP:

## Sheriff's Amateur Radio Program

By INSP. DENNIS DREW

*Director*

*Sheriff's Executive Council Staff*

*Sacramento County Sheriff's Department*

*Sacramento, Calif.*

**SACRAMENTO COUNTY SHERIFF'S DEPARTMENT**  
this is to certify **Call Sign No.**



**DUANE LOWE, SHERIFF**  
issued

as a member of  
**SHERIFF'S  
AMATEUR  
RADIO  
PROGRAM**

**valid one year from above**

The intent of this card is to identify the subject hereon, and does not grant any authority as a Peace Officer.

It is conferred upon the person in recognition of supportive relations with the Sacramento County Sheriff's Department.

— DUANE LOWE, Sheriff

Late one Saturday night, two parolees were slowly driving their car through the large parking area of a movie theater complex. Both had extensive arrest records and had recently been released from prison for auto theft and burglary convictions.

Their car was a borrowed, "run-down" sports car. Periodically, they would stop cruising long enough to allow the passenger to get out for a closer look at one of the many parked, late-model sedans. They continued this suspicious activity for nearly an hour until they covered the entire parking lot.

Although these subjects were not aware of it, their actions were being observed continuously by amateur radio operators who were members of the Sheriff's Amateur Radio Program (ShARP).

A ShARP member, acting as the evening's radio control operator, was sitting beside a uniformed deputy sheriff in an undercover police car. His notebook was filled with notations of information continuously being received from the other ShARP observers. His notes reflected the color, make, license number, and distinguishing characteristics of the suspects' vehicle. Other notes included the subjects' physical descriptions and the color and type of their clothing. A second unmarked sheriff's vehicle, also containing a uniformed deputy and his "ham" partner, was waiting nearby.

Identification tag issued to all ShARP members.



The two parolees suddenly backed their car into a parking spot and turned off the headlights. After only a moment's pause, and without turning off their engine, one subject quickly exited from the passenger's side and approached a late-model vehicle. He wore gloves and held a ballpeen hammer in his right hand. He looked around briefly, but failed to spot two other ShARP observers, a man and wife team, located only two parking spaces away, watching intently from inside their cab-over-camper.

The subject approached the vehicle's right door and swung his hammer at the window. As glass shattered, the following was reported by the wife on her amateur radio:

*"... yellow car, black top... he has broken the window... suspect wearing yellow tank top... he is now reaching in the window... he is unlocking the door... suspect is black... has a hat on... is wearing gloves... now has door open..."*

Both undercover cars were enroute to the scene as observer continued her report:

*"... suspect is in vehicle... motor is still running on the getaway car... vehicle is started and lights are on..."*

The first unmarked police car arrived at the rear of the victimized vehicle, just in time to prevent the car thief from backing it out. The deputy alighted, revolver in hand, and the other ShARP observers were told:

*"OK, help has arrived... thank you... [call letters] clear."*

As the deputy placed both suspects under arrest, his ShARP radio control operator proudly announced:

*"Ladies and gentlemen... we got'em... [call letters] clear."*

The above incident actually occurred. It was the "stakeout" aspect of a comprehensive new program involving local volunteers, amateur radio operators (hams), and patrol officers of the Sacramento County Sheriff's Department.

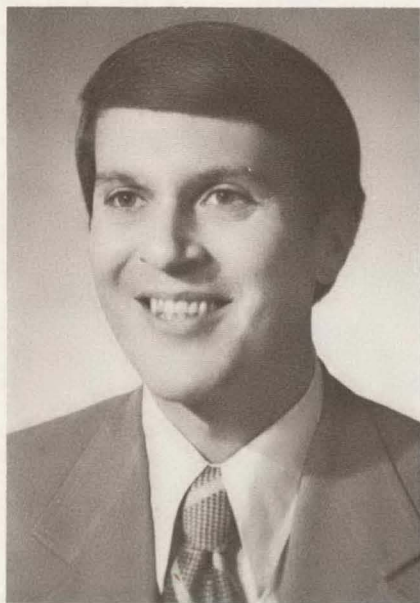
The program resulted from 2 years of research in the process of developing the department's long-range planning system. That research showed that in the area of crime control, a law enforcement agency absolutely needs the assistance of the citizenry it serves. However, the concept of involving citizens in crime control and crime prevention activities is a relatively new one and not many tested techniques were available for adoption. The department had favorable experience with such programs, as Block Parent and Neighborhood Watch, but the motivation of the volunteers was short-lived. In other words, they would gradually fadeout of these programs after only a few brief weeks of involvement. It was obvious that a brand new idea would have to be developed.

A licensed amateur radio operator himself, the author was especially aware of the hams' dedication to public service. At times of disaster, whether natural or manmade, it is the ham radio operators who dedicate many hours of service, often under adverse conditions, in setting up temporary communications systems to handle emergency and medical traffic for the local authorities. They continually sharpen their emergency capabilities by holding regular simulated emergency tests and field day exercises in preparation for the real emergency.

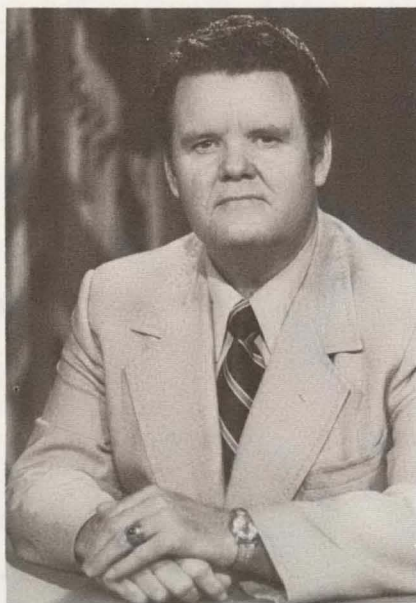
Hams are innovators also. They have a globe-spanning message handling system, their eighth communication satellite in orbit, and have introduced many of the developments in radio and television as we know them today. Their dedication to public service makes them the logical choice for assistance with local crime control.

In August of 1977, Sheriff Duane Lowe authorized a trial, 90-day experiment to determine the worth of such a new program. This experimental program was christened the Sheriff's Radio Amateur Observers Project.

Recruitment letters went out to local amateur radio clubs and individual subscribers of a popular ham publication. Assistance was requested from the local emergency coordinator of the American Radio Relay League, which is the professional organization for



Insp. Dennis Drew



Sheriff Duane Lowe



amateur radio enthusiasts. And, the trustee of a radio repeater used for an amateur emergency network in the Sacramento area, was also asked to help. All were extremely enthusiastic and cooperative.

When about 50 volunteers had been recruited, the sheriff's department checked their criminal history records, driving records, FCC licenses, and issued special identification tags containing their photographs. Each volunteer signed a lengthy waiver of liability and a list of rules and regulations on the back of the ShARP application form.

The crime selected for the trial period was auto burglary because it was a felony, had a high rate of occurrence, and a low clearance rate. In order to enhance the probability of intercepting crimes in progress, statistics were studied to identify the highest areas and hours of occurrence. Aerial maps of those locations were redrawn and distributed to the volunteers for coordinating their specific assignments

**"It was emphasized throughout the training sessions and during the field exercises that the volunteers were not to take any direct action or get involved personally. They were only to observe and report their observations over amateur radio to the uniformed deputies, who in turn would take appropriate action."**

at the sites. Training classes were developed in observation, reporting techniques, and in courtroom demeanor and testimony. It was emphasized throughout the training sessions and during the field exercises that the volunteers were not to take any direct action or get involved personally. They were only to observe and report their observations over amateur radio to the uniformed deputies, who in turn would take appropriate action.

Various equipment items were tested. Night viewing devices were tried, but the illuminated parking areas negated their use. Binoculars were found to be more effective. The use of a decoy car full of eight-track stereo tape players, CB radios, antennas, and an alarm system was abandoned when it received little attention from thieves. Instead, reliance was placed on observing the regularly parked cars of customers or students in shopping centers, theaters, and colleges. Portable amateur radios were found to be very effective. However, the usual antennas mounted on the outside of the



Two uniformed deputies giving last minute instructions to ShARP volunteer.



Small group of ShARP volunteers on a recent field exercise, coordinating their position for observation at a shopping center.



volunteers' vehicles were not at all conspicuous. As a matter of fact, even though the volunteers' locations were plainly marked on a site map, some difficulty was still encountered by the deputies in driving to their precise position, as they blended in very well among the other parked cars.

At the conclusion of the 90-day experiment, it was determined that the project was indeed a success. There were a variety of arrests for observed crimes, including numerous citations for marihuana usage. Incidentally, every one of the persons issued citations for marihuana-related incidents entered a "guilty" plea in court. At the time of arrest, each expressed amazement that they had been observed at all. When binoculars, cameras, and portable radios were displayed before them on the hoods of the unmarked sheriff's vehicles, along with the statement that the "eyes" of the department had been observing every square inch of

that location, all the cited subjects apparently decided it would be fruitless to be untruthful in court.

Even more surprising was another result. The sites targeted for this project were the "hottest spots" in the department's jurisdiction in terms of vehicle burglary and auto theft occurrences. The incidents at these locations, except for those observed and acted upon, dropped to zero during the times the project was in operation. It apparently is also an excellent crime prevention technique.

Sheriff Lowe authorized the continuance of the project as a permanent program and assigned it to the special operations bureau of the patrol division. It is now entitled the Sheriff's Amateur Radio Program (ShARP), to indicate its expanded role. There are now well over 100 amateur radio volunteers, and they are using another VHF repeater which was loaned by a private citizen specifically for this project.

ShARP has been used on numerous felony crimes ranging from rape to robbery. It is anticipated that general

broadcasts will be made over the repeater by ham volunteers from the sheriff's communication center. These broadcasts will provide suspect descriptive information on crimes as they occur. This will allow the hams to be aware of these crimes, thereby greatly expanding the eyes of the department.

It has been a cost effective program, and one that can readily be implemented by other law enforcement agencies. So far, over 4,300 hours have been donated by these amateur radio volunteers. It is most gratifying to witness the ShARP members' enthusiasm, dedication, and discipline in working with the Sacramento County Sheriff's Department to control serious street crimes.

**FBI**



Sacramento District Attorney's Office representative lecturing ShARP volunteers on courtroom testifying and demeanor.



# Katz in the Trash Barrel

## Seizure of Abandoned Personal Property

(Conclusion)

By DONALD J. McLAUGHLIN

Special Agent

Legal Counsel Division

Federal Bureau of Investigation

Washington, D.C.

*Law enforcement officers of other than Federal jurisdiction who are interested 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.*

Part I of this article examined Federal court decisions dealing with trash seizures. The conclusion will consider the approach of State courts to this constitutional problem.

### State Cases

With the exception of a celebrated California decision to be discussed below, State courts generally follow the Federal pattern. Of course, the peculiar facts of the case will affect the conclusion. And while the reasoning of State courts may vary, the result is the same. Trash and garbage placed out for collection, in an area accessible to the public or in a refuse container used in common, are not cloaked with fourth amendment protection. No privacy interest remains in the discarded property. Two State decisions are illustrative.

In a 1976 Illinois case, a police officer observed a person suspected of five residential burglaries place two

plastic bags containing trash at curbside in front of his residence. While the bags were awaiting pickup by the trash collector, the officer seized them without warrant. They were brought to the police station for examination. Two prescription bottles bearing the name of a burglary victim, together with other damaging evidence, were found.

Based in part on the evidence disclosed from the trash seizure, the officer obtained and executed a search warrant against the defendant's residence, which yielded additional incriminating evidence. The defendant's motion to suppress the trash and fruits of the warrant search was denied and he was convicted. On appeal, he argued that the warrantless seizure of his trash violated his fourth amendment right.

An Illinois appellate court held that the defendant had abandoned his property, and thereby relinquished any reasonable expectation of privacy in it. Having done so, he had no standing to object to its seizure and later use at trial. *People v. Huddleston*, 347 N.E. 2d 76 (Ill. App. 1976). The court declared:

*"When defendant placed the trash at curbside for collection, he relinquished control and possession and abandoned it in the sense that he demonstrated an unequivocal intention to part with it forever." Under these*

*circumstances, defendant must be held to have assumed the risk that the rubbish collector may permit the police to examine the trash . . . or that the police themselves may seize the trash. . . ." Id. at 81.*

In *Smith v. State*, 510 P. 2d 793 (Alas. 1973), cert. denied 414 U.S. 1086 (1973), the Alaska Supreme Court considered a case in which trash was seized by State troopers from a dumpster located outside an apartment building and jointly used by the tenants. The dumpster was situated adjacent to a corner of the building and was sheltered slightly by a roof overhang. Municipal refuse collections were made from the dumpster.

The defendant, suspected of involvement in "narcotics activities," was observed placing garbage bags in the dumpster. Before collection, a trooper seized the bags, which contained evidence of narcotics violations. Based upon these discoveries, a search warrant for the defendant's apartment was issued. The apartment search uncovered additional evidence. Following conviction for unlawful possession of heroin, the defendant appealed, claiming the trash seizure was unlawful and the evidence obtained in



the subsequent apartment search therefore was tainted. The claim was rejected.

The Alaska Supreme Court, while carefully noting that its decision was limited to the facts of the case, held that the protection of the fourth amendment does not extend to abandoned property, and that property is abandoned when the possessor gives up a reasonable expectation of privacy therein. Whether or not the privacy expectation has been forsaken depends on four factors: (1) Where the trash is located; (2) whether the dwelling is a multiple or single unit; (3) who removed the trash; and (4) where the search of the trash takes place. The court characterized the search in *Smith* as "an on-premises search by police officers of a multiple-dwelling trash receptacle from which municipal collections were made," and concluded that the defendant, in placing the bags in the dumpster, relinquished any privacy expectation he had in their contents. See also *State v. Fassler*, 503 P. 2d 807 (Ariz. 1972); *People v. Sirhan*, 497 P. 2d 1121 (Cal. 1972), cert. denied 410 U.S. 947 (1973); *People v. Popely*, 345 N.E. 2d 125 (Ill. App. 1976); *State v. Purvis*, 438 P. 2d 1002 (Ore. 1968); *Willis v. State*, 518 S.W. 2d 247 (Tex. Crim. App. 1975); *Crocker v. State*, 477 P. 2d 122 (Wyo. 1970).

Where the facts do not lend themselves to the usual analysis involving abandonment, privacy, and standing, State courts are quite prepared to find a trash seizure violative of the fourth amendment or a parallel provision of the State constitution.

In *Everhart v. State*, 337 A. 2d 100 (Md. 1975), for example, police were investigating narcotics violations, among which was the theft of restricted drugs from a medical center. The day following the theft, and acting on a tip from an informant, officers went to the defendant's tenant house on a Maryland farm. They drove their car to "the side of the house" where they noticed in a trash heap a bluish green plastic bag commonly used by medical

people. The officers inspected the contents of the bag, and found three separate boxes, containing controlled substances, addressed to different physicians. In addition, syringes and needles were found. The evidence thus discovered was used to establish probable cause for a search warrant directed against the defendant's house.

One of the questions before the Maryland Court of Appeals was whether the bag found in the trash pile next to the house was abandoned as a matter of law. The court recognized

**"Criminals who dispose of contraband and other evidence of criminal offenses in their trash cans... assume the risk that their discards will be seized by, or turned over to, law enforcement officers for use against them."**

that abandoned property is not afforded constitutional protection, but was not prepared to say that the defendant-possessor had given up his expectation of privacy in the plastic bag, at least under the facts disclosed in the record of the case. See also *Bolen v. State*, 544 S.W. 2d 918 (Tenn. Crim. App. 1976) (large enclosed container on defendant's private property, adjacent to private driveway, not subject to unfettered exploration of police); *Ball v. State*, 205 N.W. 2d 353 (Wis. 1973) (articles in trash barrel at rear of house, within curtilage, are not abandoned; reasonable expectation of privacy retained in such property).

The Maryland court pointed out another problem in *Everhart*, whether a trespassory entry into an area protected by the fourth amendment vitiates

the seizure of evidence found within, even that in plain view. The court, based on the record presented, was unable to decide either the abandonment or trespass issues, but seemed persuaded by the defendant's arguments. The conviction of the defendant was reversed on other procedural grounds, and the case remanded.

### **The California Rule**

Perhaps the most restrictive rule pertaining to trash searches was adopted by the Supreme Court of California in 1971. Los Angeles officers received a report from an anonymous informant that the defendant and others were engaging in narcotics activities at a specific residence in the city. The officers located the premises, a single-family dwelling, and through records checks, identified one Judy Krivda as a resident thereof. Records also disclosed her husband had been arrested previously for narcotics violations.

The officers observed trash barrels in front of the house "on a parkway adjacent to the sidewalk." They also became aware that refuse collectors were approaching the house. The officers intercepted the collectors about a half-block from the house, and requested them to empty the well of their trash truck and to pick up the trash from the cans in front of the Krivda residence. The officers had no search warrant.

The refuse collectors did as requested. They emptied the Krivda trash into the well of the truck and permitted the police to examine it after having proceeded a block from the house. The officers found marihuana and other evidence among the trash. Thereafter, they observed an individual come out of the Krivda residence, retrieve the trash cans, and carry them to the front porch of the house.

Prior to trial for unlawful possession of marihuana, the defendant moved to suppress the narcotics as the product of an unreasonable search and seizure. The trial court granted the motion to suppress and ordered the



action dismissed. The State appealed the order. The substantive issue before the California Supreme Court was whether a householder who puts contraband in trash barrels and places such containers adjacent to the street for pickup by the rubbish collector may be deemed to have abandoned the trash and thereby given up any reasonable expectation of privacy therein.

In a 4-3 decision, the California court held that placement of the trash barrels at the sidewalk for collection did not constitute abandonment, and accordingly, *Krivda's* reasonable expectation of privacy remained in the trash. What is more, the privacy right continued until the trash lost its identity by being commingled with other refuse previously placed in the truck. The warrantless examination of the trash was unconstitutional. *People v. Krivda*, 486 P. 2d 1262, 1268 (Cal. 1971).

The State appealed to the U.S. Supreme Court. The Supreme Court, however, being unable to determine if the California decision was based on Federal or State constitutional grounds, vacated the judgment, remanded the case, and directed the California court to identify the constitutional grounds—Federal or State—for its decision. *California v. Krivda*, 409 U.S. 33 (1972). On remand, the California court held that its prior judgment was based on both the fourth amendment and the comparable section of the California constitution. *People v. Krivda*, 504 P. 2d 457 (1973). There being an independent State ground for the decision, the rule of *Krivda* became final.

*Krivda* comes close to banning the seizure of trash. Since it is not abandoned until mixed with the trash of others, and at that point becomes unidentifiable with the suspect, the evidentiary value of trash disappears. *Krivda* does not rule out the seizure of trash. Clearly, it may be taken with a properly issued and executed search warrant. In addition, if the possessor casts his trash "onto the sidewalk for anyone to pick over and cart away," the California Supreme Court would

have no difficulty in finding his reasonable expectation of privacy has been forsaken. *People v. Krivda*, 486 P. 2d at 1268.

The *Krivda* decision generally has not been followed in other jurisdictions. Indeed, some courts are critical of the ruling as having extended too far the reach of the fourth amendment. See, e.g., *United States v. Shelby*, 573 F. 2d 971 (7th Cir. 1978); *State v. Fassler*, *supra*.

**"Warrantless entry by police or their agents to a constitutionally protected area, such as the yard or garage, in order to gain access to trash, may taint the search or seizure."**

**A Separate Problem—Entry**

Suppose an occupant of a single-family residence is engaged in an illegal gambling enterprise. Further suppose he places betting slips, receipts, or other such evidentiary materials in his garbage can. The can is located immediately adjacent to the rear entrance of the house. The house is situated in the middle of a quarter-acre lot. The suspect has every intention of permanently discarding the gambling records.

Investigating officers enter the yard and seize, without warrant, the contents of the garbage can. When the lawfulness of this seizure is challenged, the officers claim the property was abandoned and therefore the former possessor gave up his privacy

interest. He has no standing to complain. The gambler responds by asserting a continuing privacy expectation in the contents of his garbage can. Who prevails?

Both Federal and State courts are apt to look beyond the arguments of the parties and consider as controlling a separate and distinct fourth amendment issue. The question involves the manner of gaining access to the trash. Is the officer required to invade a protected area to get at the discarded property? If this is answered affirmatively, the problem of whether the trash has been abandoned need not be decided. In short, a resident has an expectation of privacy that extends beyond the house and garbage can to the area immediately surrounding the dwelling. Traditionally, this space has been called curtilage, but the label is not significant. What is important is the concern of the courts about a warrantless intrusion to an area afforded protection under the fourth amendment.

The cases disclose that courts have little difficulty with the seizure of trash placed at the curb or sidewalk for collection. Nor do they find it hard to conclude that trash placed in a common receptacle or jointly used refuse pile has lost its constitutional protection. But the entry problem is of a different order. It is this factor that undergirded the decisions in *Everhart* and *Ball* and in the earlier California case of *People v. Edwards*, 458 P. 2d 713 (Cal. 1969) (examination of trash can located a few feet from back door of house required trespass). It is also apparent that in many of the other cases, had the seizure required a warrantless entry to a protected area, the recovery of trash and its later use as evidence would have been invalidated.

The language of *People v. Huddleston*, *supra*, best represents the judicial awareness of this problem:

*"In our view, the location of the trash is a significant factor in determining whether defendant has abandoned the trash or whether defendant has a 'reasonable expectation of privacy,' because any analysis of that expectation is inextricably bound up in the physical location of the trash."* 347 N.E. 2d at 80.



## Conclusion

Criminals who dispose of contraband and other evidence of criminal offenses in their trash cans are unskilled practitioners. They assume the risk that their discards will be seized by, or turned over to, law enforcement officers for use against them. Such items can be used directly as evidence in a criminal prosecution, or indirectly by forming the basis for issuance of a search warrant.

The following conclusions also can be drawn from an analysis of the Federal and State trash search decisions:

1. A search warrant is the best assurance that evidence seized from a trash container will not be challenged successfully on constitutional grounds.

2. One who disposes of personal property in a trash receptacle placed at curbside for collection, or in a commonly used receptacle, or in a refuse pile accessible to the public, generally is held to have abandoned the property.

3. A former possessor retains no reasonable expectation of privacy in abandoned property, and thus has no standing to object to its seizure or inspection.

4. Warrantless entry by police or their agents to a constitutionally protected area, such as the yard or garage, in order to gain access to trash, may taint the search or seizure, regardless of the intent of the possessor to abandon; and

5. Officers contemplating a warrantless trash inspection should be thoroughly familiar with State as well as Federal principles governing the search or seizure of trash, since State courts may impose under State constitutions more restrictive rules than those announced by Federal courts.

**FBI**



# WANTED BY THE FBI



Photograph taken 1977.

## Silas Jones, Jr.

Silas Jones, Jr., also known as Jack R. Baker, Jack Barker, Sonny Bruno, Joe Glover, Jim R. Groves, J. R. Jones, J. R. Silas Jones, Silas Jones, Claude E. Sharp, W. D. Smith, Don Stratman, Roy Tucker, Silas Tucker, Charles Winsor White, and others.

### Wanted For:

*Interstate flight—murder; interstate transportation in aid of racketeering—gambling; conspiracy; unlawful possession of a firearm.*

### The Crime

Silas Jones, Jr. is being sought for several crimes, one of which is an ambush murder wherein two individuals were shot more than 50 times.

A Federal warrant was issued on August 17, 1977, at Muskogee, Okla., charging Jones with unlawful interstate flight to avoid prosecution for the crime of murder. A second Federal warrant was issued on September 15, 1977, at Tyler, Tex., charging Jones with interstate transportation in aid of racketeering for the crime of gambling and conspiracy. A third Federal warrant for Jones' arrest was issued on November 3, 1977, again at Muskogee, Okla., charging Jones with violations of the Federal Firearms Act.

### Description

Age ..... 43, born May 17, 1935, Durant, Okla. (not supported by birth records).

Height ..... 6 feet.

Weight ..... 190 pounds.

Build ..... Medium.

Hair ..... Dark brown.

Eyes ..... Blue.

Complexion ..... Dark.

Race ..... White.

Nationality ..... American.

Occupations ..... Bartender, insurance salesman, laborer, real estate salesman.

Scars and Marks ..... Scar on nose, scar on chin (scars may have been removed and nose narrowed surgically).

Remarks ..... Accomplished gambler and card player; reputed procurer.

Social Security Nos. used ..... 452-35-4045  
452-52-3035  
456-52-8161.

FBI No. .... 95,795 D.

### Caution

Jones is believed to be heavily armed and should be considered extremely dangerous.

### Notify the FBI

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

### Classification Data:

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Right index



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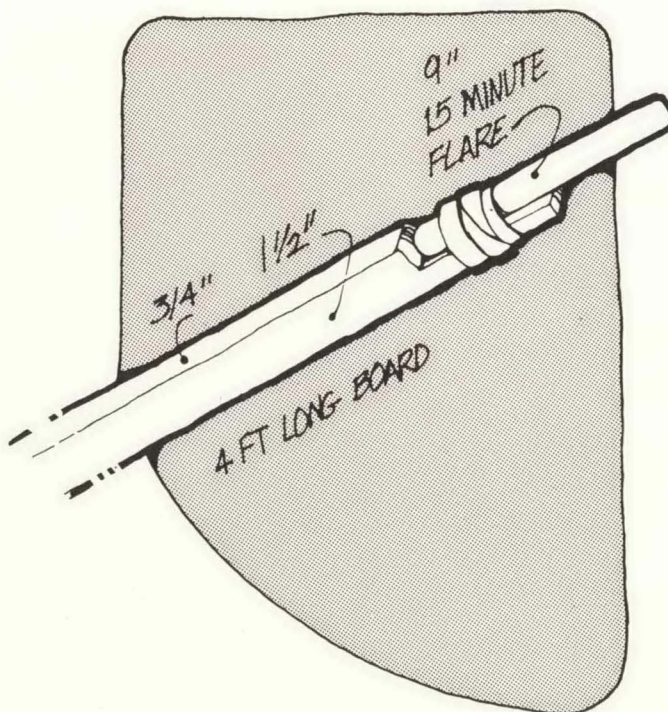
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## Possible Weapon

During March 1978, as an estimated 600 demonstrators in Washington, D.C., protested the state visit of a foreign dignitary, U.S. Park Police officers observed that several carried long wooden poles with flares fastened at one end.

The flares were not burning, and since this was a daytime demonstration, they had no apparent legitimate use. Those protesters in possession of the devices gave evasive answers when asked about their purpose. One replied, "You'll find out," while another intimated that they might be used to set fire to foreign flags displayed from streetlight poles. At one point, however, a demonstrator was observed showing others how to ignite the flares.

The fact that the poles had been designed to accommodate flares might indicate their possible intended use as weapons, and the potential danger they present in a confrontation with police or other demonstrators is obvious.





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## Interesting Pattern

In the FBI Identification Division, the pattern presented here is classified as a tented arch. The impression is interesting because of the bird-like structure created by the ridges.

