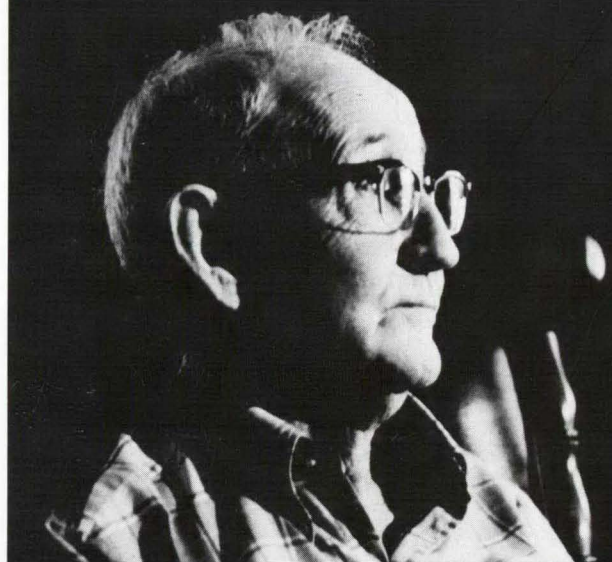




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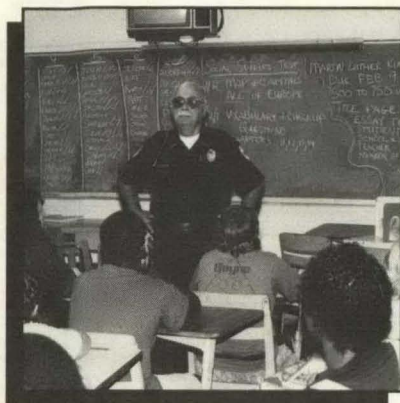
Law Enforcement Bulletin



Law Day 1990
Generations of Justice



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The Cover: Two generations of Americans, the youth and the elderly, are the focus of this year's Law Day celebrations.

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

William S. Sessions, Director

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

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law 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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The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535. Second-Class postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation Washington, D.C. 20535.

Director's Message

Law Day 1990

When President Dwight D. Eisenhower established Law Day by Presidential Proclamation in 1958, he stated, "It is fitting that the American people should remember with pride and vigilantly guard the great heritage of liberty, justice, and equality under law...." Law Day has since become an occasion for Americans to rededicate themselves to these ideals.

This year's Law Day theme, "Generations of Justice," encourages us in law enforcement to focus on the youth and the elderly. These two generations of Americans are particularly vulnerable to criminal elements because they are often helpless to defend themselves.

This theme takes on special significance when we consider that the generation gap in America is widening. Those aged 65 and older are the fastest growing segment of America's population; yet, they are perhaps the most forgotten. Unfortunately, the elderly are easy targets for violence and crime because they are vulnerable. Many live in terror of being attacked on the streets and have become virtual prisoners in their homes. Other senior citizens suffer from the psychological and financial abuse inflicted on them by caretakers and even family members.

The children of today, America's most precious resource, are also innocent victims. Tragic cases of child abuse, neglect, and sexual exploitation continue to occur. Even unborn children suffer abuse from the ravages of drugs that plague our society.

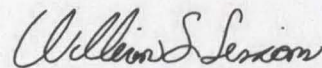
While safeguarding these two generations of Americans is not easy, one key element to success is cooperation. However, cooperation should be stressed not only among members of the criminal justice profession but also between law enforcement and the community.

Preventing the abuse of America's youth and its elderly requires the total com-

mitment of the entire criminal justice system—from the police officer on the street to the highest court in the land. Police, prosecutors, and judges must bring the full force of the criminal justice system to bear against those who threaten the well-being of both the young and the old.

Yet, the battle against abuse is not law enforcement's alone. Positive citizen action is society's first line of defense. Through support of and cooperation with the criminal justice system, citizens can enhance law enforcement's effectiveness. Law enforcement must work with the public to promote crime prevention to the elderly. We also must make a full-fledged effort to educate our youth to the dangers of drugs. By making citizens aware of the problem of abuse, they learn to recognize it and hopefully to prevent it. Awareness, education, and prevention are three critical areas that can make a difference in the quality of life for not only youths and the elderly, but also for all generations of Americans.

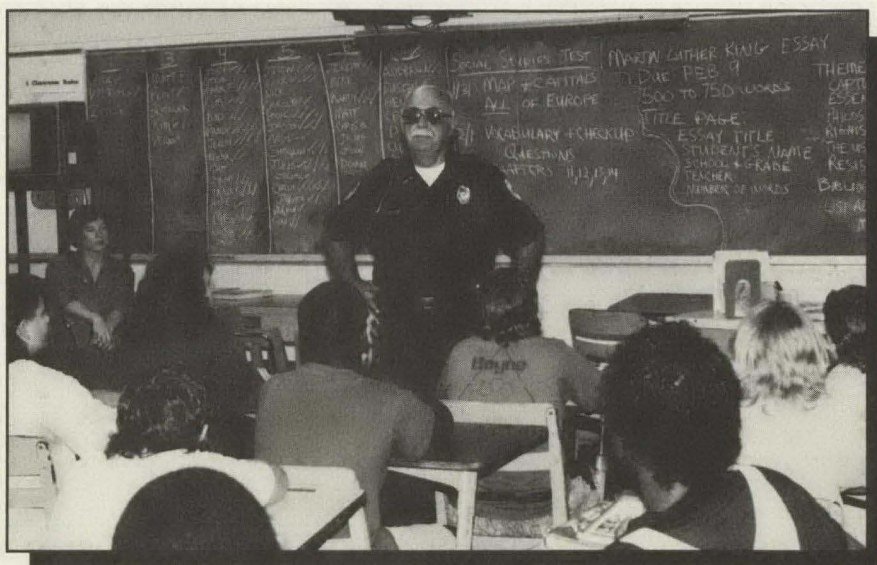
The first step in meeting the challenges of abuse is to focus on the seriousness of the problem and what we can do about it. Only then, through continuous citizen support and cooperation, combined with the best efforts of law enforcement, can we maintain and preserve the Constitutional rights and freedoms guaranteed to all Americans, young and old alike. As we commemorate Law Day this year, let us reaffirm our pledge to uphold the Constitution and ensure that we nurture and sustain the principles of Law Day every day of the year.



William S. Sessions
Director

G.R.A.M.P.A. Cops

By
JERE L. SPURLIN
and
STEVE SCHWEIN



The School Resource Officer (SRO) Program is a valuable drug deterrence and safety program acclaimed by school teachers, administrators, school children, and parent associations. Unfortunately, limited financial resources in most jurisdictions prohibit administrators from staffing these programs adequately. Most chiefs and sheriffs feel compelled to assign personnel for "street" patrol rather than for administrative and support positions, which are the categories under which most school resource officers fall.

In an effort to expand the services of the School Resource Officer Program, yet live within the proposed budgetary constraints, the Fort Myers, Florida, Police Department took an introspective review of its 10-year program. It determined that the most essential component to the program's success was a patient, understanding officer who enjoyed being with children. This officer also needed sufficient job knowledge to provide a valuable learning experience to children of all ages and had to be totally committed to both law enforcement and education.

While there were many officers who met the criteria, they were already assigned to critical positions within the department. Basically, the most qualified people for the job were the least affordable. This led the department to turn to a readily available external resource, which resulted in the establishment of the G.R.A.M.P.A. Cop Program.

Who Are G.R.A.M.P.A. Cops?

As the name of the program implies, G.R.A.M.P.A. (Getting Retirees Actively Motivated to Policing Again) Cops are retired

law enforcement officers who, for one reason or another, want to get involved in policing again. To tap this valuable resource, the department recruited retired police officers to work in schools, along with school resource officers, to carry the drug prevention message to youths.

Essentially, police retirees are no different from those who retire from the public sector. Some cherish their free time and enjoy their retirement, while others are bored and miss the day-to-day camaraderie of their fellow officers.

Under the G.R.A.M.P.A. Cop Program, retired police officers are certified as auxiliary officers, trained in the school resource function, and assigned to local schools. The primary mission of all G.R.A.M.P.A. Cops is to promote drug abuse prevention in all city schools through education and counseling. In Fort Myers, G.R.A.M.P.A. Cops deliver educational programs to youths through standardized programs that have been developed and approved by the police department. But, they still can be called upon to assist school resource officers in other programs like bicycle safety or child molestation prevention.

Recruiting

Through contact with the community, the department identified nearly 1,000 senior citizens with varying degrees of law enforcement experience who lived within the Fort Myers area. Some of these law enforcement retirees even organized as a civic group so that they could hold monthly meetings to fraternize with fellow officers and to reminisce on their law enforcement careers.

Advertising for applicants for the G.R.A.M.P.A. Cop Program through the printed and electronic media was also used to attract applicants. It also provided much-needed recognition to the School Resource Officer Program.

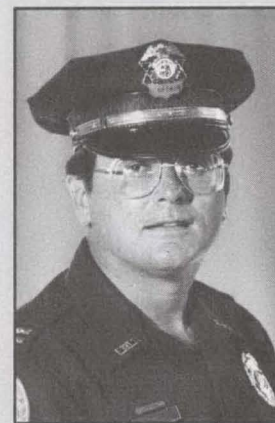
Officer Selection Criteria

In order to qualify for the G.R.A.M.P.A. Cop Program, all applicants must:

- Have a minimum of 5 years' sworn law enforcement experience
 - Be at least 40 years of age at the date of hire
 - Be in good physical condition as determined by the departmental physician
 - Meet the basic requirements for admittance into the Florida Criminal Justice Standards and Training Commission Basic Recruit School
- Have a Florida driver's license and a good driving record
 - Submit letters of recommendation from three superior officers from their former department who have knowledge of their work performance and character
 - Successfully pass a thorough background investigation, which will include a polygraph
 - Be screened by a police oral board which will be comprised of Fort Myers Police supervisory personnel and school resource officers representing various law enforcement agencies throughout the county. (Final appointment will be by the chief of police at the recom-



Chief Spurlin



Captain Schwein

Chief Spurlin and Captain Schwein are with the Fort Myers, Florida, Police Department.

TABLE A**Cost Comparison**

	G.R.A.M.P.A. Cop	Police Officer
Hourly	\$6.00	\$9.06
X Benefits (35%)	NONE	\$3.15
Total Cost	\$6.00	\$12.21

mentations of the public information officer who is the supervisor of the School Resource Officer Program)

- Submit dual applications to the City of Fort Myers and the Fort Myers Police Department
- Realize that they are not subject to civil service protection

Training

Because G.R.A.M.P.A. Cops are police retirees, most have a minimum of 20 years of law enforcement experience. Thus, formal training is not usually necessary. However, to ensure the continuity and integrity of the program, accepted applicants attend a 2-week training session at the police academy. There, they become familiar with the school resource officer function, policies of the school board, and current programs. Two days are dedicated to drugs and the prevention of drug abuse, how to recognize abusers, and steps to be

taken to refer abusers to treatment programs.

During the training, the duties, responsibilities, and community role of the reserve officer are outlined, because G.R.A.M.P.A. Cops become certified as reserve officers at the end of their training. This makes them eligible to participate in ride-along programs and crowd control at parades and sporting events. Also, administrative staff members and supervisors lecture on departmental policies, rules, regulations, and general and special orders.

After graduating from the academy, G.R.A.M.P.A. Cops accompany experienced school resource officers for 1 week before assuming their regular assignments.

Financial Benefits

Aside from the obvious benefit of having experienced and qualified retirees interacting positively with the area's youth, G.R.A.M.P.A. Cops save the taxpayers money. In fact, the cost of manning the School Resource Of-

ficer Program with G.R.A.M.P.A. Cops instead of new, inexperienced police officers is half as expensive. (See Table A.)

But, perhaps the greatest feature of the G.R.A.M.P.A. Cop Program is its "easy financing." Not only is this program the most cost-effective means of providing children with drug abuse prevention counseling, but it is also eligible for funding under Florida Statute 932.704. Under the provisions of this statute, any department that has an aggressive policy in terms of seizing and selling contraband, vessels, motor vehicles, aircraft, and other personal property can finance their G.R.A.M.P.A. Cop Program with forfeited funds.

Conclusion

Without a doubt, the Fort Myers Police Department's G.R.A.M.P.A. Cop Program has greatly benefited the community. It has enabled experienced, seasoned officers to reenter the profession and has decreased operating costs to the department. It also allows the department to double the number of active school resource officers within its current budget or to significantly reduce the personnel costs of its respective SRO program.

Police departments cannot afford to overlook or misuse valuable resources that are readily available to them. By employing retired law enforcement officers as auxiliary officers in service functions, a department not only gains a wealth of knowledge, ability, and expertise but also dedicated individuals who can contribute to the safety and well-being of the community.

LEB



High School Suicide Crisis Intervention

By
DAVID FISHER, M.A.

Teen suicide—a tragic reality—is a rising national phenomenon and the second leading cause of death among teenagers.¹ No school system or police department is immune from its psychological devastation.

After two students at Dixie Hollins High School in Pinellas County, Florida, committed suicide,

the number of reported suicide threats rose. To meet this crisis, the school's administration established a suicide crisis intervention team. The team is composed of two assistant principals, two guidance counselors, and the school's resource officer (SRO), each of whom have counseling experience and graduate degrees.

Role of the SRO

Most districts within the State of Florida have full-time school resource officers assigned to specific schools. In addition to law enforcement duties, SROs counsel students, teach classes, and act as resources for the school. Also, they receive training in crisis intervention and are the only persons on

school campuses with the authority to initiate and transport a student for involuntary psychiatric evaluation.

The key to the effectiveness of SROs is gaining acceptance and credibility among both the students and faculty. This can be done in a number of ways. For example, SROs can speak to students informally to show interest in them, or may discuss the suicide prevention team with faculty members. Also, through active involvement in such school activities as sports events and musical programs, they can change the image of SROs from "enforcer" to friend. Presentations by the SROs on stress awareness and management to students and the faculty can also help remove the stigma for someone seeking personal help or referring a friend.

Students at Risk

Suicide crisis intervention team members are trained to iden-

tify those students who may be considering suicide. They also instruct teachers about the warning signs of suicide, because teachers have the most direct contact with students and are the most likely to recognize these signs first.

Warning signs can appear in written assignments turned in by students or in behavioral clues that may express ideas of self-destruction or depression. Teachers are cautioned to be particularly attentive to warning signs during the peak stress times for adolescents, such as grading periods, homecoming, and prom and graduation weekends.

Counseling

Upon referral, each student in crisis is seen by a team member as soon as possible. Anyone seeking help is assured of confidentiality up front; however, the counselor will advise the student that it may be-

come necessary to subsequently notify mental health professionals to ensure personal safety.

Communication is never discouraged during counseling sessions. Team members allow the student to express thoughts and beliefs freely. In many cases, just having an adult show concern and pay attention to what is being said is all that the student needs to ease the crisis.

Usually only one team member counsels a student, but the other team members are later informed of the session. However, when dealing with an active suicidal threat, it is important to have several team members involved. In such cases, the potential victim is kept calm and is never left alone for any reason until additional help is obtained, and the team member having the best rapport with the student acts as the primary counselor.

Evaluation

Understanding teen suicidal behavior aids the evaluation process. Many times, there is no real intent by the teen to commit suicide, rather the actions are simply a "serious cry" for help. However, talk of suicide should not be dismissed or taken lightly. There is always the danger that teens making suicide threats may actually miscalculate and accidentally complete the act or cause serious bodily injury. Oftentimes, in suicidal pacts, teens may be talked into carrying out suicidal threats by other students and may feel the need to attempt suicide to "save face."

With transient or situational depression, a young person may have suffered a loss of a significant



***"No school system
or police department
is immune from
[suicide's] psychological
devastation."***

*Deputy Fisher is with the Pinnellas County,
Florida, Sheriff's Office.*

relationship, social status or self-worth or may be reacting to unidentified stressors. Although such situations may not appear unsurmountable to adults, the perceived trauma levels may well be exceptionally high to teens who lack the experience and coping skills to effectively deal with the stress.

Teens who are organically or chemically imbalanced are rarely identified, difficult to work with, and can only be diagnosed by a highly skilled physician. In such cases, when suicide is suspected, the only appropriate action is to advise parents to seek medical attention for their teen immediately.

The main operating principle of the suicide crisis intervention team is to **listen, evaluate, and get help**. The evaluation is not intended to be clinical in nature, but to assist in determining appropriate help options.

Suicide Attempts

During an attempted suicide at school or a barricaded situation that may result in suicide, the SRO is the one who takes the necessary steps to ensure safety. This includes trying to locate and secure weapons and drugs from the student, trying to coax the student into a secure area, such as an office, and removing on-lookers as quickly as possible from the scene. School administrators or backup officers may assist as needed.

If a firearm is involved, the SRO does not approach the student directly, but maintains cover while communicating with the potential victim. Because of the possibility of a hostage situation, school personnel are instructed not to get involved. The SRO handles the situa-

tion alone until the weapon is secured.

As soon as possible, the SRO begins communicating with the individual by asking the student's name. All conversation is conducted

in a calm, casual manner, during which the SRO expresses concern for the student's well-being and indicates a willingness to help. Once the student is identified, pertinent background data are obtained from

Key Risk Suicide Indicators



High-priority Indicators

- Active attempt or threat
- Direct statements of suicidal intent
- Recent attempts or self-inflicted injury
- Making final arrangements, such as making a will or giving away items of personal value
- Specific method or plan for suicide already chosen

Other Indicators

- Feelings of hopelessness or helplessness
- Loss of interest in friends or activities
- Depression/aggression (sometimes masked as vandalism or poor behavior)
- Drug and/or alcohol abuse
- Preoccupation with "heavy metal" music, morbidity, satanism or the occult
- Friend or relative who committed suicide
- Previous suicide attempts
- Excessive risk-taking
- Recurrent or uncontrolled death thoughts or fantasies
- Low self-esteem
- Loss of a family member or relationship, particularly by death or rejection
- Frequent mood swings/self-imposed isolation
- History of child abuse (physical or sexual)
- Chronic physical complaints or eating disorders
- Sexual identity conflicts
- Unreasonably high expectations for academic or athletic performance

school records and family members are notified, even though they are kept from the scene and are not allowed to converse with the student.

Of course, in the case of serious injury or drug overdose, getting medical assistance is the overriding consideration. The SRO takes custody of the individual by any means necessary and as soon as possible, while ensuring officer safety, and arranges for medical transport. The SRO should be aware of local medical facilities that accept psychiatric patients.

Followup Care

Followup care could possibly be the most important part of suicide crisis intervention. Even though the crisis may appear to be over, and the individual appears to be recovering, there is the chance the teen is simply regaining energy to complete the suicide. Visits by a team member to

the student in treatment keeps the student from feeling forgotten, isolated, or betrayed.

Once the student returns to school, there is a critical phase of readjustment, and periodic visits with a team member are encouraged. The student still needs to know that someone cares and that help is available by only asking for it.

Helping the student develop and maintain positive involvement in school and community activities is also essential during followup care. Programs involving other students have been successfully used, and working with organizations having service-oriented goals gives teens a sense of purpose and directs their energy and focus outward.

Conclusion

Members of the suicide crisis intervention team are not certified

mental health professionals. However, they are capable of evaluating the needs of a troubled student and getting the proper help in a timely manner.

By using such strategies as quick response intervention, building positive relationships with students, learning basic alert and assessment techniques, and being aware of available resources, the suicide crisis intervention team has been able to help students. Since the inception of the team program in 1987, there have been no completed or life-threatening suicide attempts among the Dixie Hollins High School student population. **LEB**

Footnote

¹ Richard H. Schwartz, M.D., *Teenage Suicide: Symptom or Disease* (Springfield, Virginia: Straight, Inc., 1987), p. 4.

SRO Procedures to Follow During Suicide Attempts

- Ensure backup and emergency service units are out of sight of the suicidal teen
- Listen attentively and patiently, responding with understanding and empathy
- Ask questions that encourage the teen to express feelings or events leading to the crisis
- Be nonjudgmental
- Do not oversimplify solutions or make statements that trivialize the situation
- Avoid threatening gestures or flippant comments
- Call in mental health professionals, clergy, or any one else who could possibly reach the troubled teen
- Suggest alternatives to suicide that can be made available to the teen
- Do not rush—take whatever time or steps necessary to get help for the troubled teen

Help Options

- Counseling
- Contact parents
- Peer support
- Community resources, such as family counseling centers, licensed private agencies, hospital outpatient services, government agencies
- Voluntary emergency mental health examination at a licensed facility
- Involuntary examination and admission at an approved mental health facility

Elderwatch



In the summer of 1986, because of a substantial increase in the number of crimes directed against the elderly, officers of the Tulsa, Oklahoma, Police Department met with various citizens groups to discuss possible solutions to this problem. Another area of concern expressed at these meetings was the fact that many elderly citizens were not receiving the help they needed because they lacked the information and resources to assist themselves. As a result, the Tulsa Police Department, in conjunction with several community service agencies, initiated Elderwatch, a program designed specifically for Tulsa's elderly citizens.

The goal of Elderwatch is to reduce crimes committed against the elderly and provide community services to improve their quality of life and to reduce their fear of crime. In order to reach the senior population, police officers and community service representatives visit the elderly in their homes, informing them of the program and what services are available to them.

Orientation

Prior to initiating the program, the Tulsa Senior Services Outreach Agency, one of the community services group active in Elderwatch, sponsored a 2-day seminar for police officers to inform them of the available

Police Practices

services and how to contact these services. The officers were also advised of the emotional and psychological aspects of aging that may affect the ways in which the elderly interact with others.

Program Implementation

Once the orientation was completed, the police department issued a press release to notify the public of the program's existence. The press release was also a means to advise senior citizens of the program's purpose and to inform them of the upcoming visits by police officers and community service representatives.

Then, police officers and volunteers set out on a door-to-door canvass of neighborhoods and apartment complexes having a high concentration of senior citizens. By going door to door, they were able to assess the living conditions of the elderly to determine if they were being neglected, exploited, or abused. They were also able to determine if an elderly citizen was in need of a particular service that was readily available through one of the various citizens groups.

In addition, the canvassers voluntarily offered to check the security of each residence, as well as to provide crime prevention tips. Through donated funds, they were able to see to it that deadbolt locks and other security devices were installed in those residences lacking the necessary security measures, if the senior citizen so desired.

Officers conduct the canvass in uniform, driving marked patrol units. Also, they are the ones who initiate conversations with the elderly; volunteers accompany the officers to help them answer questions and fill out forms. If an elderly person is found to have a specific problem, the officer or volunteer makes a notation on a preprinted checklist and then turns this form into the Elderwatch coordinator at the conclusion of the canvass.

It is the coordinator's responsibility to contact the appropriate agency and also to check back with the individual at a later date to ensure that any problem encountered has been resolved. The coordinator also forwards all Elderwatch reports to the police communications center and records the number of persons contacted and the number of referrals made.

Elderwatch Forms

To complement the Elderwatch Program, the Tulsa Police Department developed a database to record information submitted voluntarily by senior citizens. Along with basic personal information (name, address, telephone number), the forms record the names of the individual's doctors and the hospitals with which they are associated; any chronic illnesses; and the names, addresses, and telephone numbers of nearest relatives or neighbors and whether they have a key to the residence. The individual is also asked to

note any assistance received from a social service agency.

These Elderwatch forms are either filled out by the police officer or volunteer during the door-to-door canvass or left with the individual to be mailed later to the police department. The completed forms are sent to the police department's Communications Division so that the information can be entered into the Computer Aided Dispatching System. Once

“
In every American city, no matter what the size, there is a segment of the elderly community that is in need of assistance.
”

entered into the database, this information can be retrieved and then provided to emergency service personnel if they are called to the residence to render assistance.

Community Involvement

Recognizing it is impossible to reach everyone who needs assistance through a neighborhood canvass, a utility company offered to distribute over 4,000 Elderwatch forms with payment notices. Also, the forms, accompanied with a pamphlet explaining the program, were left at locations

where the elderly frequent, such as churches, community centers, and nutrition sites.

Use of the media can keep the entire community informed of the program and gain support for it. Media coverage can generate an interest that would be difficult to achieve by any other means.

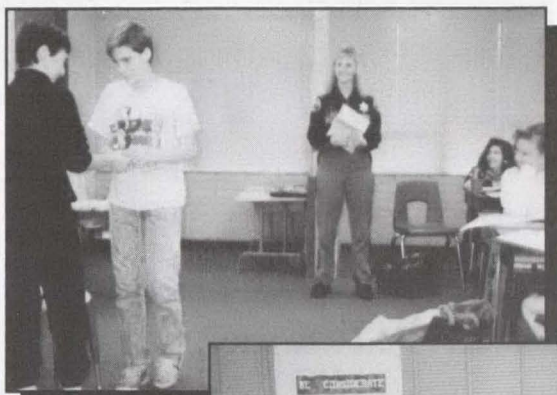
It is also important for the police department to develop a good working relationship with those agencies providing services to the elderly. Not only do they provide the materials for the information packages distributed to the elderly, but they offer invaluable assistance to officers when dealing with a specific problem that affects the elderly.

Conclusion

In every American city, no matter what the size, there is a segment of the elderly community that is in need of assistance. The Elderwatch Program, with its neighborhood canvasses, community involvement, and media coverage, helps the police department address the daily needs of many of Tulsa's elderly. The program has been able to give them a better quality of life by reducing crime and making them more secure in their homes and their neighborhoods.

LEB

Information on the Elderwatch Program was provided by Lt. Bob Chance of the Tulsa, Oklahoma, Police Department.



DARE: *Selecting the Right Officer*

The Drug Abuse Resistance Education Program, D.A.R.E., may be one of the most successful undertakings in the history of modern law enforcement. This highly visible program, developed by the Los Angeles Police Department and the Los Angeles Unified Schools, has become a primary tool to teach children how to resist using drugs. The business community and local governments have also recognized the value of D.A.R.E. and continue to provide financial support to operate this valuable program.

However, the success of D.A.R.E. would not be possible if it weren't for the police officers who dedicate their time and efforts not only in the classrooms but also

at PTA meetings, school programs, community service organizations, and business groups. Because of their high visibility, it is imperative that agencies take the necessary steps to ensure that their D.A.R.E. officers are the best possible representatives, who reflect the department's total commitment to the program. To meet this goal, the Snohomish County Sheriff's Office has implemented a multiple-step process of selecting D.A.R.E. officers.

The Recruiting Process

In order to be successful, the recruiting process must not be overlooked. Often, some of the best candidates do not consider applying for the D.A.R.E. program

until they are approached. This is primarily due to peer pressure to "stay on the street and be a real cop." Therefore, Snohomish County D.A.R.E. officers go into the field to educate the officers about the program and to explain the impact they could have. Officers are approached at roll call, coffee stops, and even at their homes. Notices are also distributed advertising the D.A.R.E. opening and inviting any interested officers to apply in writing.

The Selection Process

After the applications are collected, each candidate is advised that because public speaking is so important in the position, there would be a public speaking

exercise. Since this is an activity that many fear, those candidates who do not have a strong desire to fill the position usually withdraw prior to this exercise. The remaining applicants are instructed to prepare and deliver a 5-minute speech explaining what D.A.R.E. means to them and why they want to be D.A.R.E. officers. Each candidate also delivers this presentation to a local community service club, in which five members score the officers with a maximum score of 100.

Potential D.A.R.E. officers must also demonstrate an ability to

formulate a lesson plan using their own education and experience. Toward this end, candidates are given information and tips on how to prepare lesson plans on topics of their choice, which can then be used to instruct a fifth or sixth grade class. Like the speech, the lesson plans are scored with a maximum score of 100. Scoring is completed by two officers who both have relevant academic and teaching experience. Because, in all probability, the scorers would know the candidates, all names are removed from the lesson plans to ensure impartiality.

Each candidate also contacts a school to schedule a D.A.R.E. class, because D.A.R.E. officers must do this on a regular basis. Candidates are rated in five categories by the teachers for a combined score of 100.

The final exercise that the candidates have to complete is an appearance before the oral board. The oral board consists of experienced D.A.R.E. officers who ask each candidate a series of questions that had been asked by students from previous D.A.R.E. classes. Again, the maximum possible score on the oral board was 100.

To make the final selections, the scores from the various exercises are totalled. The public speaking exercise is assessed a value of 40 percent; the classroom presentation, 40 percent; and the lesson plan, 20 percent. These scores are then added to the oral board score and divided by two for

the final score. The names of the top three candidates are then sent to the sheriff. In most cases the sheriff's decision closely mirrors the exercise scores of the candidates.

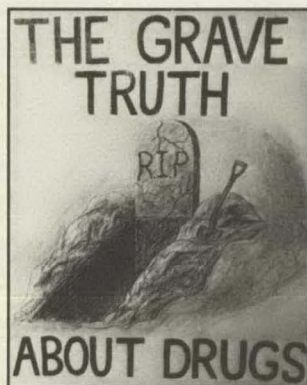
However, in order for this process to be credible, the candidates have to accept it as fair and impartial. Therefore, after the exercises, each candidate is asked to evaluate the testing and selection process. From comments received, all candidates believed that they not only had been given fair treatment but also that they learned a great deal in the process.

Conclusion

Obviously, it would be simpler and far quicker for the sheriff or the chief of police to arbitrarily select an officer for the position. However, the Snohomish County Sheriff's Department believes that its D.A.R.E. Officer Selection Program will eventually have a great impact in eliminating drugs from the community. In fact, D.A.R.E. is already changing the public's perception of law enforcement officers. With this in mind, each department must ensure that this key to a drug-free future is turned by the best qualified D.A.R.E. officers possible.

LEB

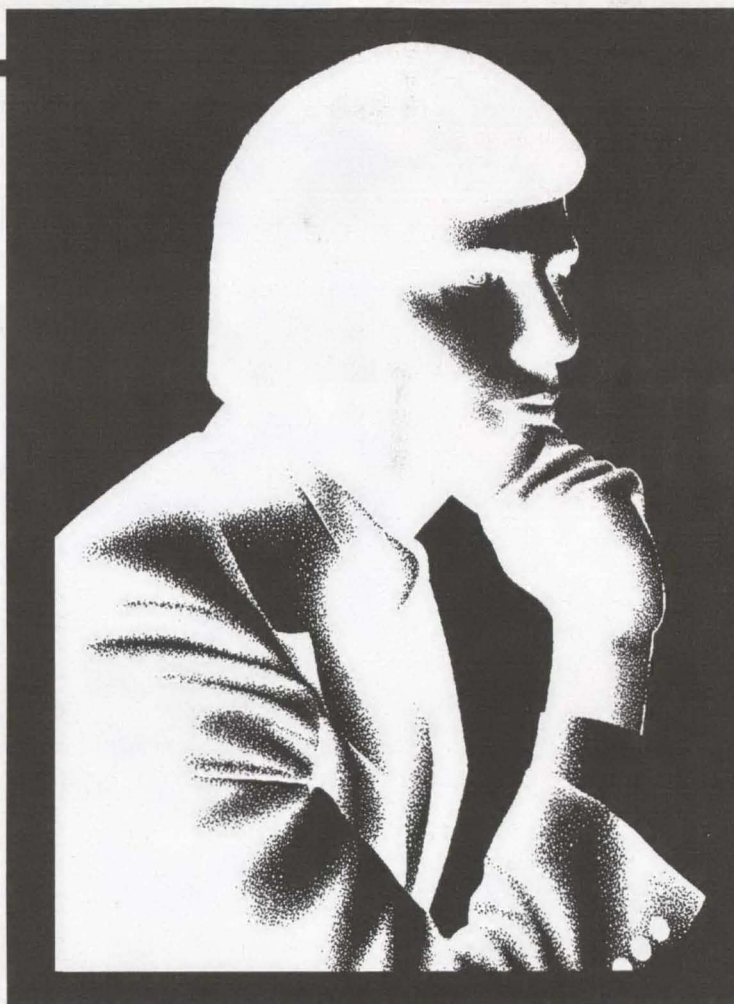
Information for this column was submitted by Philip W. Tribuzio, who is Chief of the Bureau of Staff Services for the Snohomish County, Washington, Sheriff's Office.



Twelve-year-old Jennie Besler, an eighth grade student at St. Michael's School in Belnap, Michigan, entered this winning poster in a contest organized by Deputy Sheriff Robert Paschke, a D.A.R.E. officer for the Presque Isle County, Michigan, Sheriff's Department.

Analytical Intelligence Training

By
MARILYN B. PETERSON
and
R. GLEN RIDGEWAY



The ability to analyze is very important in law enforcement. Every investigator uses analytical ability on the job daily—from the investigation of a single traffic accident to the most complex fraud and money laundering schemes. Analytical ability is what makes a good investigator.

This article provides a look at the philosophy, environment, and pitfalls of teaching intelligence analysis within law enforcement. It explores curricula now available and the need to develop more advanced courses. The article also

calls for the institution of professional standards for intelligence analysts, including specific training topics.

THE FIELD OF INTELLIGENCE ANALYSIS

Investigators have always used analysis while performing their jobs, but not with the disciplined procedures that characterize a professional analyst. In most investigations, which are reactive by nature, analysis is done on a case-by-case basis. Yet, a systematic analytical approach requires

adherence to accepted, fundamental principles and techniques, most of which are learned or assimilated over time. The ability to develop a structured, systematic approach is the hallmark of an intelligence analyst.

The field of intelligence analysis has grown enormously in recent years. As a result, there is increasing focus on complex crimes, particularly in the area of drug enforcement, strategy development, and the need to analyze varying types of data. Only a decade ago, a handful of law enforcement agen-

cies employed trained analysts; now, analysts can be found in even small departments. Even so, analysis is not so entrenched in the law enforcement profession that it is taught to every recruit at the police academy. It is, however, offered in nearly every State in various training settings.

The Federal law enforcement community has influenced the development of law enforcement intelligence analysis. The Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), and the Bureau of Alcohol, Tobacco and Firearms (ATF) have even created a series of job titles and career paths for analysts.

The FBI National Academy Program offers instruction in intelligence analysis to participants during their training at the FBI Academy in Quantico, Virginia. ATF encouraged and supported the beginnings of the only professional association for analysts, the International Association of Law Enforcement Intelligence Analysts (IALEIA), which opened its membership in 1981. The Bureau of Justice Assistance (BJA) has sponsored conferences enabling the various projects to exchange experiences and build on each agency's success. Other Federal agencies employ analysts, as do State agencies such as the Florida Department of Law Enforcement (FDLE) and the Illinois State Police.

Federally funded Regional Information Sharing System (RISS) projects, which provide support to over 2,000 agencies nationwide, also played a significant role in promoting intelligence analysis.



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RISS projects created computerized analytical software for specific types of analysis¹ and offered these services to its members. Under this system, agencies could forward data to the appropriate project. The data was then entered, analyzed, and compiled into a finished report. Additionally, some RISS projects taught analysis to member agency personnel. As a result, line investigators passed on the techniques to others.

Several agencies also developed analytical training in the public sector. Many of these agencies are associated with the Federal Government or the RISS projects. While most of the analytical classes cover basic information, a few advanced courses address such areas

as computer-aided analysis, complex financial case analysis, and strategic analysis.

The success of intelligence analysis courses suggests that there is a market for analytical intelligence training. However, the courses offered are basic and reflect little initiative in developing alternative models. One reason is that agencies have opted to modify the basic training wheel, rather than redesign it, mainly because of lack of time and expertise. This means that analytical training capabilities remain rudimentary and do not advance the science of intelligence analysis in law enforcement.

ANALYSIS IN ACADEMIA

All colleges and universities offer analytical courses, such as statistical, financial and market analysis, and most mandate a minimum number of analytical course credits within the degree program. However, few colleges offer courses in intelligence analysis, and even fewer have courses in law enforcement analysis. Even so, the law enforcement analytical courses that do exist usually focus on the use of intelligence analysis, not on how to analyze. As a result, when law enforcement agencies look for analytical candidates, they generally look for people with degrees in political or social science and strong research skills.

ANALYTICAL COURSE DEVELOPMENT

Developing any course curriculum is a time-consuming process, and analytical courses are no exception. Minimal research

material is available, and there are no textbooks to use as a basis for course formation. As a result, most instructors must begin from ground zero. Therefore, the first step in developing a course is to examine the components, i.e., definitions, steps, examples, and practical exercises.

Definitions

Within the intelligence field, definitions have long been a point of contention. Everyone seems to make up definitions to suit individual needs, and most of these definitions are not written down. While there have been attempts to define key areas of analysis, there is rampant disagreement,² as can be expected.

Steps

When formulating an analysis course, step-by-step instruction should be provided. This reduces the procedure to its most basic components, increases the likelihood of comprehension, and provides a basis for future reference.

Examples

Actual samples of analytical products are not only impressive but are also informative. Ideally, an intelligence analysis course should include fictitious or sanitized examples of every method/product taught.

Practical Exercises

People learn best by doing. Considering that analytical concepts are hard to teach and difficult to learn, authentic-appearing case material should be used during



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course instruction. Many practical exercises can translate the concept of analysis into the investigator's stock-in-trade—solving cases.

PITFALLS OF TEACHING ANALYSIS

There are four general pitfalls in teaching intelligence analysis. They are:

- Using someone else's material,
- Being too technical,
- Not being able to respond to questions, and
- Creating training programs that are too specialized.

Each needs to be considered when teaching an analytical intelligence course.

Using Someone Else's Material

This pitfall is perhaps the most dangerous, since there are so few sources that can be used in analytical training. Also, developing training modules is difficult and time-consuming; so borrowing another's material has become a common practice.

Yet, using another's course curriculum keeps individual experiences from being incorporated into the training, which helps to explain ideas and techniques. This also prohibits an instructor from truthfully answering the question most often asked in the analytical classroom, "Why did (or didn't) you do it that way?" If the "it" referenced is an example or answer an instructor did not create, the instructor can either make up an answer or admit ignorance. But, too many "I don't know" answers may have negative consequences.

Being Too Technical

Because intelligence analysis is a very technical field, it is important to explain the subject matter in the simplest terms possible. Instructors should speak to the audience as a whole, not direct the lecture to one or two technically oriented students who may ask questions frequently. It may be necessary to cover certain concepts and techniques more than once. What is important is that everyone thoroughly understands and comprehends the topics covered.

The presentation should be designed for the audience at hand. Investigators are generally the least technical, but most practical, while managers and analysts usually have a greater tendency to use details and speak abstractly. However, all instruction should be as simple as possible. The goal is to have the students learn intelligence analysis.

Responding to Questions

The nightmare of all instructors is not being able to respond adequately to questions. Using original materials helps to decrease the likelihood that this nightmare will occur. However, an instructor who teaches a course only a few times a year can forget to cover certain details. To prevent this, materials should be thoroughly reviewed a few days before the class begins.

Specialized Training

At present, a limited number of advanced analytical courses are offered in the United States because there is a limited audience for such training, making it not cost effective. For the most part, those who take analytical courses are not analysts; they are more interested in an overview of the concepts and techniques, not in details. In addition, structured courses for experienced analysts may only be offered a few times a year. Therefore, time spent in course development may never be recouped in terms of the number of persons taught, particularly on the local or State level.

The answer might be in forming advanced classes through the cooperation of Federal agencies, programs such as RISS, or a nation-



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al consortium of analytical experts. This would allow more advanced classes to be available over a wider area and to a greater number of participants.

THE FUTURE

It is clear that analysis will continue as a necessary component of criminal investigation in the future. It is also clear that computerization will not take the place of the analyst, but instead will create a greater demand for more complex analysis. However, if analytical intelligence instruction is to reach its potential, there are several areas that must be addressed. These include developmental support, the training of analytical instructors, the development of new models and

curricula in computerized analysis, and emerging analytical techniques.

Developmental Support

There is little support to rely on in the area of analytical training development. Articles, chapters, books, or monographs depicting practitioners' methods are scarce. A few instructors exchange training manuals informally or permit one another to borrow teaching modules. Unfortunately, there is no formal structure designed to assist in the development of training through a professional organization or agency.

Training Analytical Instructors

Outside of one private company that trains its own faculty, there is no organization that educates analysts on how to become analytical instructors. As a result, there are very few qualified analysis instructors in the United States generally available for teaching in multiagency settings. One solution may be to form an intelligence analysis faculty in order to teach others to become analytical instructors.

Developing New Models

New models for providing analytical training should be encouraged. One particular model—definition, how-to steps, practical exercises—is effective at the introductory level but not at the more advanced level. The case-long practex model, developed in the training course “Advanced Analytical Training,”³ could be used in various scenarios, such as drugs and the infiltration of legitimate busi-

nesses. However, other models also should be designed.

Computerized Analysis

The field of computerized analysis has opened new areas of expertise and potential courses. Currently, classes are limited to database applications for toll records, event flow, or network analysis. Artificial intelligence in which computerized data are flagged based on certain elements is a solid tool for targeting criminals and helping to predict criminal activity. Agencies with such programs in use should develop applicable training courses.

DEVELOPING STANDARDS

The International Association of Law Enforcement Intelligence Analysts (IALEIA) has called for institution of standards for analysts. In fact, the IALEIA's Standards and Accreditation Committee, first formed in Florida, was able to have standards adopted there. However, further efforts toward standardization have encountered obstacles, mainly because of the myriad of position classifications used for analysts. Some analysts are sworn police personnel, others are civilian. Some perform a quasi-clerical function, while others are management-oriented strategic planners.

Some analysts view their jobs merely as stepping stones to investigative work; others look at it as a step toward computer software development positions. But few remain analysts for more than 3 or 4 years, and few receive advanced training, develop training, or write



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in the field. In short, not all analysts are committed to analysis as a profession for the long term. This lack of commitment helps explain the lack of advanced analysis and standards. It also does little to foster the goal of IALEIA to promote high standards of professionalism in analysis.

CONCLUSION

This article has detailed the support, or the lack of support, for analytical intelligence training. Several agencies have, in fact, devoted time and personnel to analysis instruction. As a result, hundreds of law enforcement agencies have benefited. However, analytical intelligence training needs more support.

Adequate support for the use of analysis within law enforcement will only come through the education of managers, investigators, prosecutors, and analysts. Unfortunately, a vast majority of agencies in the United States still do not realize how analysis can help them.

Analysis is a subject worth exploring, but law enforcement will only fully accept it when it becomes a routine part of the teaching curricula and standard operating procedures. To achieve this, each analyst must help to persuade the law enforcement community that professional analysis is necessary and vital to law enforcement's mission. Only through standardization and the cultivation of dedicated analysts will analysis as a profession receive the acclaim it so rightly deserves.

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Footnotes

¹ There are six RISS projects--the Rocky Mountain Information Network, the Western States Information Network, the Mid-States Organized Crime Information Center, the Regional Organized Crime Information Center, and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network.

² Marilyn Peterson Sommers, "Law Enforcement Intelligence: A New Look," *International Journal of Intelligence and Counterintelligence*, vol. 1, No. 1, Fall, 1986.

³ "Advanced Analytical Training" includes complex cases for which teams of analysts were required to do analytical products. Areas of instruction include collection plans, fact patterns, corporate analysis and event flow analysis.

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The Bulletin Reports

People In Conflict

Aiding People in Conflict, published by the National Mental Health Association (NMHA), contains up-to-date information for law enforcement professionals who often encounter people in conflict with themselves and others. It offers practical, easy-to-follow tips on recognizing and handling people with mental disability or having a wide range of special problems.

The manual is intended for use in any training situation in law enforcement. It addresses how law enforcement should react to the antisocial personality and how to handle cases of suicide, depression, violent behavior, physical illness and amnesia. It also considers the issues of alcohol and drug abuse, sex offenders and their victims, domestic violence, juveniles, mentally deficient

people, and the elderly. One chapter is dedicated to the officer's personal life and potential crises.

To order copies, contact the National Mental Health Association, 1021 Prince Street, Alexandria, VA 22314-2971, or call 1-703-684-7722.

Juvenile Justice Bulletins

Two bulletins issued by the Office of Juvenile Justice and Delinquency Prevention deal with two escalating crime problems involving youths. The proliferation of weapons in the hands of the young is probably the biggest school problem facing America's education system. To assist school administrators develop strategies for safer schools, the bulletin, ***Weapons in Schools***, offers information for keeping weapons off school campuses.

This bulletin starts by noting the startling statistics determined by the National Crime Survey regarding weapons on school campuses. It then covers intervention and prevention strategies, as well as approaches to take when dis-

arming students. It also stresses the need to educate teachers better in order to prepare them to deal with the problems associated with weapons in schools.

Youth gang violence is another crime issue that demands an immediate response and is the focus of the second bulletin, ***Community Responses Crucial for Dealing with Youth Gangs***. To address the problem, policymakers from 19 metropolitan cities attended a national conference during which they provided a national perspective on the youth gang issue. At this conference, they also stressed the need for a coordinated crime-fighting strategy that includes the support of schools, law enforcement,

courts, corrections, and community service agencies.

This bulletin presents information regarding the influence of drugs on gang activity, the growth of gangs in juvenile institutions, and the extent of gang influence in the community. It also includes strategies that could be developed to respond effectively to youth gangs.

To order copies of these bulletins, call the National Criminal Justice Reference Service toll-free at 1-800-851-3420, or in the Washington, D.C., metropolitan area, the number is 301-251-5500. Refer to NCJ 119465 (youth gangs bulletin) and NCJ 116498 (weapons bulletin).

Child Protection State Legislation

The National Center for Missing and Exploited Children has published a second edition of ***Selected State Legislation: A Guide for Effective State Laws to Protect Children***. This edition contains information on missing child and protection laws that can be used as a guide to establish effective State laws to protect children.

The booklet covers such issues as missing children, parental kidnaping, sexual abuse and exploitation, child pornography and child prostitution, prevention approaches, and education and training. Other areas of particular interest include legislation pertaining to the child/victim in the courtroom, licensing and criminal history information on those working with children, and court-appointed advocates. The text also suggests criteria for drafting State legislation and presents model State legislation for use to design better laws.

To order copies of this publication, write to the National Center for Missing and Exploited Children, Publications Department, 2101 Wilson Boulevard, Suite 550, Arlington, VA 22201, or call toll-free 1-800-843-5678.

Juvenile Drug And Alcohol Abuse

A pressing social problem is the widespread use of drugs and alcohol by America's youth. Since courts play a critical role in holding juveniles accountable for their illegal actions, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) asked the National Center of Juvenile Justice (NCJJ) to analyze information in its court data archive to determine juvenile courts' responses to alcohol and drug offenses.

The findings of this analysis are the subject of the bulletin, ***Juvenile Courts Vary Greatly in How They Handle Drug and Alcohol Cases***. The study determined that some courts handle most of their substance abuse cases by ordering the youth to court for a formal hearing, while others handle these cases by releasing the juvenile to another agency.

This variation is especially apparent in drug possession cases.

The study disclosed other significant points. For example, drug cases were more common in large counties, but alcohol cases were more common in small ones. More than half the youths referred to juvenile court for a drug or alcohol offense had been referred to juvenile court at least once before. Driving-under-the-influence cases were more likely to be handled formally than other alcohol cases. The study also determined that drug and alcohol case rates vary greatly by age, sex, and race.

To obtain a copy of this report, call the National Criminal Justice Reference Service at 1-800-851-3420, or in the Washington, D.C., metropolitan area, the number is 251-5500. Refer to NCJ 119319.

The Bulletin Reports, a collection of criminal justice studies, reports, and project findings, is written by Kathy Sulewski. Send your material for consideration to: ***FBI Law Enforcement Bulletin***, Room 7262, J. Edgar Hoover Building, 10th & Pennsylvania Ave., NW, Washington, DC 20535.

(NOTE: The material presented in this section is intended to be strictly an information source and should not be considered as an endorsement by the FBI for any product or service.)

Law Enforcement Exploring

By
STEVE FARISH



Two one-man police units respond to a burglary-in-progress call at a local church in Irving, Texas. One unit, however, is noticeably different—it carries an extra passenger, a civilian. As the two police officers search the building for suspects, the civilian passenger remains with the police vehicles to watch for any suspicious activity. Without warning, three male suspects run out of the chapel doors, across a courtyard and toward a parking lot. The

civilian uses the police radio to advise the dispatcher, as well as the other officers, of the suspects' descriptions and in which direction they are heading. Because of this civilian's understanding of police procedures, all three suspects are apprehended. The civilian rider is a Law Enforcement Explorer.

What is Law Enforcement Exploring?

Law Enforcement Exploring is a branch of the Boy Scouts of

America (BSA), but its members are not Boy Scouts. Rather, Explorers are young men and women ranging in age from 14 to 20 who are interested in law enforcement careers. The Exploring Program brings enthusiastic youths into a police department to participate firsthand in such activities as traffic and crowd control, crime prevention, security surveys and patrol ride-along programs. Explorers do not take the place of regular officers, but rather supplement them.

The success of the Law Enforcement Explorer Program is apparent by its continued growth. Nationwide, more than 1,000 new posts have been formed during the past 10 years, and the number of Explorers grew from 32,000 in 1979 to almost 46,000 in 1989. The program has received endorsements from the Federal Bureau of Investigation, International Association of Chiefs of Police (IACP), the National Sheriff's Association (NSA), the Exploring Division of the Boy Scouts of America and the Law Enforcement Explorer Executive Committee.

Regarding the Law Enforcement Exploring Program, U.S. Senator Phil Gramm notes, "Involvement in the Law Enforcement Explorer Program establishes an awareness of the complexities of criminal justice and gives Scouts a better understanding of our democratic system." In essence, Exploring provides an opportunity for young Americans to participate in criminal justice activities, after training and indoctrination, designed to enlarge their career opportunities and build mutual understanding with law enforcement agencies.

Benefits of Exploring

For the Irving, Texas, Police Department, Exploring provides an opportunity to identify potential career law enforcement personnel. Currently, the police department has three officers who are former Law Enforcement Explorers. One of these officers has been with the department for 10 years since get-

ting his start with Explorers. "Law Enforcement Exploring is a very positive influence on today's youth," this officer said. "It allows Explorers to learn about criminal justice through classroom training and practical experience."

Perhaps more important is the role an Explorer Program has in improving the agency's relationship with the community. Explorer advisors are assigned to the Community Services Section to deal specifically with crime prevention. The Explorers also get involved in the community through senior citizen centers, bicycle rodeos, day schools and many other similar programs. In addition, Neighborhood Watch Programs enable the Explorers to meet personally with residents of the community and to explain Operation I.D. or such crime prevention measures as the difference between a single cylinder and a double cylinder dead-bolt lock.

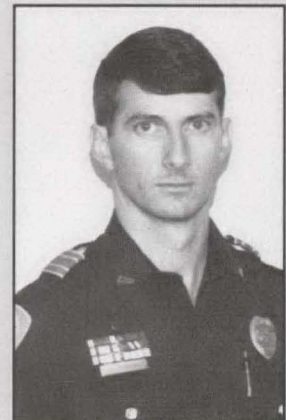
Explorers enable the department to maintain effective use of officer manpower. The police department uses Explorers to help with the filing, statistical work, and inventories. Explorers also participate in child fingerprinting days at a local shopping mall. Involving the Explorers also allows the department to demonstrate the desirable practices and attitudes of a successful law enforcement agency, thus building respect for the department and improving its overall image.

Benefits to Youth

For a young adult, Exploring can set a career path and provide a better understanding of the criminal justice system. It can also build character, increase mental and physical fitness, improve self-esteem, and provide a better understanding of a young person's role as a citizen. "With the training, guidance and understanding I needed as a young adult, Exploring

“...Exploring provides an opportunity for young Americans to...build mutual understanding with law enforcement agencies.”

Steve Farish is the President of the Texas Law Enforcement Explorer Advisor's Association and an Irving, Texas, police officer.





“*...the number of Explorers grew from 32,000 in 1979 to almost 46,000 in 1989.*”

helped make up my mind that law enforcement would be my career choice,” said one police officer who was an Explorer for 4 years before joining the Irving Police Department.

Starting a Program

The first prerequisite for a department considering a Law Enforcement Exploring Post is a commitment to America's youth and to the BSA's goals of character building, citizenship and mental and physical fitness. To receive its post charter from the BSA, the police department must agree to provide an Explorer advisor to work directly with the post members and provide a post committee of at least four members to function as a support team. The department is also responsible for providing a meeting place for the post, training and consultants as needed, and abiding by the principles and policies of the BSA in all Explorer activities.

In return, the local scout council agrees to assist in organizing the post, train the adult leaders, offer support services as needed and the names of potential recruits, and provide liability insurance protection for the post's leaders and the police department. The scout council also makes available literature and program materials, council-owned scout camps and other facilities, and district and council Exploring events, such as road rallies, Explorer Olympics and Law Enforcement Exploring conferences.

The Irving Police Department Post was first chartered in October 1971. “I approached the Boy Scouts for more information on the Exploring program after reading about a post in Dallas,” said the Assistant Chief of Police of the Technical Services Bureau, who subsequently became the Explorer advisor. For the introductory meeting, called a “first-nighter,” 28 young people at-

tended and were told that the post, by providing direct contact with the police department, gives Explorers an opportunity to learn about the law.

Proficiency Awards and Explorer Motivation

Once an Explorer Program is established, an ongoing challenge is to keep the young people's interest. In February 1985, advisors for the Carrollton, Texas, Police Department and the Irving Police Department developed an incentive awards program for both posts to motivate the Explorers and to recognize their accomplishments. This program was also introduced and adopted by other police departments in the area.

The Irving and Carrollton incentive program became a major part of the National Law Enforcement Explorer Proficiency Awards Program now offered by BSA to Law Enforcement Explorers. The program provides an opportunity

for posts and their Explorers to earn a series of recognition awards that incorporate their Law Enforcement Exploring experience, such as community service, crime prevention, law enforcement training, firearms training, emergency preparedness, and drug abuse prevention.

Within the Irving post, the award program motivates Explorers to become more involved in a "total police work" concept. "When Explorers join the post, their idea of police work is riding around in a squad car writing tickets and making arrests," according to the police department's associate advisor. "The proficiency awards help motivate the kids to participate in all aspects of police work."

Explorer Training

Training consumes a tremendous amount of an Explorer's time and energy. Most of the regularly scheduled meetings (first and third Tuesday nights of each month) are spent learning about different law enforcement techniques and the responsibilities of police work. To become eligible for the Ride-Along Program, proficiency awards or local and national Law Enforcement Explorer competitions, each of the Explorers must complete 30 hours of training in areas such as departmental procedure, first-aid, report writing and radio procedure.

Often, the department uses officers who are not Explorer advisors to teach the classes, which provides an opportunity for them to interact with the Explorers. However, the department also arranges for guest speakers from Federal agencies, juvenile courts, detention centers or

other criminal justice agencies to add variety to the training program.

Training for Law Enforcement Officers

The Boy Scouts of America, through the Exploring Division, offers a Law Enforcement Exploring Advisors' Workshop to help advisors become more at ease with their responsibilities and to understand their role in Exploring. Each of the Irving Police Department's advisors has attended the 3-day workshop, which includes training in Explorer leadership, recruiting, policy and procedure, working with the BSA, community relations, money earning, motivation, identifying and solving problems, firearms safety programs, training academies and many other topics.

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...Exploring can set a
career path and
provide a better
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criminal justice system.
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There are also area-wide workshops to help advisors run their posts effectively. These workshops offer information about other available local, State and national programs and help to solve problems common to other posts through group discussions. All workshops are conducted by BSA personnel and Explorer advisors from departments around the country.

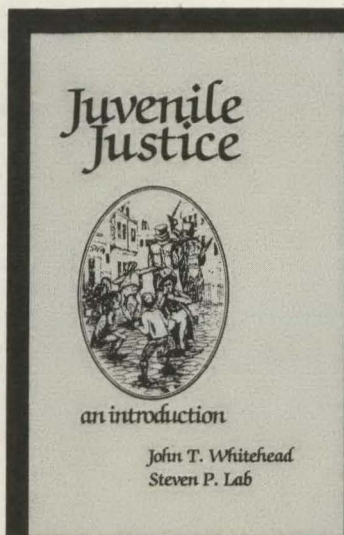
In an effort to offer additional training and to create a positive link between the youth and patrol officers, the police department also offers a 3-hour Officers' Explorer Training class. This class provides an overview of the Exploring Program and is mandatory for those who want to participate in the Explorer Ride-Along program. Explorer standard operating procedures (SOP) are also taught to the officers to inform them of the Explorer's role and duties when accompanying the officer on patrol or when working at the station. These restrictions ensure that the Explorer will be riding with officers who are knowledgeable about the program and who understand the guidelines that they, as well as the Explorers, must follow.

Conclusion

Involvement in the Law Enforcement Exploring Program has greatly benefited the Irving, Texas, Police Department by providing needed and timely manpower for special occasions and by offering a positive outreach program to the community. For the Explorer, the benefits continue throughout their lives. If Explorers choose a law enforcement career, they usually do not need as extensive a training program as employees who did not participate in the Exploring Program. But, even if the Explorer does not choose a law enforcement career, the department still will have helped a youth to become a much more productive citizen who will understand and care about the needs and concerns of law enforcement.

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Book Reviews



Juvenile Justice: An Introduction, by John T. Whitehead and Steven P. Lab, Anderson Publishing Co., Cincinnati, 1990.

Juvenile Justice: An Introduction is a contemporary juvenile justice text. In it, the authors integrate the materials required for an understanding of juvenile justice in the United States with discussions of current controversies and problems. As the authors state, their objective is to present a text that focuses on juvenile justice as a dynamic, sometimes volatile, system.

In the first 5 of 13 chapters, Whitehead and Lab lay the groundwork. Chapter One defines the legal and criminological parameters of delinquency and presents an overview of official,

self-report and victim data that describe delinquency patterns. Chapter Two delineates the major historical events that transformed society's conception of childhood into the view operationalized in the traditional juvenile court. The next two chapters review the major theoretical propositions developed to explain individual delinquency or delinquency rates. Special attention is given to the applicability of theory, both to practice and to understand female delinquency. Chapter Five is devoted to a subject that is once again in the headlines—juvenile gangs. In this chapter, the authors review the research on gangs and discuss intervention strategies.

Chapter Six is unique, current, and important. Entitled "Identification and Prediction in Juvenile Justice," it concentrates on the concept of criminal careers. Addressing the identification of juveniles who will later become adult criminals, the authors describe various prediction techniques and their usefulness. They then highlight the findings of the criminal career research conducted during the past few decades and discuss the juvenile justice policy implications.

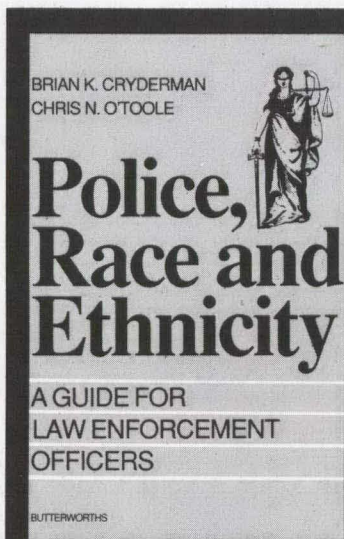
Chapters 7 through 12 take the reader through the juvenile justice system's decisionmaking process, from arrest through juvenile corrections programs. The

authors describe decisionmaking options, factors that contribute to the decisions made and significant policy issues.

The final chapter addresses current juvenile justice issues that will extend into the future. Two of these are given extensive coverage—the range of alternative juvenile court philosophies being debated and tried and the war on drugs. The authors outline the problems and proposed remedies of four other topics: The appropriateness of capital punishment for juveniles, the question of ending juvenile court jurisdiction over status offenders, the most effective handling of chronic violent juveniles, and the privatization of intervention strategies.

Juvenile Justice: An Introduction is a well-conceived and well-written text in which the authors strive for a balanced presentation of issues. It is an appropriate text for individuals new to the field who want to know about today's juvenile delinquency and provides a good study of the juvenile justice system within an historical, legal, and sociocultural context.

Reviewed by
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Police, Race and Ethnicity
by Brian K. Cryderman and Chris
N. O'Toole, Butterworth and
Company, Toronto, 1986.

The increasing ethnicity of municipalities will be a major factor in law enforcement for many communities in the years to come. In *Police, Race and Ethnicity*, the two authors and six collaborators have compiled an array of statistics, case studies, and other data that address the universal problem of law enforcement interaction in a mosaic of multiracial and multi-ethnic environments. Although the book's presentation is centered in Canada, its message is broad enough to offer insight into the

emerging ethnic situations in many industrialized nations, including the United States.

The book consists of 12 chapters, well organized into three parts. Part 1 discusses the sociological and historical background of multiculturalism. Part 2 describes the idiosyncracies of the police and Ontario's minority communities. Part 3 is devoted to Ontario's minority community profiles. The book features an extensive bibliography and a glossary of terms used in the text.

Dr. Bruce Sealey, a professor at the University of Manitoba, lecturer, and consultant to a number of Canadian police forces and educational institutions, introduces and presents a discussion of racism in Chapter 1. The other contributors follow suit in presenting material in an honest, clear, and concise manner, focusing on each issue and allowing the reader to follow easily as theories are developed. While the emphasis of Chapters 1 through 4 is on issues that impact Canada, many of these same, or very similar, issues are being faced throughout North America.

The second half of the book specifically addresses seven minority groups that the authors believe will receive professional

contact from Ontario police officers. Profiles of these minority groups are presented based largely on the size of their communities. Chapters 7 through 12 present a capsulized historic overview of each group, providing a background for their activities in Ontario. These chapters also consider language, family, home, religion, and their involvement in community organizations. At the conclusion of each chapter, the authors offer a case study of each group discussed based on occurrences in the province of Ontario.

The authors and collaborators attempt an honest description of the changing ethnic and racial environment in Ontario and the emerging police reaction to these evolving communities. The authors see the text as a first step toward the development of an overall educational program in race and ethnic relations for law enforcement officers. In this context, much of the material presented could be of value to law enforcement in many communities in the United States.

Reviewed by
SA Henry White, Jr.
Civil Rights Unit
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Curtilage

The Fourth Amendment in the Garden



BY
JOHN GALES SAULS

Suppose a police officer, executing a search warrant authorizing the seizure of cocaine, is searching a residence in his jurisdiction. As the search proceeds, an outbuilding is discovered at the rear edge of the residence's backyard. The officer ponders whether he may search the outbuilding under the authority of the warrant he is executing.

Across town, another officer is conducting an unrelated surveillance of a drug trafficker. He follows the suspect to a residence that the suspect enters. The suspect and the resident of the house, who is unknown to the police, are heard talking on a fenced patio behind the house. If the officer crawls into the bushes at the side edge of the residence's lawn, he will be able to

see the men on the patio without revealing his presence. He wonders whether such an entry will be lawful.

These officers are grappling with the concept of curtilage. The first officer needs to determine whether the outbuilding is within the curtilage of the residence and therefore within the scope of the search warrant. The second officer

needs to determine whether the bushes he is considering crawling into are within the curtilage of the residence, and if so, whether his contemplated entry is a lawful one.

This article will discuss curtilage. It will first discuss the legal standards used in defining the physical limits of curtilage. Then, it will examine protections associated with curtilage and the limitations placed upon law enforcement officers by these protections. Finally, it will set forth guidelines that may be used by officers who need to determine the boundaries of a particular residence's curtilage so as to restrict their actions to those allowed under the Constitution.

CURTILAGE DEFINED

As the U.S. Supreme Court noted in *United States v. Dunn*,¹ curtilage is the area immediately surrounding a residence that "harbors the 'intimate activity associated with the sanctity of a man's home and the privacies of life.'"² Curtilage, like a house, is protected under the fourth amendment from "unreasonable searches and seizures."³ Determining the boundaries of curtilage, however, is considerably more problematic than fixing the limits of a house.

In *Dunn*, the Court identified four factors that should be considered when determining the extent of a home's curtilage:

1) The distance from the home to the place claimed to be curtilage (the nearer the area to the home, the more likely that it will be found to lie within the curtilage);

2) Whether the area claimed to be curtilage is included within an enclosure surrounding the home (inclusion within a common enclosure will make it more likely that a particular area is part of the curtilage);

3) The nature of use to which the area is put (if it is the site of domestic activities, it is more likely to be a part of the curtilage); and

4) The steps taken by the resident to protect the area from observation by people passing by (areas screened from the view are more likely a portion of the curtilage).

The Court urged the use of these four factors as a guide in assessing whether the "area in question is so intimately tied to the home itself that it should be placed under the home's 'umbrella' of Fourth Amendment protection."⁴

Since the Court in *Dunn* held that the area in question in that case was outside the curtilage, no guidance was provided regarding what protections the fourth amendment provides to curtilage. Fortunately, other U.S. Supreme Court and lower court decisions have delineated these protections in some detail.

PROTECTIONS AFFORDED CURTILAGE

Application of the Fourth Amendment

The fourth amendment to the U.S. Constitution protects the "right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures...."⁵ As earlier noted, this protection extends to the area surrounding a residence that is known as curtilage.⁶ Often, the area outside the curtilage is properly

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...entry by officers into private areas of curtilage will constitute an intrusion into fourth amendment rights.

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



classified as "open fields" and is subject to no fourth amendment protection.⁷

Whether a particular action in relation to the curtilage is controlled by the fourth amendment depends on whether the action constitutes a "search or seizure" for fourth amendment purposes. If the action is a search or seizure, officers are generally required to obtain a warrant prior to conducting the search or seizure, or to justify a warrantless action by demonstrating that it was lawful under one of the exceptions to the fourth amendment warrant requirement.⁸ If no search or seizure is involved, the fourth amendment will not apply, and it is unnecessary for an officer to factually justify his actions.⁹

A search, for fourth amendment purposes, occurs when

Examination of the Curtilage from a Point Outside

An officer, positioned in a place where he has a right to be outside the curtilage of a residence, may generally look into the curtilage without performing a "search." This is true because the officer is observing nothing more than any other member of the public might see from the same viewpoint, and "[w]hat a person knowingly exposes to the public, even in his own home or office, is not subject to Fourth Amendment protection."¹¹ For example, when agents of the Internal Revenue Service hid in a cornfield adjacent to a residence's backyard and observed illicit whiskey transactions therein, their actions did not constitute a search, even though the backyard was clearly part of the curtilage.¹²

backyard...."¹³ Similarly, when officers saw marijuana plants growing in a person's backyard, by standing on tiptoes on a neighbor's back porch to look over the person's 6-foot high stake fence that was overgrown by vines and bushes, they did not conduct a search.¹⁴

Use of an airplane or helicopter flying in lawful airspace as a platform to view what a person has exposed, in his curtilage, to air view will also not constitute a search.¹⁵ When the officer is observing nothing more than some other member of the public flying over the residence might see, those observations are not intruding into any expectation of privacy that society is willing to recognize as reasonable.¹⁶ Consequently, the viewing is not a search.¹⁷

Similarly, use of devices that optically or mechanically enhance an officer's view into curtilage does not constitute a search as long as the device does not reveal significant details that could not be viewed from a closer public vantage point. For example, officers who concealed the existence of their surveillance by hiding in woods and using binoculars and a spotting scope to observe the yard, garage, barn and exterior of a rural home were not conducting a search since these things were also visible from a public highway closer to the house.¹⁸ In another case, officers used a telephoto lens while on a helicopter overflight to photograph a barn adjacent to a suspect's rural home and thereby observed a newly constructed addition to the barn and unusually wide tire tracks leading to the barn. These actions were held

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government action intrudes into a person's "reasonable expectation of privacy."¹⁰ As will be hereafter discussed, assessing whether a particular action by the government intrudes into a person's "reasonable expectation of privacy" is a critical component in the determination of what law enforcement officers may lawfully do in and around curtilage.

Where necessary, an officer may take steps to improve his view without his actions constituting a search, so long as he does nothing that might not be done by some other ordinarily curious member of the public. Standing on a rock in order to see over a 6-foot fence, for example, has been held not to constitute a search since the resident "...had reasonably to expect that his neighbors might glance into his

not to constitute a search since the things observed could have been seen with the naked eye during a closer, lawful overflight.¹⁹

However, use of sophisticated devices to enhance the officers' observation powers to reveal things not visible with the naked eye from some lawful vantage point will likely constitute a search. Thus, when police used a 600-millimeter camera lens from a distance of 100 yards (the nearest point the officers had a right to be) to glimpse through the fan louvers of an opaque greenhouse surrounded by brush and two fences, their observations of marijuana plants were held to be a search.²⁰ Therefore, if the use of enhancement devices is contemplated during a surveillance, absent emergency circumstances, a valid search warrant should be obtained prior to its institution.

The information that officers gather by seeing what has been placed in the view of the public may be used as component facts of probable cause to search or arrest. However, mere possession of facts amounting to probable cause will not necessarily justify further warrantless action by the officers. As will be discussed, absent the applicability of some recognized exception to the warrant requirement, a search warrant may be required before officers enter curtilage and seize evidence.

Entry into Curtilage

Determining whether an entry into curtilage by law enforcement officers constitutes a search or seizure for fourth amendment purposes necessitates a second

"reasonable expectation of privacy" analysis. While citizens may have no reasonable expectation that police officers will not look into their curtilage from vantage points where the officers have a right to be, they may reasonably expect that the same officers will not enter their curtilage.

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”**

In *United States v. Whaley*,²¹ a deputy sheriff driving along a road crossing an 11,000-acre farm saw what he thought to be marijuana growing adjacent to a house that was near the road. The deputy later entered the property and seized the marijuana plants without first obtaining a warrant. The seizure of the marijuana plants was held to be illegal. Even though the deputy's view of the plants from the road was not a search, his entry onto the property to seize the plants was an intrusion into the curtilage. Since no emergency had been shown to exist, and no other exception to the warrant requirement was apparently applicable, the court ruled the warrantless entry and seizure violated the fourth amendment.

All warrantless entries into curtilage do not, however, violate the fourth amendment. In assessing

the constitutionality of an entry, courts look to the nature of the particular area entered to assess whether the entry intruded into some reasonable expectation of privacy. In that regard, areas of the curtilage, such as walkways and driveways, that members of the public would be expected to enter are not private. As one court expressed, "In conducting a criminal investigation, a police officer may enter those residential areas that are expressly or impliedly held open to casual visitors."²² Officers may generally enter access areas of the residence's curtilage without a warrant since it is reasonable to expect members of the public, such as neighbors and salespersons, to enter such areas. The court noted, "If one has a reasonable expectation that various members of society may enter the property in their personal or business pursuits, he should find it equally likely that the police will do so."²³

In *United States v. Smith*,²⁴ for example, an officer drove into the driveway of the defendant's 70-acre farm and saw from his car a large marijuana plant growing beside the house. Although there was a wire fence along the highway, the court in holding that no search had occurred noted that the driveway was unobstructed, and that it was not reasonable to expect that members of the public wouldn't drive in.

In *United States v. Roberts*,²⁵ an officer drove into a road marked "private" that the defendant shared with other neighbors and walked up to the defendant's front door. His view of evidence from that point was held not to be the product of a

search. An unobstructed driveway or sidewalk carries with it an implied invitation to both neighbors and the police.

Officers may also deviate somewhat from the straight path to the front door. In *United States v. Johnson*,²⁶ officers stepped 2 or 3 feet off the sidewalk leading to the front door of an urban residence and thereby gained a view into the lighted basement through an uncurtained window. Their view of drugs being packaged in the basement was held not to be the product of a search.

However, entry by officers into *private* areas of curtilage will constitute an intrusion into fourth amendment rights. In *United States v. Van Dyke*,²⁷ officers began a surveillance of a rural home from a neighbor's property. As darkness fell the officers moved in closer to obtain a better vantage point. "The officers walked through trees growing along the boundary between the two properties, climbed a fence, and moved 15 feet beyond the fence to a location 150 feet from the residence. There they lay down in a patch of honeysuckle bordering the mowed lawn."²⁸ Although quite distant from the house, this area was held to be within the curtilage in part due to its proximity to the large, manicured lawn. This entry into curtilage was held to constitute a search, and the information obtained from surveillance at this location was suppressed.

Searches Made Pursuant to a Search Warrant

Officers executing a search warrant that authorizes them to

search a residence for evidence of crime have authority to enter the curtilage area in order to gain access to the residence. But that is not the end of their powers under the search warrant. Many warrants include a specific authorization to search the curtilage and any outbuildings therein. Even without this specific

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authorization, officers may, pursuant to the warrant, search portions of the curtilage that might conceal the evidence they are empowered to seize.²⁹ This is because the "...word 'premises' in a search warrant includes the land, the buildings, and the appurtenances thereto."³⁰ Thus, in *United States v. Griffin*,³¹ a warrant that described a residence as "premises known as" followed by the street address and a description of the house gave authority to search and seize soil and rock in the backyard, the contents of a tool shed and the contents of an automobile parked in the driveway.

An officer who knows prior to applying for a search warrant that there are outbuildings or automobiles on the premises to be searched should seek a warrant that includes a specific authorization to search the curtilage, out-

buildings and automobiles.³² This is especially true where defendants might claim that the outbuildings are separate residences.³³ However, where the warrant merely authorizes the search of specified "premises," officers should understand this to include the curtilage and outbuildings (that are clearly not other residences) located therein.³⁴

CONCLUSION

Three circumstances have been identified where the concept of curtilage has legal significance to police officers. First, where officers contemplate observing an area from a lawful vantage point using a device to enhance their senses to an extent that they will be able to observe details not visible with the naked eye from any other lawful vantage point, the officers must determine whether the area is part of a residence's curtilage. This is because if the area is curtilage their enhanced viewing is likely a search under the fourth amendment, and absent emergency circumstances, a search warrant is required in order for their viewing to be lawful.

Second, when contemplating entering areas near a residence that are not access areas or that are access areas with public access either blocked or discouraged in a significant way,³⁵ officers should determine whether the area to be entered is within the curtilage. Again, if the area is part of the curtilage, the officers should, absent emergency circumstances, seek a search warrant before making the entry. The second officer mentioned in the beginning of this article is

faced with such a circumstance. The bushes he is contemplating crawling into are likely within a nonaccess portion of the curtilage, and the officer would need a warrant in order to lawfully view his suspect from that location.

Finally, officers executing search warrants, such as the first officer mentioned in the beginning of this article, need to determine the bounds of the curtilage when contemplating the search of a structure arguably beyond the curtilage. The same holds true when they encounter what is likely a separate dwelling not specified as a place to be searched in the search warrant. The search of separate dwellings and structures beyond the curtilage will require seeking additional warrants specifically directing the search of those structures.

Where a determination regarding curtilage is required, officers should make a common sense assessment using the factors set forth in the *Dunn* decision: (1) The distance of the area from the residence; (2) whether the area is included with the residence in a common enclosure; (3) the nature of the use of the area; and (4) what steps the resident has taken to screen the view of the area. If the area in question is very close to the residence, that fact alone will likely cause the area to constitute curtilage. If the area is farther away, the other factors will also be of significance. In a close case, it is recommended that officers seek a search warrant prior to acting. This will serve as a safeguard that the officers' actions are within the bounds of Constitutional constraints.

LEB

Footnotes

- ¹ 480 U.S. 294 (1987).
- ² *Id.*, at 300 (quoting *Oliver v. United States*, 466 U.S. 170, 180 (1984) [internal quotation marks omitted]).
- ³ *United States v. Dunn*, *supra* note 1; *United States v. Oliver*, *supra* note 2.
- ⁴ *United States v. Dunn*, *supra* note 1, at 301.
- ⁵ U.S. Const. Amend. IV.
- ⁶ See *Oliver v. United States*, *supra* note 2.
- ⁷ *Id.* The "open fields" doctrine is not limited to rural settings, but can also include undeveloped urban property. See *State v. Stavricos*, 506 S.W.2d 51 (Mo. App. 1974).
- ⁸ *Katz v. United States*, 389 U.S. 347 (1967).
- ⁹ *Id.* See also, *United States v. Jacobsen*, 104 S.Ct. 1652 (1984).
- ¹⁰ *Id.*
- ¹¹ *Katz v. United States*, *supra* note 8, at 351.
- ¹² *United States v. Campbell*, 395 F.2d 848 (4th Cir. 1968), *cert. denied*, 393 U.S. 834 (1968).
- ¹³ *State v. Corra*, 745 P.2d 786, 788 (Or. App. 1987), *review denied*, 752 P.2d 842 (Or. 1988).
- ¹⁴ *United States v. McMillon*, 418 F.2d 1150 (D.C. Cir. 1969).

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The information that officers gather by seeing what has been placed in the public's view may be used as component facts of probable cause to search or arrest.

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- ¹⁵ *California v. Ciraolo*, 476 U.S. 207 (1986); *Florida v. Riley*, 109 S.Ct. 693 (1989). See also, *United States v. Broadhurst*, 805 F.2d 849 (9th Cir. 1986). As noted in *State v. Bridges*, 513 A.2d 1365 (Me. 1986), the means used to gather the information will not be relevant as long as what was observed could have been seen from a legitimate, public vantage point.
- ¹⁶ *Id.*
- ¹⁷ *Id.*
- ¹⁸ *United States v. Lace*, 669 F.2d 46 (2d Cir. 1982), *cert. denied*, 459 U.S. 854 (1982).
- ¹⁹ *United States v. Allen*, 675 F.2d 1373 (9th Cir. 1980), *cert. denied*, 102 S.Ct. 133 (1981).
- ²⁰ *Wheeler v. State*, 659 S.W.2d 381 (Tex. Crim. App. 1983). See also, *United States*

v. Tabora, 635 F.2d 131 (2d Cir. 1980); *United States v. Cuevas-Sanchez*, 821 F.2d 248 (5th Cir. 1987). In *Cuevas-Sanchez*, the court in dicta indicated that the use of a video camera to obtain a full-time view of the defendant's backyard (which was fenced but visible to a number of his neighbors) constituted a search due to the pervasive nature of the surveillance. The reasoning that it is reasonable to expect that persons will not gaze constantly into one's backyard but unreasonable to expect that persons will not look occasionally seems significantly flawed. A place is either open to public view or it's not. The court was not required to decide the issue in *Cuevas-Sanchez* since the officers in that case got prior judicial authorization to conduct the video surveillance. Consequently, their actions would have been reasonable for fourth amendment purposes even if the video surveillance had constituted a search.

- ²¹ 781 F.2d 417 (5th Cir. 1986).
- ²² *People v. Shorty*, 731 P.2d 679, 682 (Colo. 1987). See also, *United States v. Ventling*, 678 F.2d 63 (8th Cir. 1982) (officer drove into driveway and walked to front door, observing evidence); *United States v. Kramer*, 711 F.2d 789 (7th Cir. 1983), *cert. denied*, 104 S.Ct. 397 (1983) (officers removed trash bags which were just inside a knee-high chain fence running along street curb 30 feet from front of house); *United States v. Reed*, 733 F.2d 492 (8th Cir.

1984) (officer entered fenced back parking lot of commercial establishment through open gate). Cf. *Maryland v. Macon*, 472 U.S. 463 (1985) (detective in plain clothes entered book store, which was open to the public, and purchased magazine later used as evidence).

- ²³ *State v. Corbett*, 516 P.2d 487, 490 (Or. App. 1973).
- ²⁴ 783 F.2d 648 (6th Cir. 1986).
- ²⁵ 747 F.2d 537 (9th Cir. 1984).
- ²⁶ 561 F.2d 832 (D.C. Cir. 1977), *cert. denied*, 432 U.S. 907 (1977).
- ²⁷ 643 F.2d 992 (4th Cir. 1981).
- ²⁸ *Id.* at 993.
- ²⁹ See *United States v. Bonner*, 808 F.2d 864 (1st Cir. 1986), *cert. denied*, 107 S.Ct. 1632 (1987) (detached garage included in term "premises" for purposes of describing the place to be searched); *United States v. Penn*, 647 F.2d

876 (9th Cir. 1980), *cert. denied* 449 U.S. 903 (1980) (warrant describing residential premises included the residence's yard).

³⁰ *State v. Trujillo*, 624 P.2d 44 (N.M. 1981).

³¹ 827 F.2d 1108 (7th Cir. 1987).

³² See *United States v. Percival*, 756 F.2d 600 (7th Cir. 1985) (approving of a search of a suitcase in the trunk of a car parked in a detached garage during the execution of a search warrant authorizing the search of the residential premises, but noting that the "better practice" would be to specifically include the car in the warrant where possible).

³³ See *United States v. Frazin*, 780 F.2d 1461 (9th Cir. 1986), *cert. denied sub. nom. Miller v. United States*, 107 S.Ct. 142 (1986) (noting the outer limits of authorization of search based upon curtilage, stating "[w]e have upheld searches of all the property at a listed street address under warrants that recite probable cause as to only a portion of the premises where a multiunit building or collection of separate buildings is used as a single entity, where the defendant is in control of the whole premises, or where the entire premises is suspect."); accord, *United States v. Alexander*, 761 F.2d 1294 (9th Cir. 1985) (approving the search of a house trailer located on a ranch pursuant to a warrant authorizing a search of the entire ranch); *United States v. Whitten*, 706 F.2d 1000 (9th Cir. 1983), *cert. denied*, 465 U.S. 1100 (1984) (approving the search of a large stucco house where the house and the adjacent cottage where the probable cause statement indicated the illegal activity was occurring shared the same street address and were occupied in common by the defendants).

³⁴ *United States v. Long*, 449 F.2d 288 (8th Cir. 1971), *cert. denied*, 405 U.S. 974 (1972); *United States v. Asselin*, 775 F.2d 445 (1st Cir. 1985) (which notes that a defendant is often placed in a "no win" situation where the area in question is either within the curtilage and thus within the warrant's authorization, or in an "open field," thus requiring no warrant).

³⁵ It is noteworthy that fences and "no trespassing" signs are not a barrier to an officer's entry into "open fields." See *Oliver v. United States*, *supra* note 2; *United States v. Dunn*, *supra* note 1.

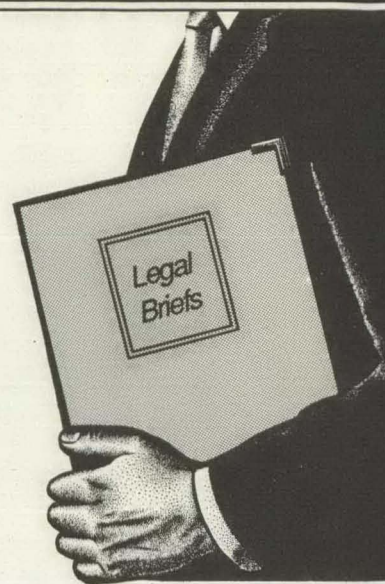
Law enforcement officers of other than Federal jurisdiction who are interested in this article should consult their legal adviser. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all.

Maryland v. Buie U.S. Supreme Court Decision

On February 28, 1990, the Supreme Court decided *Maryland v. Buie*, which involved a "protective sweep" performed at the time of Buie's arrest in his residence. Officers lawfully used force to enter the residence in an effort to make the arrest. A search of the main and second floors failed to locate Buie. An officer then yelled down the basement stairwell, and Buie eventually emerged and surrendered. Buie was arrested for a robbery committed by two armed men that had occurred 2 days earlier. The second suspect was still at large at the time of Buie's arrest.

Based on a concern that others might be present who could pose a danger to the arrest team, an officer went down the stairs and scanned the basement for persons. He observed in the open and seized a red running suit that matched the description of one worn by one of the robbers. Buie contended that this running suit should be suppressed because the sweep of the basement after his arrest was an "unreasonable search" that violated of the fourth amendment.

The Supreme Court held that officers lawfully making an arrest in premises may search any area of those premises they reasonably suspect could conceal persons who might pose a threat to the safety of



the officers. Even if officers have no facts indicating other persons are present, they may still lawfully search places where persons might be concealed in the room where the arrest is made, in closets of that room, and other spaces "immediately adjoining" that room. Such protective sweep searches of "immediately adjoining" areas, as well as broader sweep searches based upon reasonable suspicion, must be cursory examinations limited to places where persons might be concealed, and must last no longer than necessary to complete the arrest and safely depart the premises.

The *Buie* decision is an important affirmation of the right of law enforcement officers to take reasonable steps in the course of their duties to protect their safety. For a comprehensive discussion of warrantless emergency searches, see "Emergency Searches of Premises," *FBI Law Enforcement Bulletin*, March and April 1987.

The Bulletin Notes

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



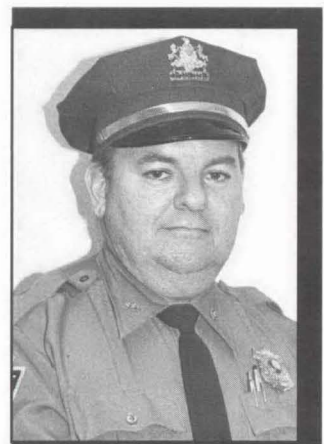
Officer Banks

While Officer William Banks of the Hampton, Virginia, Police Division was patrolling a residential section, he observed a car speeding past in the opposite direction. As Officer Banks turned to pursue the speeding vehicle, it veered off the road, struck a utility pole and caught fire. With the aid of a passerby, Officer Banks was able to pry open a jammed door and carry the driver to safety.



Chief Mueller

Chief Mark Mueller of the Montello, Wisconsin, Police Department responded to a report that a man had fallen off an embankment into the dangerous waters near a dam. As bystanders pointed to the general area where the man had submerged, Chief Mueller dove into the water and located him. Chief Mueller then pulled the man to the bank and began life-saving procedures.



Officer Kienzle

As Officer Edmund Kienzle of the Prospect Park, Pennsylvania, Police Department arrested one subject in an attempted motor vehicle theft, another suspect fled into a nearby wooded area. This suspect got control of another responding officer's gun and critically wounded him. As additional officers surrounded the area, Officer Kienzle struggled with the subject. He placed his thumb against the trigger, making the gun inoperable. The suspect was then apprehended and placed into custody.

Nominations to this department should be based on one of the following: 1) Rescue of one or more citizens, 2) arrest(s) at the risk to officer, or 3) unique service to the public or outstanding contribution to the profession. Submissions should include a short write-up (maximum of 250 words), a black-and-white photo of nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be sent to the Production Manager, *FBI Law Enforcement Bulletin*, Room 7262, 10th and Pennsylvania Ave., NW, Washington, DC 20535.

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