



May 1991

FBI

Law Enforcement Bulletin

Amendment I
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II
A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III
Soldier shall, in time of peace be quartered in any house, without the consent of the owner.

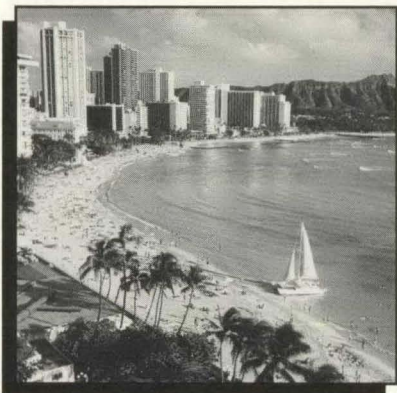
The Bill of Rights



Features



Page 2

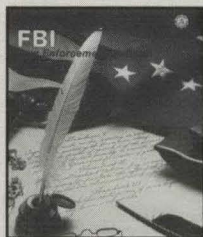


Page 16

- 2 Law Enforcement Officers Killed**
By Victoria L. Major
- 6 Teamwork: An Innovative Approach**
By Alan Youngs and Eric K. Malmberg
- 10 Vehicular Long-Barrel Weapons Mount**
By David W. Pimenti
- 16 Honolulu's STRIPES**
By Robert D. Prasser
- 21 Reserve Officers**
By Joseph W. Evans
- 26 Inventory Searches**
By Austin A. Andersen

Departments

- 1 Director's Message
- 15 The Bulletin Reports
- 9 Book Review
- 24 Police Practices
- 14 Point of View
- 32 The Bulletin Notes



The Cover: "Freedom Has a Name: The Bill of Rights" is the theme for Law Day U.S.A. 1991. It commemorates the 200th anniversary of the ratification of the Bill of Rights. Photo courtesy of the American Bar Association.

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.

Editor—Stephen D. Gladis, D.A.Ed.
Managing Editor—Kathryn E. Sulewski
Art Director—John E. Ott
Assistant Editors—Alice S. Cole
Karen F. McCarron
Production Manager—Andrew DiRosa
Staff Assistant—Carolyn F. Thompson

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 1991

Since 1958, when President Dwight D. Eisenhower proclaimed May 1st as Law Day, Americans have commemorated this country's longstanding tradition of liberty, justice, and equality under the law. In 1991, however, Law Day takes on a special significance. This year marks the 200th anniversary of the Bill of Rights.

The framers of the U.S. Constitution added the Bill of Rights to ensure that the powers granted to the government did not conflict with individual liberties. They intended to establish a central government that had enough power to govern. But with the addition of the Bill of Rights, they tried to assure that this new government would not become tyrannical.

The notion of carefully balancing the authority of the government with the rights of the people, although deeply rooted in the American consciousness, is not unique to America. Since the early days of civilization, when people began living together in villages and towns, man has sought rules to preserve order while protecting individual liberties.

When American colonists drafted the U.S. Constitution and the Bill of Rights, the rule of law became a reality on a grand scale. These amendments provided a legacy of liberty and justice that serve as the basis of our democracy.

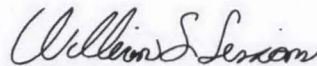
America has come to be recognized around the world as a nation of people who are guaranteed the basic rights of life, liberty, and the pursuit of happiness. By balancing the authority of its government and the liberty of its

citizens, our country serves as an inspiration to people everywhere struggling for their dignity and freedom.

Where the authority of the government and the liberty of the individual interface is where law enforcement most often finds itself. As a matter of fact, most everyday law enforcement tasks—arrests, searches and seizures, investigative detentions, eyewitness identification, interrogation—are governed by the Bill of Rights. Maintaining the fragile balance between the power of the government and the rights of the citizens is a responsibility law enforcement *should* and *does* take very seriously.

We have a unique and continuing opportunity to help preserve the most precious gift passed down to us from our founding fathers—the gift of freedom. For the sake of every American, we must welcome this opportunity. Maintaining this balance is not an easy task, but with constant vigilance, we can do our part to fulfill the dreams of those who wanted a “more perfect union” under which the power of the government cannot overwhelm the rights of its people.

So, as we celebrate Law Day this year, let us remember not only the law as it is in 1991, but the law as it was envisioned 200 years ago in the Bill of Rights.



William S. Sessions
Director

Law Enforcement Officers Killed 1980-1989

By
VICTORIA L. MAJOR

Photo courtesy of Ron Dunnivan



The Federal Bureau of Investigation began to maintain and to publish statistics on law enforcement officers killed in 1961. The data collected over the years are a sad legacy of the dedicated men and women of this Nation's police forces who lost their lives protecting others. Yet, at the same time, the information provides an insightful look into this heinous crime. This article gives an overview of law enforcement officers killed during the years 1980-1989.

The 1980s

During the decade of the 1980s, 801 law enforcement officers were feloniously killed in the line of duty.

Officer deaths were recorded in 46 States; the District of Columbia; the U.S. territories of American Samoa, Guam, the Mariana Islands, Puerto Rico, and the Virgin Islands; and Mexico. Of the slain officers, 442 were employed by city police departments, 208 by county police and sheriff's offices, and 84 by State agencies. Twenty-three Federal agents and 44 territorial officers were also slain.

The 1980s total was 30 percent lower than that of the 1970s, when 1,143 officers were slain. The highest annual total during the past decade was in the first year, 1980, when 104 officers were killed. The lowest totals were in 1986 and 1989, when

each year registered 66 officers killed. This figure represents the lowest annual total since records have been kept.

Victims

Of the 801 officers killed from 1980 through 1989, 783 were male and 18 were female. Seventy-seven officers were under 25 years of age; 515 were aged 25 to 40; and 209 were over 40 years old. By race, 703 of the slain officers were white; 96 were black; and 2 were of other races.

The law enforcement officers killed during the past decade averaged 9 years' law enforcement experience. Veterans of more than 10

years accounted for 34 percent of the victim officers. Thirty-three percent had from 5 to 10 years of service; 29 percent, from 1 to 4 years of service; and 5 percent, less than 1 year of experience.

The average height of officers killed during the 10-year period was 5 feet 11 inches. Seven of every 10 were in uniform when slain.

Circumstances

Arrest situations resulted in the deaths of law enforcement officers more frequently than any other activity during the 1980s. Two of every 5, or 327, of the officers slain were attempting an arrest when killed.

Among the remaining victims, 132 were killed upon responding to disturbance calls (man with gun, bar fights, family quarrels); 117 were investigating suspicious persons or circumstances; 107 were conducting traffic pursuits or stops; 71 were ambushed; 34 were handling, transporting, or maintaining custody of prisoners; and 12 were handling mentally deranged individuals. One officer was slain during a civil disorder.

Types of Assignment

Patrol officers accounted for nearly two of every three officers slain throughout the decade. Detectives or officers on special assignment accounted for 23 percent of the victims, and 12 percent were off duty but acting in an official capacity when slain.

Of those killed while on patrol, 78 percent were assigned to one-officer vehicles, 20 percent to two-officer vehicles, and 2 percent to foot patrol. Fifty-three percent of the patrol officers were alone and unassisted at the time of their deaths, while 30 percent of the victim offi-

cers on other types of assignment were alone and unassisted.

Weapons

Firearms claimed the lives of 92 percent or 735 of the 801 officers killed in the line of duty from 1980 through 1989. Seventy percent of the murders were committed by the use of handguns, 13 percent by rifles, and 9 percent by shotguns.

The most common types of handguns used against officers were the .38 caliber and .357 magnum. These two weapons jointly accounted for nearly two of every three handgun deaths.

More than one-half of the officers killed by gunshots during this same timeframe were within 5 feet of their assailants at the time of the attack. Fifty-four percent of the firearm fatalities were caused by wounds to the upper torso, while 42 percent resulted from wounds to the head.

Of the 735 officers killed with firearms, 120 or 16 percent were

killed with their own weapons. Handguns accounted for 118 of the service weapons used against the officers; shotguns for 2. Among the service handguns, 9 of 10 were those using .357- or .38-special cartridge types.

Weapons other than firearms claimed the lives of 66 officers during the 10-year period. Thirty-three officers were intentionally struck with vehicles, 17 were knifed, 7 were beaten with blunt objects, 5 were beaten with personal weapons (hands, fists, feet), 2 were burned, 1 was drowned, and 1 was asphyxiated.

Body Armor

Of the 735 officers slain with firearms during the 1980s, 157 were wearing protective body armor. Wounds to the head resulted in the deaths of 94 officers wearing protective armor. Thirty-two officers were killed when bullets entered between the panels of the vests or through the arm openings. Thirteen were killed by wounds to the upper torso outside

Law Enforcement Officers Killed 1980-1989

- 801 were feloniously killed in the line of duty
- 104, the highest annual total, were killed in 1980
- 66, the lowest annual total, were killed in both 1986 and 1989
- 783 were male
- 18 were female
- 515 were aged 25 to 40
- 327 were attempting an arrest when killed
- 735 officers were killed by firearms
- 120 were killed with their own weapons
- 157 of those killed by firearms were wearing protective armor
- 7 out of every 10 were in uniform when killed
- 2 out of every 3 were patrol officers



"Hopefully, the statistics compiled on officer deaths can be used to protect those who continue to enforce the laws of this country and protect its freedom."

the area of the vests, and 12 by gunshot wounds below the vest area. Six officers were slain when bullets penetrated their protective vests.

In addition to the 157 officers shot and killed while wearing vests, 12 victims wearing vests were killed by weapons other than firearms. Eight officers wearing vests were intentionally struck by vehicles, three were stabbed, and one was pushed to his death.

Places

The most populous region, the Southern States, recorded 46 percent of the officer fatalities in the 1980s. The Western States recorded 18 percent of the deaths; the Midwestern States, 17 percent; the Northeastern States, 13 percent; and U.S. territories, 5 percent.

A comparison of regional totals for the two periods, 1980-1984 and 1985-1989, showed that the number of officers killed during the latter 5-year span declined in all regions.

Among the 50 States, Texas lost more officers to line-of-duty deaths than any other during the decade. Four States recorded no felonious killings during the 10-year period—Delaware, New Hampshire, Rhode Island, and Vermont.

Law enforcement agencies in the Nation's largest cities, those with more than 250,000 inhabitants, lost more officers to line-of-duty deaths than departments in municipalities of any other size. These cities collectively recorded 24 percent of all felonious killings in the decade. Following were suburban county law enforcement agencies, registering 16 percent of the slayings.

Times

In the past decade, 62 percent of the incidents resulting in officers' deaths occurred from 6:01 p.m. to 6:00 a.m. The figures show the 6:01 a.m. to 8:00 a.m. period to be the hours when the fewest officers were slain, while the hours from 8:01 p.m. to 10:00 p.m. were those during which the highest totals were recorded.

Daily figures for the decade show more officers were slain on Thursdays than on any other day of the week. The fewest fatalities were recorded on Sundays. January was the month during the 10-year span that registered the highest total, 91; August showed the lowest total, 53.

Assailants

Ninety-eight percent of the 801 slayings of law enforcement officers

during the 1980s have been cleared. Of the 1,077 suspects identified in connection with the murders, 1,034 were male and 43 were female. Fifty-six percent of those identified were white, 42 percent were black, and 2 percent were of other races. Sixty-two percent of the assailants were younger than 30 years old.

Seven of every 10 suspects identified had previous arrests, and 5 of 10 had a prior conviction. The records also show that 3 of every 10 had a prior arrest for a violent crime. Twenty-four percent of those identified were on parole or probation at the time of the killings.

Of the 1,077 persons identified, 879 have been arrested by law enforcement agencies. One hundred forty-three were justifiably killed, 48 committed suicide, 6 are still at large, and 1 was murdered in an unrelated incident.

Disposition

Based on available disposition information, 70 percent of those arrested and charged in connection with the killings of law enforcement officers during the 1980s were found guilty of murder. Eight percent were found guilty of a lesser offense related to murder, and 4 percent were found guilty of some crime other than murder. Two percent of those charged were committed to psychiatric institutions, and 1 percent died in custody before final disposition. Ten percent of the suspects were acquitted or had the charges against them dismissed. Disposition is pending for 6 percent of the arrestees, the majority of whom were arrested in 1988 and 1989.

Accidental Deaths

In addition to those feloniously killed during the decade, 713 law enforcement officers lost their lives accidentally while performing their official duties. The lowest annual

total of the decade was in 1980 with 61 deaths recorded. The last year of the decade, 1989, registered the highest count, 79.

Automobile accidents were the leading cause of accidental deaths, accounting for 312 fatalities during the decade. Following were accidents where officers were struck by vehicles at traffic stops, road blocks, while directing traffic or assisting motorists, etc. (160); aircraft accidents (89); accidental shootings (60); motorcycle accidents (49); and other types of acci-

dents, such as falls, drownings, etc., (43).

Geographically, the Southern States recorded 312 accidental deaths; the Western States, 168; the Midwestern States, 116; the Northeastern States, 101; Puerto Rico, 10; and Guam, 2. An additional four officers were accidentally killed in the line of duty while in foreign countries.

Conclusion

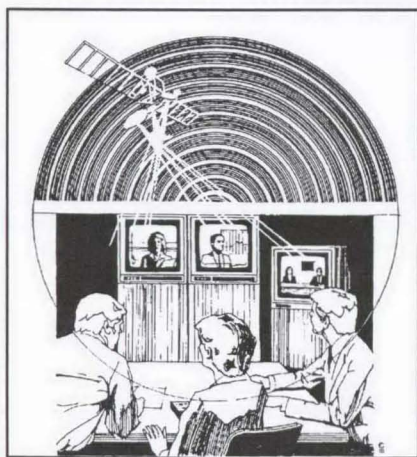
Many officers paid the ultimate price in the performance of

their duties. They accepted the challenges of their profession freely and faced each challenge unselfishly. Hopefully, the statistics compiled on officer deaths can be used to protect those who continue to enforce the laws of this country and protect its freedom.

LEB

Mrs. Major is a supervisor assigned to the Uniform Crime Reporting Section, Federal Bureau of Investigation, Washington, D.C.

1991 LESTN Teleconferences



This year marks the sixth consecutive year that the FBI and the Kansas City, Missouri, Police Department have offered video teleconferences to law enforcement agencies nationwide over the Law Enforcement Satellite Training Network (LESTN). These teleconferences address current issues facing law enforcement.

Two teleconferences have already been broadcast in 1991. The February 12th program

concentrated on "Labor Relations: Management and Labor Issues," which included a discussion on why police unionize and the protection of rights. On April 10th, the broadcast centered on "Hate Groups: Violence in America," which dealt with right-wing violence, the characteristics that distinguish these crimes from others, and the future impact upon law enforcement.

The topics for the remaining teleconferences scheduled for 1991 include the following:

- June 12—"Safe Neighborhood Programs: The Hampton, Virginia, Plan"
- August 14—"Victim Officers: Post Shooting and Psychological Concerns"
- October 9—"Vehicle Theft Investigations: Practical Aspects and Investigative Needs"
- December 11—"Wellness and Fitness Programs: A Holistic Approach to Health"

The live broadcasts, which are offered free of charge, take place from noon to 3:00 p.m., Eastern Standard Time, and include telephone calls from the viewing audience.

To receive teleconferences, a law enforcement agency needs a C-Band satellite dish antenna and tuner, a television monitor, and satellite coordinates. The monthly LESTN bulletin sent to law enforcement agencies carries a notice of the teleconferences scheduled, the satellite coordinates, the time of the broadcast, and a description of the program.

Anyone wanting additional information on LESTN teleconferences, or those wishing to obtain videotapes of previous teleconferences, should contact the Teleconference Program Manager, FBI Academy, Quantico, Virginia 22135, 1-703-640-1145, or the Teleconference Program, Video Seminar Unit, Kansas City Police Department, 3201 Southwest Trafficway, Kansas City, Missouri 64111, 1-816-931-5273.

Teamwork

An Innovative Approach

By
ALAN YOUNGS
and
ERIC K. MALMBORG

Exercises performed outside the classroom help team members to communicate with each other to solve common problems.



As humans, we strive for individuality. We pride ourselves on the unique talents and problem-solving capabilities each of us possesses. Our individual capabilities, when combined with those of others in a professional setting, work to build a successful team. However, effective teamwork does not come easily; it requires coordination, cooperation, and communication on the part of all involved.

The Need To Work Together

At times, individual needs and goals, as well as an inability to communicate effectively, interfere with effective team building. And, while the diverse skills of several

persons working together can solve problems, combining these human efforts successfully to achieve a goal poses difficult challenges. Nonetheless, as society becomes more complicated and as individuals become more specialized, effective teamwork becomes an essential requirement to solve common problems.

For example, the problems facing society as a whole increasingly require the input and joint coordinated action of the police and the community. As these problems become more complex, the consequences of ineffective solutions increase correspondingly. The recent upsurge of gang activities in

metropolitan areas is only one problem that points to the need for a team effort.

Then, there is the realization that police departments are becoming more "civilianized," another emerging trend. More and more, civilians perform many jobs within police departments that do not require the training and skills of professional police officers. For this transformation to work, the barriers between these two groups must come down.

Therefore, police departments must begin to promote team building within their ranks. Then, the strategy can be adapted to work with members of the community. As

Sir Robert Peel, the first commissioner of London's Metropolitan Police, pointed out in the first part of the 19th century, "The police are the people and the people are the police."

Properties of Successful Teams

What are the secrets of successful teams? Why do some teams achieve remarkable success, while others fail or are assigned to mediocrity? To find the answers, Dr. Carl Larson, a former Dean of Social Sciences at the University of Denver, and Dr. Frank M.J. LaFasto, Vice-President of Human Resource Planning and Development for a private health care corporation, conducted a 3-year study of individual teams and their achievements.¹ By interviewing a wide range of teams, including a space shuttle team and a championship football team, they discovered a surprising consistency in the characteristics of an effective team.

Larson and LaFasto identified eight properties of successful teams:

1) A clear, elevating goal—a worthwhile and challenging objective that is compelling enough to create team identity and has clear consequences connected with its achievement;

2) A results-driven structure—a team design that is determined by the objective and supported by clear lines of responsibility, open communication, fact-based judgments, and methods of providing individual performance feedback;

3) Competent team members—members who possess the essential skills and abilities to accomplish the objective;

4) A unified commitment—a team goal that is given a higher priority than any individual objective and inspires members to devote whatever effort is necessary to achieve success;

5) A collaborative climate—a common set of guiding values that allows members to trust each other;

6) Standards of excellence—high standards that motivate members to constantly strive to improve performance;

7) External support and recognition—necessary resources and support required to accomplish team objectives, including recognition and incentives; and

8) Principled leadership—leaders who take the necessary actions to inspire commitment, reward superior performance, delegate meaningful levels of responsibility, and confront inadequate performance.²

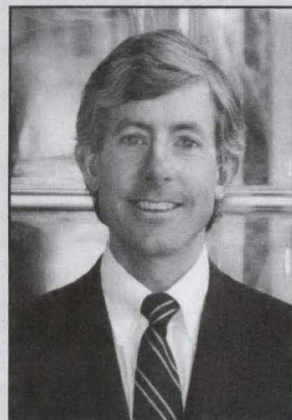
Building an Effective Team

The Lakewood, Colorado, Police Department recently implemented an innovative approach to help its management-level officers understand and develop a more successful team approach to problem solving. Faced with the growing realization that well-executed teamwork is required for effective law enforcement, and successful participation in the community team as a whole, the department developed a strategy to train its management personnel to become more effective team participants.

Department administrators realized that traditionally, law enforcement training has been confined to the classroom. And, although classroom training provides the



Captain Youngs



Mr. Malmberg

Captain Youngs serves with the Lakewood, Colorado, Police Department. Mr. Malmberg works as a management consultant in Boulder, Colorado.

opportunity to listen to instructors and exchange ideas with fellow students, it is not the ideal place to experience and assimilate what is being taught. Oftentimes, when students return to the work setting, they do not have the opportunity to practice what they learned. Therefore, hands-on experience should reinforce classroom instruction.

This is particularly true when a group of individuals endeavors to increase its ability to work as a team. In essence, the group learns to be a team by actually working together. Team training in an environment that is new, unfamiliar, adventurous, and challenging allows each individual to see the resources available in others, discover creative ways to solve problems by using these resources, and develop the communication skills and the trust needed to operate successfully as a team.

This is why department administrators decided to take their team building effort beyond the classroom. Working with a management development organization, the department developed a workshop designed to improve communication, increase team effectiveness, and enhance the leadership capabilities, creativity, and vision of its managers. The goal of the workshop was to build an effective management team through reinforcement of classroom training.

Team Building Workshop

To begin, mandatory attendance at the team building workshop was required of every police supervisor from the rank of sergeant to the chief of police, as well as every civilian supervisor. The participants were divided randomly in teams, although each team did include persons of every rank. The program was repeated four times during a 6-month period.

Day one of the workshop concentrated on various practical exercises designed to assess each participant's current ability to work with others and to reinforce team building. This also enabled the participants to learn firsthand the dimensions of high performance teams as

identified by Larson and LaFasto. By the end of the day, these exercises surfaced issues such as:

- The importance of trust and clear communications
- Creative problem solving and the impact of organizational structure on that process
- The importance of clearly defined goals and the need for everyone to work toward those goals
- Role clarity and understanding individual abilities, and
- The need for team leaders to focus on team goals and to maintain the direction of the team.

“...effective teamwork...requires coordination, cooperation, and communication on the part of all involved.”

For example, in one of the more-simplified exercises, teams worked together to get all their members up and over a 12-foot wall safely. Each team member displayed different strengths and/or weaknesses when encountering the wall. In order for the team to be successful, team members needed to recognize and adapt these individual abilities to obtain a common goal. Team members had to align themselves with the goal, communicate with others, place

trust in team members, and use creative thinking to solve the problem at hand.

In-depth discussions followed team exercises. Participants voiced the trust and confidence they felt at the end of each exercise and discussed experiencing, or not experiencing, these same feelings on the job.

These exercises and discussions explored a number of issues critical to team performance. Through this process, team members became aware of their individual abilities to work as part of a team and learned team skills that could be put to use in their individual assignments.

During the second day of the workshop, participants “took stock” of the first day’s activities and examined personal and team accomplishments. Workshop coordinators also presented a review of the characteristics of high performance teams, according to the work of Larson and LaFasto, and shared the results of a feedback instrument that each team member filled out before the workshop began. After reviewing the feedback and assessing the information, teams focused on areas that they thought were the most critical to team development and the individual plans that should be used on the job to accomplish team goals.

Followup

In a followup study, participants identified the most significant things they learned from the workshop. Some of their comments were:

- “A team can work together to achieve goals and objectives”
- “I was impressed with all the different ways that a task can be solved when different

members of the team provide input"

- "Team functioning 'hands-on' is far more effective than mere talking or working"
- "Free, creative thinking should be encouraged within an organization for effective problem solving"
- "The strength of our team was impressive."

Other benefits of this experience included the formation of a committee to promote and facilitate communication within the department and the establishment of a citizen's police academy to increase community awareness of police operations and to provide an opportunity for police and community members to develop a team relationship.

Conclusion

Effective teamwork is critical to any organization. But, a team is only as strong as its members. The "out-of-the-classroom" learning experience assisted team members to identify the elements of teamwork and to communicate them to others. It also helped them to recognize their individual strengths and weaknesses.

This program also allowed the civilian personnel and officers of the Lakewood Police Department to discover that each member's individuality is an asset to building a team. And it is that individuality, combined with coordination, cooperation, and communication, that makes for a successful team. **LEB**

Footnotes

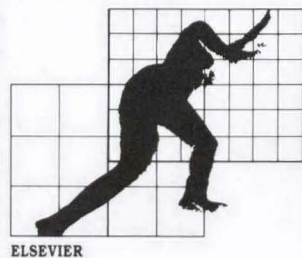
¹ Carl Larson and Frank M. J. LaFasto, *Teamwork—What Must Go Right/What Can Go Wrong* (Newbury Park, California: Sage Publications, 1989).

² Ibid. p. 8.

PRACTICAL HOMICIDE INVESTIGATION

TACTICS, PROCEDURES, AND FORENSIC TECHNIQUES
SECOND EDITION.

VERNON J. GEBERTH



ELSEVIER

Practical Homicide Investigation: Tactics, Procedures, and Forensic Techniques, 2nd Edition by Vernon J. Geberth, Elsevier Publishing Company, Inc., New York, 1990, (212) 989-5800.

Practical Homicide Investigation: Tactics, Procedures, and Forensic Techniques is a very well-written text that gives consideration to all phases of death investigations. This second edition updates and expands an already-invaluable resource for homicide investigators. Included is a new chapter outlining the investigation of sex-related homicides, which expands coverage of such topics as homosexual homicides and interpersonal violence.

Also included in this edition is a chapter on criminal investiga-

tive analysis, an effective method for investigating more bizarre crimes. Again, coverage of this procedure is complete and well-presented. Chapter 13, which discusses the collection of evidence, has been enhanced with an explanation of DNA-print tests, DNA identification tests, and their application to forensic medicine.

The second edition serves to enhance and expand a well-written publication, and to bring it up-to-date with modern investigative procedures. The author has an extensive background in homicide investigation and he draws upon this to present a comprehensive and thorough presentation of the topic. Despite the graphic nature of the material, the book is written in an engaging style that helps to guide both the experienced investigator and the novice through the often unsettling subject matter.

This book is an excellent reference source for anyone responsible for investigating homicides and other unnatural deaths. The presentation is both professional and thorough, and with this second edition, now even more complete.

Reviewed by
SA Arthur E. Westveer, MLA
Behavioral Science Services
FBI Academy
Quantico, Virginia

Vehicular Long-Barrel Weapons Mount



The author demonstrates removing the weapon from the mount while the vehicle is in motion.



By
DAVID W. PISENTI

Concealment, Security, Accessibility—These three factors are critical to the storage of long-barrel weapons in unmarked law enforcement vehicles. However, until recently, addressing all three of these factors simultaneously was not feasible. For the most part, law enforcement personnel had no other choice than to store such weapons in the trunks of unmarked vehicles, thereby sacrificing accessibility for concealment and security.

Unfortunately, this practice led to many tragic situations that resulted in injury or death for a number of local, State, and Federal law enforcement officers. On June 26, 1975,

FBI Special Agents Jack Coler and Ron Williams were surrounded by adversaries at Pine Ridge, South Dakota. Special Agent Coler was shot while attempting to remove shoulder weapons from the trunk of the Bureau vehicle. As Special Agent Williams administered first aid to his wounded colleague, he too was shot. Both Agents were killed at point-blank range.

Obviously, for maximum personal protection, law enforcement personnel should have immediate access to shoulder weapons when necessary. In response to this need, the FBI developed and tested an innovative vehicular long-barrel

weapons mount that provides for the concealment, security, and accessibility of shoulder weapons. This article discusses the versatility of this new weapons mounting system, which accommodates a variety of shoulder weapons and is adjustable to fit a number of vehicles.

Research Background

The Firearms Training Unit (FTU) at the FBI Academy began conducting extensive research to devise a passenger compartment storage system for long-barrel weapons in the late 1970s. Initially, a system was developed to mount the weapon forward of the front seat

cushion. This system, while providing for storage and accessibility, did not conceal the weapon effectively and could not be used in vehicles with bucket seats or a center console. Also, because this system could not be locked, the vehicle could not be left unattended. Thus, while the system filled immediate needs, it did not satisfy long-term objectives.

In the early 1980s, the concept of a mounting system on the vehicle's ceiling was proposed. Such a system would improve concealability and would facilitate storage and accessibility of the weapon, regardless of interior design variations.

Along these lines, a manufacturer developed a two-piece shotgun mount that attached to the outside edges of the vehicle headliner. The mount consisted of two components—the butt assembly, which encompassed the entire circumference of the shotgun recoil pad, and the barrel assembly, which accommodated the barrel end of the weapon. A synthetic spring-loaded dowel inserted into the muzzle applied sufficient pressure to the butt assembly to hold the weapon in place.

To remove the shotgun from this mount, horizontal pressure needed to be applied to the weapon's muzzle. This freed the butt from the mount so that it could pivot forward until it was clear of the unit. Then, by releasing the tension of the spring-loaded dowel, the shotgun was ready for use.

However, for most individuals, both hands were needed to remove the shotgun from this mount. This required that the vehicle be stationary, which resulted in reduced response time during a crisis. Furthermore, this particular mount accommodated only one barrel length of shotgun, and the unit could not be locked.

Redesigned Weapons Mount

Then, in 1986, the Firearms Training Unit initiated a research and development project to design a new ceiling-mounted vehicular weapons mount system. In addition to concealment, security, and accessibility, the FTU set other requirements for a weapons mount: 1) The ability to fit any vehicle, and 2) the ability to accommodate a variety of weapons.

With these specific requirements in mind, FTU Agents drafted detailed specifications for a weapons mount, which were sent to interested manufacturers in the industry. A final prototype was fashioned and submitted to the FTU for testing.

Testing the New Weapons Mount

To evaluate the effectiveness of the new weapons mount, FTU Agents conducted a series of tests. These tests involved installing the mount in various types of vehicles to ensure its adaptability to vehicles

used by law enforcement personnel. Then, these vehicles were driven at speeds of up to 65 m.p.h. to see if the occupants, regardless of seating position, could dislodge the weapon easily from the mount while the vehicle was in motion. Also, shotguns with different barrel lengths were placed in the mount to test its versatility. After extensive evaluation, this prototype was accepted for use in Bureau vehicles.

Installing the Mount

The major problem with equipment that is not installed in the factory is adapting the unit to individual automobile designs. Specifically, automobile ceiling construction varies from manufacturer to manufacturer and even among models built by one manufacturer. For example, some manufacturers install secondary roof supports from front to back, while others use supports that run side to side. Also, the distance between supports depends on the model. Knowing where secondary supports

“Providing concealment, security, and accessibility for long-barrel weapons in unmarked vehicles is critical to the well-being of law enforcement personnel.”

Special Agent Pisenti is assigned to the Firearms Training Unit at the FBI Academy.



are located is important for proper installation of the weapons mount.

However, regardless of manufacturer or model design, a common feature in vehicle roof structures is the steel beam support that runs the length of the roof above the side windows. Therefore, specially designed brackets were attached to the ends of the vehicle weapons mount to accommodate curve variations in the roof. These roof-line variations make it necessary at times to reshape the end brackets so that the unit can be fitted as close to the headliner as possible. With the brackets properly shaped, the mount can be expanded telescopically to fit virtually any automobile, small truck, or van by adjusting the screws on the back of the center mount insert. Also, each bracket is affixed to the body of the mount by four screws to facilitate removal for reshaping. Once the vehicular weapons mount is properly adjusted, it can be installed in the vehicle.

The weapons mount can also be positioned front to back, from

directly behind the rear view mirror and covering the dome light with its lens removed. However, to install the unit in this fashion, the secondary support must also run from front to back. Actually, the vehicular weapons mount can be positioned wherever there is support to anchor the end brackets. For example, mounts could be installed horizontally or vertically on the side wall of a tactical van. Once a mount is installed, the butt assembly can be adjusted to store a particular weapon.

Depending on the width of the vehicle, this weapons mount accepts a 14-inch, 18-inch, or 20-inch pump or auto-loading shotgun of any manufacturer, an H & K or Colt submachinegun, or an AR-15, M16A1, M16A2, M16A1 or A2 carbine. In addition, this unit accepts any shoulder weapon that will fit in both the butt and barrel-housing assemblies.

Adjusting the Mount

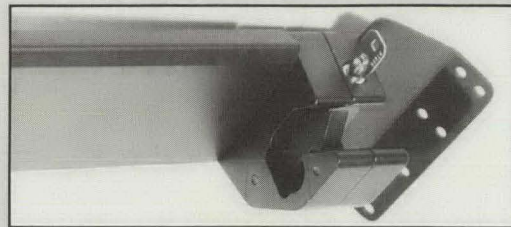
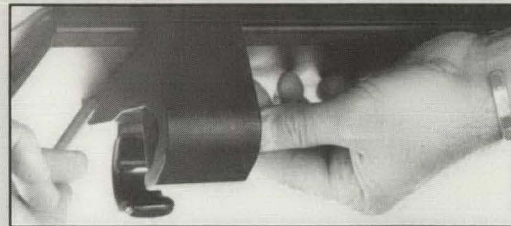
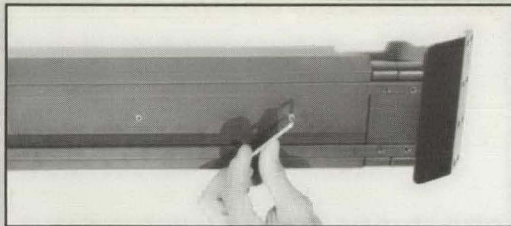
The vehicular weapons mount can be adjusted by loosening the butt

assembly with a wrench and placing the weapon into the unit barrel first. Then, the butt assembly should be slid forward until the butt plate of the weapon is secure. Marking the location of the butt assembly on the mount with a pencil facilitates repositioning once the weapon is removed. The loop of the butt assembly that holds the heel of the stock is also adjustable and should be marked to show a proper fit.

When properly adjusted, the weapon should be worked back and forth into the butt assembly so that it does not rattle when the vehicle is in motion. Once the butt assembly is properly positioned and tightened, the weapon should be removed several times to ensure proper assembly.

Removing the Weapon

When the mount is installed on the vehicle's ceiling, a half-moon detent or notch, approximately the diameter of a 12-gauge shotgun barrel, can be seen in the center of the barrel assembly. This detent cradles the



Pictured clockwise from the top left are:
1) Loosening recessed Allen screws on the back of the center mount insert
2) Marking the butt assembly
3) The spring-loaded jaw that pivots on the rear side of the barrel assembly
4) The weapons mount installed in a vehicle

weapon's muzzle end. If the weapon is equipped with an elaborate, high-profile front sight system, the mount may not accept it.

Directly above the detent is a spring-loaded jaw that pivots on the rear side of the barrel assembly. Therefore, the weapon must be lifted approximately 1 inch and pivoted forward for removal. This mechanical design feature allows the driver to remove the weapon from the mount with one hand, regardless of whether the vehicle is in motion or stationary.

To remove the weapon from the mount, the driver remains seated, with the left hand on the steering wheel and the right hand grasping the weapon close to the muzzle. Then, with palm up, the driver rests the thumb against the front edge of the mount body. By doing this, the weapon can be lifted up and moved forward over the driver's head. Once the muzzle end is clear of the barrel assembly, the weapon is pivoted against the butt assembly with the weapon's foregrip resting on the driver's right forearm. If the vehicle is in motion, the weapon can be placed in a ready position, with the muzzle against the floor or to the left in the driver's lap.

The weapon can also be removed by the right front seat passenger, if necessary. In this position, the passenger uses the left hand, palm up. The weapon is again eased out of the mount over the driver's head, pivoted from the butt assembly, and rotated clockwise so that the muzzle end is never pointed at any occupant of the vehicle.

Shooting Positions

Once the weapon is removed from the mount, a variety of shooting positions can be used with the vehicle as cover. For example, while

remaining seated, the driver can place the weapon on the left shoulder and fire from a position above the top door hinge. Or, the driver can fire from the right shoulder with the weapon placed as described above. Using the right or left shoulder position, the driver can also fire the weapon through the open driver's door window.

“Once the weapon is removed from the mount, a variety of shooting positions can be used with the vehicle as cover.”

For front seat passengers, the weapon can be fired while in the vehicle through the open window from either the left or right shoulder, depending on the exact location of the target. Like the driver, this shooter can also exit the vehicle, kneel, and shoot right or left shoulder from a position above the door hinge or through the window of the open door.

Firing positions can also be taken behind either the front or rear wheels of the vehicle. However, the position taken depends on the demands of the specific tactical situation.

Safety

Although there are many tactical advantages to the vehicular weapons mount, safety must always be the first consideration. Whenever the weapon is stored in the mount, it can be loaded, but no round of ammunition should be in the chamber. Also, the weapon should be removed from the mount when trans-

porting a prisoner. If the vehicle is left unattended, the barrel assembly can be locked with a coinbox-type security key.

The unit should not be mounted directly above the driver's head or near the sun visors. In the event of an accident, body movement could cause injury to the occupants of the vehicle.

Options

As an added feature, headliner fabric matching the interior of the vehicle can be used to make a concealable weapons mount cover. As long as the cover can be fastened in such a manner for easy detachment, it will not impair the quick removal of the weapon from the mount, while providing added concealment.

Conclusion

Providing concealment, security, and accessibility for long-barrel weapons in unmarked vehicles is critical to the well-being of law enforcement personnel. The vehicular weapons mount designed and tested by the FBI's Firearms Training Unit ensures that these criteria are met, giving an advantage to those deployed to potentially dangerous situations.

To obtain additional information regarding this vehicular weapons mount, write the author at the FBI Academy, Quantico, Virginia, 22135, or call 1-703-640-1159.

LEB

Point of View

Campus Police: A Different View

By GIGI RAY

The many campus police departments around the country are made up of sworn officers with extensive basic and field training. They must meet the same requirements as other sworn officers in the State, and they must continue to meet the standards set forth by the governing law enforcement agency of their particular State (in Texas, that agency is the Texas Commission on Law Enforcement Officer Standards and Education—TCLEOSE).

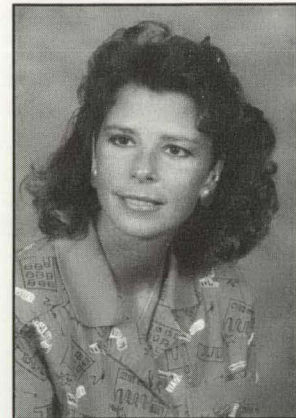
Campus police officers deal with the same kinds of crimes that affect the community outside the campus' boundaries, including rape, robbery, and assault. And, as in municipal, county, or State law enforcement agencies, campus police departments interact with the public on a daily basis, 52 weeks a year, 7 days a week. Still, campus police officers are generally viewed in a different light than other officers. Why is this so?

Primarily, the prevailing attitude is that "campus cops" are little more than security guards, concerned more with issuing parking citations than guarding against crime. This perception is not only unfair but it also does not reflect the increased attention to crime control necessitated by sharply rising crime rates on college campuses. While campus police departments confront serious criminal activity, and have primary responsibility for the safety of large populations, campus officers are often denied the respect afforded other officers, both within and outside the law enforcement community.

Campus Policing

Many campus communities are as large or larger than municipal communities. Most sprawl over several acres with academic buildings miles apart. In fact, a large college campus is very much like a city in itself, requiring a law enforcement presence far beyond the security guard stereotype.

Like most campus departments, the University of Texas Police Department has an Operation, Administration, Service, and Investigation Bureau. Traditional police services, such as parking



Ms. Ray is the Training Coordinator for the University of Texas at Arlington Campus Police Department.

and traffic enforcement, fall within these categories. In addition, other services are also provided, including shuttle service for handicapped students and night escorts for students working late on campus.

Officers are called on to handle domestic disputes and gang-related activities. They work traffic accidents, often involving injury, and they provide assistance to anyone working, visiting, or residing on campus.

In place of reserve officers, the department recruits guards and public safety officers to assist with many non-criminal situations that arise on campus. These young men and women are usually students considering a future in law enforcement after college.

Inservice training is an important part of any law enforcement agency's agenda, and campus

Point of View is a forum for law enforcement professionals to suggest recommendations to improve police work. Submissions for this feature should be no more than 750 words, typed, double-spaced, and forwarded to Editor, *FBI Law Enforcement Bulletin*, Room 7262, 10th & Pennsylvania Ave., NW, Washington, DC 20535.

The Bulletin Reports

police departments are no different. In order to provide daily access to training material, the University of Texas subscribes to the Law Enforcement Television Network (LETN)—the national satellite television network specifically developed for law enforcement agencies to use in training their officers.

In addition, like most municipal departments, the University of Texas Police Department has a crime prevention officer, a research and planning coordinator, and a training coordinator. We continually strive to improve our department and further our ability to maintain a safe and peaceful learning atmosphere.

Conclusion

The modern college campus is not immune to criminal activity. In fact, serious crime problems affect many campuses across the country. Campus police departments are charged with protecting students, visitors, and faculty in an increasingly unsettled and violent environment. Still, although campus police officers must deal with crimes of almost every type, there is a reluctance to accept them as "real officers." In fact, one candidate for a position with our department recently admitted that he wanted to come to our department first before he "went out into the real world."

It is becoming increasingly evident that with regard to crime, college campuses do possess all the elements of the real world. Those responsible for ensuring the safety of those on campus, then, should be afforded the same respect given to any law enforcement officer.

LEB

Explosives Incident Report—1989

The Bureau of Alcohol, Tobacco and Firearms (ATF), U.S. Treasury Department, has published its **1989 Explosives Incidents Report**. The report, while not all-inclusive of every explosive incident occurring in 1989, contains sufficient information to allow for a comprehensive analysis of such incidents.

Sections of the booklet are devoted to support programs, explosives incidents analysis, stolen explosives and recoveries, and significant explosives investi-

gations. It displays explicit tables, charts, and graphs, as well as written text, to track and record explosive incidents. The information provided was derived from statistics reported to and contributed by ATF, the Federal Bureau of Investigation, and field officers of the U.S. Postal Service.

Copies of the booklet can be obtained from the Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20226.

Asset Forfeiture

The 13th manual in the Asset Forfeiture series published by the Police Executive Research Forum and the Bureau of Justice Assistance (BJA) is now available. The edition covers informants and undercover investigations.

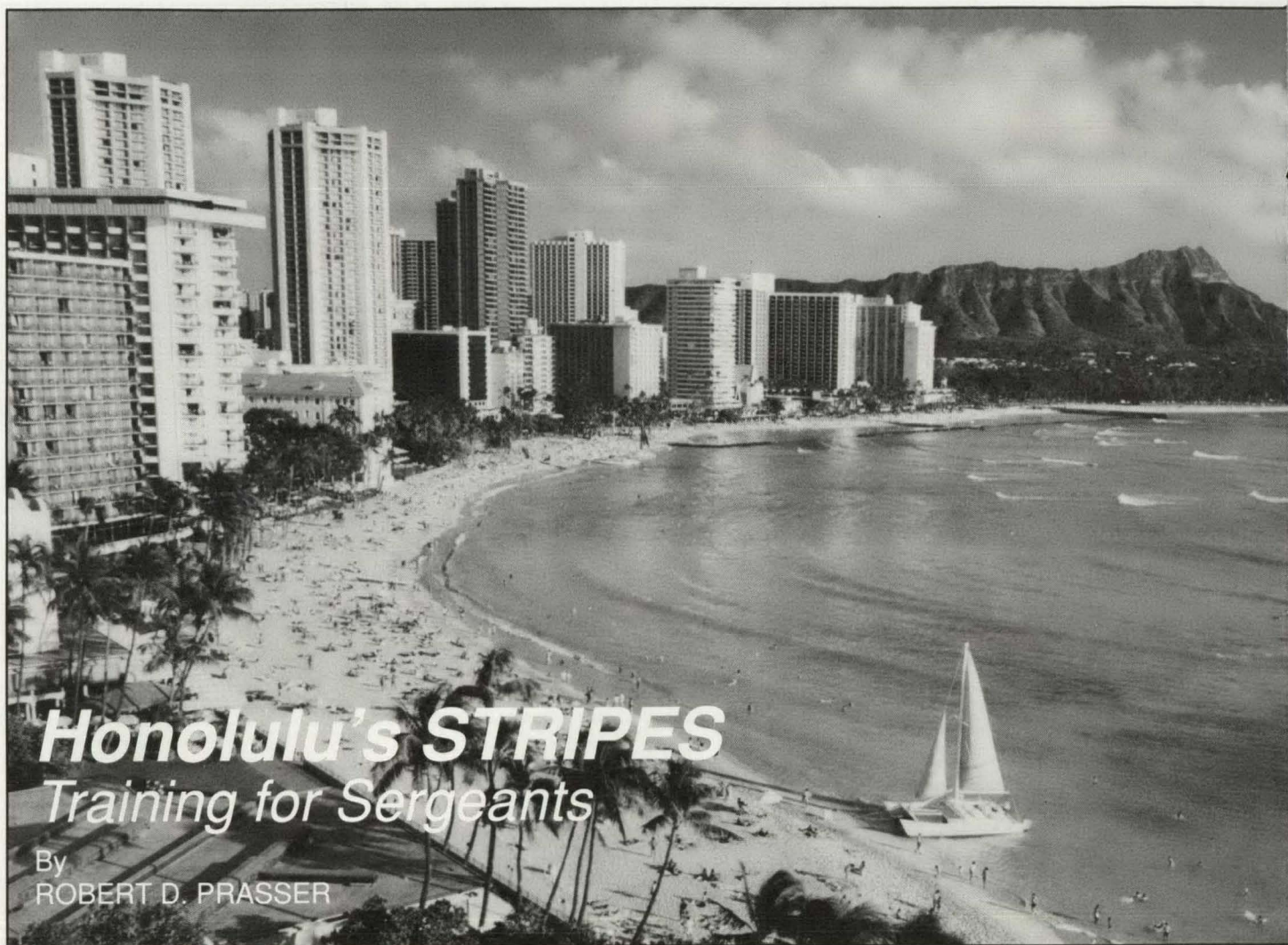
This manual describes procedures for using informants and undercover operations, as well as investigative tools, in efforts to seize assets, with the goal of dismantling drug-trafficking

enterprises. It covers the preliminary investigative steps and how informants can be used in asset recovery. It then addresses the role undercover operations can play in asset recovery.

A copy of the manual can be obtained from the BJA Asset Forfeiture Project, Police Executive Research Forum, 2300 M Street, N.W., Suite 910, Washington, D.C. 20037.

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, 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.)



Honolulu's STRIPES Training for Sergeants

By
ROBERT D. PRASSER

In today's legal climate, it is imperative that police sergeants be prepared not only to face the challenges of crime in their districts but also to manage their personnel more effectively. All too often, newly promoted sergeants receive only an orientation and a review of departmental regulations before they are placed in their new assignments to either "sink or swim."¹ In police departments throughout the country, this is often wryly referred to as "Holy Ghost" training—somehow they will get the job done with mini-

mum damage to the department and few lawsuits.

While not discounting divine intervention, the Honolulu, Hawaii, Police Department realized that recently appointed sergeants require additional training to rise to an increased level of professionalism, in view of today's ever-litigious society. Department officials recognized that sergeants on today's police forces need basic skills in management and supervision, counseling, public relations, and other areas that were previously delegated to

mid-level managers and above.² With these issues in mind, they developed a new training program for sergeants. This article discusses how that training program—STRIPES (Supervisory Training Regimen In the Preparation and Education of Sergeants)—was developed and implemented.

Training Needs Assessment

The first step in developing the new program was to form a committee of top supervisors and managers from various divisions



nel, requested feedback on potential topics to be included in the program, as well as any other relevant comments or ideas. The committee members then formulated recommendations and goals, developed specific class titles and practical exercise concepts, and estimated the number of hours needed for each area of training.

In their recommendations to the chief, the committee proposed that the new program:

- Provide basic information and develop skills needed by sergeants to become effective supervisors
- Demonstrate a commitment by the department to this type of training
- Require a serious commitment from the trainees

The committee also recommended that the number of sergeants promoted at any one time be kept to a manageable number. Although some of the available classrooms seat 60 officers, the committee recommended that, for learning purposes, classes be limited to 30 officers.

within the department to assess the needs of a sergeant training program. This committee had a "blank slate" to plan a program that would produce highly trained sergeants, who were recently promoted to that rank, and eliminate those officers who were ill-suited for the position.

After reviewing the existing sergeants training program, committee members devised a survey to determine current training needs. This survey, which was sent to all executive and mid-management person-

The STRIPES Program

The STRIPES Program lasts approximately 20 days and includes a variety of training tools that both challenge and stimulate the trainees, including classroom instruction and lectures, mock scenarios, and written examinations. In order to make the program as professional as possible, instructors from within the department who are expert in particular fields augment the existing training staff.

STRIPES is significantly different from the previous training

program. The STRIPES curriculum includes eight areas of concentration. (See table 1 on next page.)

Officers are graded on a pass/fail basis, with a penalty of demotion for failing the program. This system not only motivates the officers to learn but also identifies those officers who should be removed from the program because they have not mastered fundamental supervisory skills.

The program is designed to help sergeants succeed. There are

“...sergeants on today's police forces need basic skills in ...areas... previously delegated to mid-level managers and above.”



Captain Prasser is a member of the Honolulu, Hawaii, Police Department.

two comprehensive exams given throughout the training that provide a foundation for each officer's evaluation. However, in addition to the exams, performance during practical exercises is also considered. The decision to pass or fail officers is based on their overall performance.

In the past, most sergeant training was done in the classroom. However, because police officers tend to be practical, task-oriented individuals who need more than classroom lectures to keep their interest, practical exercises, such as mock scenarios, were incorporated into the STRIPES Program.

Mock Scenarios

Mock scenarios are highly structured exercises that expose the officers to a variety of difficult situ-

ations that require them to use their acquired skills and knowledge, as well as their experience, in order to resolve the incident successfully. For example, in one mock scenario, sergeants are required to manage their personnel and resources at a difficult crime scene, such as a felony assault with arrests at a crowded bar. Participants in the scenario are given specific instructions on how to perform, and the sergeant trainees must quickly develop an understanding of how to deal with difficult people, including witnesses, the media, and even department personnel. Other mock scenarios might include counseling an employee for chronic absenteeism, marginal performance, or substance abuse, or handling an internal affairs investigation that deals with citizen complaints.

Mock scenarios are also used to complement classroom lectures. For example, in conjunction with the classroom lecture on disciplinary procedures, officers conduct a mock internal investigation that requires a considerable time commitment, possibly even some of the officers' off-duty time. This exercise is extremely valuable to newly promoted sergeants because it allows them to assemble a complex, often-litigated report before they are required to complete such an investigation in the field.

All mock scenarios take place in a realistic setting in a mock crime scene building. A panel of evaluators with expertise in various areas, such as homicide or internal affairs investigations, observes the scenarios behind one-way glass. The exercises are graded, and the results are placed in each officer's portfolio for feedback and documentation purposes.

Every effort has been made to make the STRIPES Program as complete and effective as possible. However, important to every program is an evaluation phase that provides valuable feedback from its participants.

Program Evaluation

To determine whether the goals of the training program are being met, the training staff developed an extensive evaluation form to be completed by the sergeants in the STRIPES Program. This 16-page evaluation form lists each course in the curriculum, with a separate evaluation for each instructor. This allows the training staff to isolate problems with either courses or instructors and also allows them to evaluate the overall effectiveness of the program.

Table 1
STRIPES Curriculum

Areas of Instruction	Hours
Departmental Procedures/General Orders	34
Functional Skills	28
Management/Supervision	18
Physical Fitness/Self-Defense Skills	13
Counseling/Disciplinary	12
Investigative Skills	12
Laws/Penal Code	10
Administrative	9

The evaluation form is given to the sergeants at the beginning of the training so they can record their comments and ideas as the course progresses. This way, sergeants have adequate time to make written comments while their assessments of both the course content and instructors are fresh. Because they are not under time constraints to complete the evaluations, they are more likely to give specific written suggestions and comments for improvement.

To supplement the evaluation of the newly promoted sergeants, the training staff, after each graduating class, also conducts a self-critique concerning the effectiveness of the program. The staff uses the sergeants' evaluations to generate discussion, and unsolicited suggestions and comments from the various field commanders are also discussed at this time.

Program Revisions

In order to keep the program both dynamic and credible, all courses are subject to change, deletion, or modification when feedback indicates that a change is needed. This was the case when the field training phase was removed from the program. Initially, the STRIPES Program included field training in both patrol and desk assignments. This phase of the training allowed newly promoted sergeants to train alongside experienced ones in order to gain valuable insights and training in their new positions. In theory, this concept was fine. However, feedback indicated that the actual practice was falling far short of the concept.

To begin, the time allocated to desk and field training was too limited to allow the sergeants to

gain any real insight into their new positions. In addition, it was impossible, in such a short time span, for the sergeants to develop any kind of supervisory rapport with the officers temporarily working for them.

Another problem that surfaced in the field training phase was the diversity of assignments that sergeants have after completing the program. In the Honolulu Police Department, the rank of sergeant is the same as detective. Therefore, newly promoted sergeants are assigned to either field sergeant or detective slots. To further complicate the issue, these sergeants or detectives are assigned to a number of different positions, such as desk or field assignments, patrol or administrative assignments, and uniform or plainclothes assignments.



"...the Honolulu, Hawaii, Police Department realized that recently appointed sergeants require additional training to rise to an increased level of professionalism, in view of today's ever-litigious society."

Evaluations and critiques of both sergeants and their counterparts in the field indicated that the field training was too generic and too short to be of real value. Therefore, this phase of the training was eliminated. Instead, sergeants now receive on-the-job training in their specific assignments.

Feedback from the evaluation phases of each class has resulted in other changes being made to the program. The STRIPES curriculum has also undergone several revisions since the training committee made its initial recommendations to the chief.

The courses originally recommended by the training committee formed the curriculum for the first STRIPES class. The initial curriculum included over 180 hours of

training. With each subsequent class, however, the feedback from both the sergeants and the training staff has resulted in curriculum changes, in an attempt to meet the needs of both the trainees and the department.

The current STRIPES curriculum includes 136 hours of training. Many of the courses now offered are a direct result of the feedback received from previous classes. Other courses are the result of recommendations made by the training staff, as well as those made by officers in the field.

Conclusion

The STRIPES Program meets the initial training goals of the Honolulu Police Department. To date, no sergeants have failed to complete the training. Department officials believe that the pass/fail format of the training has contributed greatly to the success of the

program in that it forces the sergeant to meet the standards of the department or face the possibility of demotion. Other than in recruit training, most departments continue to hold inservice classes without establishing a measurable standard to determine the training's effectiveness. The STRIPES Program eliminates this problem by using graded exercises and exams.

In all probability, a newly promoted sergeant will, at some point, fail to complete the training and be demoted to officer status again.³ When this happens, there will be the potential for a legal challenge to the department. However, if officers are retained at ranks for which they are unqualified, everyone suffers.⁴ It calls into question the competence and integrity of the department as a whole. This, in turn, lowers morale within the department and diminishes commu-

nity confidence and trust in the police.

The curriculum of the STRIPES Program will inevitably go through further revisions, changes, and improvements. By remaining flexible, however, and continually updating the curriculum as the need arises, the primary goal will be met—to prepare newly promoted sergeants for the challenges that await them.

LEB

Footnotes

¹ K. Culbertson and M. Thompson, "An Analysis of Supervisory Training Needs," *Training and Development Journal*, February 1980, p. 62.

² Doug Goodgame, "Training Priorities for First Line Supervisors in Municipal Law Enforcement: A Contrast of Opinion," *Journal of Police Science and Administration*, vol. 6, No. 2, June 1978, p. 2.

³ Thomas Paglia, "Field Training for Supervisors—The Next Step," *Field Training Quarterly*, Fourth Quarter 1987, p. 10.

⁴ William J. Bopp, *Police Personnel Administration*, 2d. ed. (Boston, MA: Allyn and Bacon, 1980), p. 135.

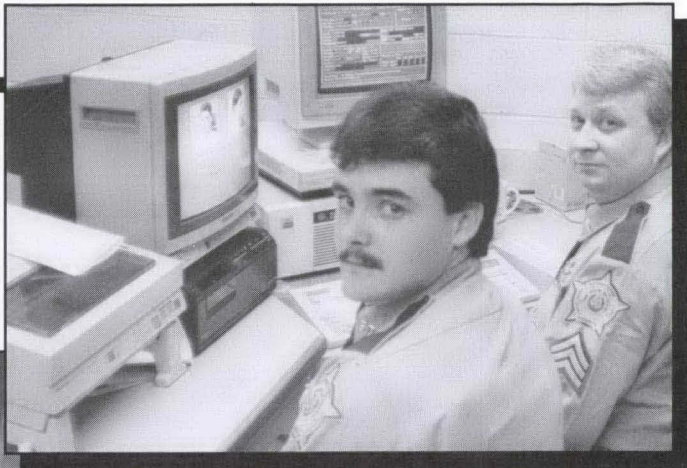


Wanted: Photographs

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

We can use either black-and-white glossy or color prints or slides, although we prefer prints (5x7 or 8x10). Appropriate credit will be given to contributing photographers when their work appears in the magazine. Send your photographs to:

John Ott, Art Director, *FBI Law Enforcement Bulletin*, J. Edgar Hoover F.B.I. Building, 10th and Pennsylvania Avenue, NW, Washington DC, 20535. Telephone (202) 324-3237.



Reserve officers work along side full-time deputies, attending roll call and performing many of the same duties.

Reserve Officers

By
JOSEPH W. EVANS



Like most other law enforcement agencies in the country, the Nacogdoches County, Texas, Sheriff's Department has been significantly affected by budget cuts that threatened to undercut the department's ability to provide adequate services to the residents of the community. As a result, the department decided to use a reserve force to offset the effects of forced layoffs. While reserve officers do not have the same authority as full-time paid deputies, they provide the department with a viable and flexible means

of responding to a potentially dangerous loss of personnel.

This article examines the selection, training, and assignment process used in the reserve force. It also outlines the authority of reserve officers in Texas and explains how a reserve organization can be used to augment regular patrol deputies to provide law enforcement services in a small community.

Standards and Selection

The most important aspect of a reserve program is the initial selec-

tion of its members. Most reserve regulations do not require that reserves meet the same standards as full-time deputies. However, this is not the case for the Nacogdoches County Sheriff's Department. All reserve officers must meet the requirements of Texas State law, which establishes the standards and basic requirements for hiring all peace officers, reserve officers, and jailers in the State.

These requirements, used by all Texas law enforcement agencies, state that all applicants must meet



Sheriff Evans heads the Nacogdoches County, Texas, Sheriff's Department.

“
...reserve officers...provide the department with a viable and flexible means of responding to a potentially dangerous loss of personnel.
 ”

the following requirements. The applicant must:

- Be a citizen of the United States
- Be at least 21 years of age
- Not be on probation for any offense
- Never have been convicted of a felony
- Not have been convicted of misdemeanor grade offenses of Driving While Intoxicated within the past 24 months, and
- Be of good moral character.

In addition, all applicants must pass physical exams, including drug screening, psychological examinations, and a comprehensive background investigation.¹ After meeting these requirements and passing all tests, the reserve applicant is ready for a hiring interview.

Of course, each department may set additional requirements for individuals applying for paid or reserve positions. The Nacogdoches County Sheriff's Department seeks individuals willing to accept the “public serv-

ice” concept of law enforcement, which stresses working for and with the public and not just enforcing laws. The sheriff's department conducts its own background investigation on any applicant being considered for a reserve position. After passing both the State and Nacogdoches County investigations, and the hiring interview, the applicant is ready to begin the formal training process. However, applicants who are already certified peace officers in the State of Texas are not required to fulfill the training requirement.

Training

The Texas Commission on Law Enforcement Officer Standards and Education requires that a prospective reservist complete a minimum of 145 hours of training for a basic reserve license. The recruit may then take the intermediate phase training program of 131 hours, and finally, the advanced training phase of 124 hours.² All training, as well as the cost of the uniform, is paid for by the reserve officer. The costs involved are substantial—generally totaling about \$1,500 per reservist.

The training program includes courses in patrol concepts, note taking/report writing, constitutional law, use of force, code of criminal procedure, family code, search and seizure procedure, and community relations. Training also highlights driving skills, emergency medical care, and the use of firearms. Advanced training consists of crowd control techniques, traffic direction, and courtroom testimony and demeanor.

After completing the required training and passing the State examination, the officer can begin working in the community as a reserve officer. This begins with an indoctrination into the policies and procedures of the Nacogdoches Sheriff's Department.

The reserve organization has a separate FTO (Field Training Officer) program during which the reservist may also work with veteran deputies who submit performance evaluations, in addition to those provided by FTO trainers. Unless a reservist has served a proscribed amount of time with another agency, the officer is not permitted to work on a regular reserve schedule until a probationary period is completed. For reservists with no prior law enforcement experience, the FTO training and probationary periods run consecutively and may last from 6 months to 1 year. For reservists with prior experience, the FTO/probationary period may be considerably less.

Training does not stop once a reservist has been inducted into the organization. There are monthly training meetings, as well as the opportunity to attend the same training programs that regular deputies attend. In addition, reserve officers are required to attend firearms training twice a year. Any reserve officer

who fails to qualify is reassigned to a job that does not require the use of firearms. The officer is allowed to return to regular reserve duty once the firearms qualifications have been met.

Assignments

All reservists must work at least 16 hours a month with the agency. If a reserve desires to work more, the additional hours must be approved by the regular shift supervisor. The shift supervisor chooses job assignments, depending on the needs of the department on a day-to-day basis.

Most reserve officers spend their shifts performing the same duties as regular deputies, and like full-time deputies, they are given more advanced assignments as their training and experience grows. For example, those with prior experience or training as criminal investigators will be assigned to the Criminal Investigative Division.

For the most part, however, reserve officers are assigned to regular patrol duties. This includes the responsibility for traffic direction and crowd control at special and public service events, such as school football and basketball games.

In addition, reservists often perform patrol and security duties in the aftermath of natural disasters, such as floods and tornadoes. Reserves are also called to aid in searches for lost or missing persons, often using their own equipment such as boats, vehicles, or horses. Because of the many varied situations in which reserves may be called upon, they must be fully prepared at all times.

Authority of Reserves

The authority of the reserves is governed by the laws of the State of Texas and the individual policies of

the department. Local departmental rules and regulations govern policies and procedures pertaining to reserves, such as the power of arrest, bearing arms, and handling of prisoners. Because a reserve officer who has fulfilled advanced training requirements has completed the same amount of training as a full-time counterpart, this officer is given the opportunity to fill the same job assignments as a paid deputy.

However, when reserve officers are off duty, they are not expected to perform the same duties that an off-duty regular officer might have to perform if an arrest situation arose. Reserve officers are not considered on duty except when they have been officially called in by the

protected by any coverage while in an off-duty status. This underscores the importance of working only at the official direction of the sheriff.

Conclusion

It would be difficult for the Nacogdoches County Sheriff's Department to function on a daily basis without the help and support of its reserves. In 1989, reserve officers in the department worked more than 14,500 hours, performing duties that would have required more than seven full-time, paid deputies.

With personnel cuts for the sheriff's department coming at a time when crime and drug use are on the rise, increased reliance on reserves offers a viable solution to the

“

...increased reliance on reserves offers a viable solution to the department in its effort to provide service to the community.

”

sheriff's department. Therefore, a reservist does not have the authority to enforce laws while off duty, except as outlined by State statute for a private citizen. Reserves are taught not to intervene in off-duty situations, except in a life-threatening situation. However, they are given the latitude to assist regular officers if an emergency arises.

Many of these restrictions are based upon insurance concerns. While Nacogdoches County reservists are covered by a blanket county bond when they are on duty, they are not

department in its effort to provide service to the community. Given the authority, general devotion to duty, and civic concern of reserves, a reserve officers force can be a valuable option to any small department in need of additional personnel.

LEB

Footnotes

¹ Texas Commission on Law Enforcement: Officers Standards and Education, Section 211.80, Minimum Standards for Licensing, February 1990, p. 12.

² Ibid.

Police Practices



Baited Vehicle Detail

Property crimes present a challenge to law enforcement simply because they are difficult to investigate. According to the FBI's Uniform Crime Reporting publication, *Crime in the United States, 1989*, they have a high incidence/low clearance rate. Released in August 1990, the 1989 larceny-theft total, estimated at 7.9 million offenses, accounted for 55 percent of the Crime Index total and 62 percent of the property crimes. Thefts of motor vehicle parts, accessories, and contents made up the largest portion of reported larcenies—38 percent.

Law enforcement has had little success in curbing the rate of growth of this crime—only 18 percent of the property crimes

were cleared. However, a technique currently being used by the Waycross, Georgia, Police Department may assist officers in curtailing this particular crime.

This technique involves “baiting” a vehicle. Objects of value are placed in a vehicle that is left unattended. The objects placed inside of the car, such as weapons, are the actual targets of theft, not the vehicle itself. After baiting the vehicle, officers maintain a constant visual surveillance of the vehicle until a thief takes the “bait.”

Planning the Operation

Planning the operation was the first consideration. To begin, department officials identified a

high-crime area within their jurisdiction, where there had been an established pattern of thefts with a specific modus operandi. Then, using data gathered by the Crime Analysis Unit, they determined what area should be targeted, whether to run the operation at night or during the day, the most likely hours of intrusion, and what objects were taken during the breaking and enterings.

Personnel

The baited vehicle detail consists of no fewer than five officers. Three officers, wearing camouflage uniforms, are positioned on the ground within close proximity of the “baited” vehicle. One of the officers videotapes the incident, while the others remain ready to make the arrest. Two additional officers position themselves in vehicles located close to the target, in the event the suspect attempts to flee. Officers assigned to this detail should understand their individual and collective responsibilities, since there exists a strong possibility that the members of the team may have to justify their actions during legal proceedings.

Choosing a Site

While the department considered several potential target areas, the detail concentrates on commercial areas, which seem to produce the best results. The sites chosen are conducive to surveillance and to making apprehensions and vehicle stops. However, when selecting a site, special emphasis is also placed on the safety of both the officers and the public.

The other target areas considered for baited vehicles included shopping centers, interstate highways and major thoroughfares, and certain residential areas. However, experience revealed inherent problems in these areas.

First, because shopping centers have people coming and going at all times, the perpetrator's task is made more difficult. Second, interstate highways and busy thoroughfares may produce some arrests, but baited vehicles placed here are not the answer to the area's theft problem. Most people arrested under these circumstances are persons traveling from area to area, not those who contribute to the local theft problem. Third, the department chose not to target residential areas because they are usually high-density areas where there is a good chance that the thief will be discovered by neighbors, who may alert the police.

The Operation

Prior to the start of each operation, a briefing is held for all members of the detail to ensure that there are no questions or problems to address. Watch commanders of target areas are notified that an operation will be in progress and are told how long the operation will last. For the most part, these details begin at 9:00 p.m. and end at 1:00 a.m.

When the briefing ends, members of the detail drive a truck, which is borrowed from a local car dealership, onto the site and disable the truck, usually by removing a wheel and placing the truck on a block. Guns are placed in plain view in the truck, with the windows and doors secured. Then, the officers take their assigned positions. When a perpetrator takes the "bait," the officers on the ground move in to make the arrest.

Conclusion

Although the baited vehicle technique is not a panacea to the problem of property crime, it is useful in combating thefts. In 1989, 62.5 percent of the baited vehicle details resulted in arrests, 100 percent of those arrested were adult offenders, and all of the cases have been successfully prosecuted. Considering the amount of time and manpower expended by most departments on the problem of property theft, the baited vehicle technique is, perhaps, worth trying. If conducted properly, it may render remarkable results.

LEB

Information for this column was submitted by Capt. Jimmy W. Mercer, Commander of the Criminal Investigations Section, Waycross, Georgia, Police Department.

Police Practices serves as an information source for unique or noteworthy methods, techniques, or operations of law enforcement agencies. Submissions should be no more than 750 words (3 pages, double spaced and typed) and should be directed to Kathy Sulewski, Managing Editor, *FBI Law Enforcement Bulletin*, Room 7262, 10th & Pennsylvania Ave., NW, Washington, DC 20535.

Dial-the-Bulletin

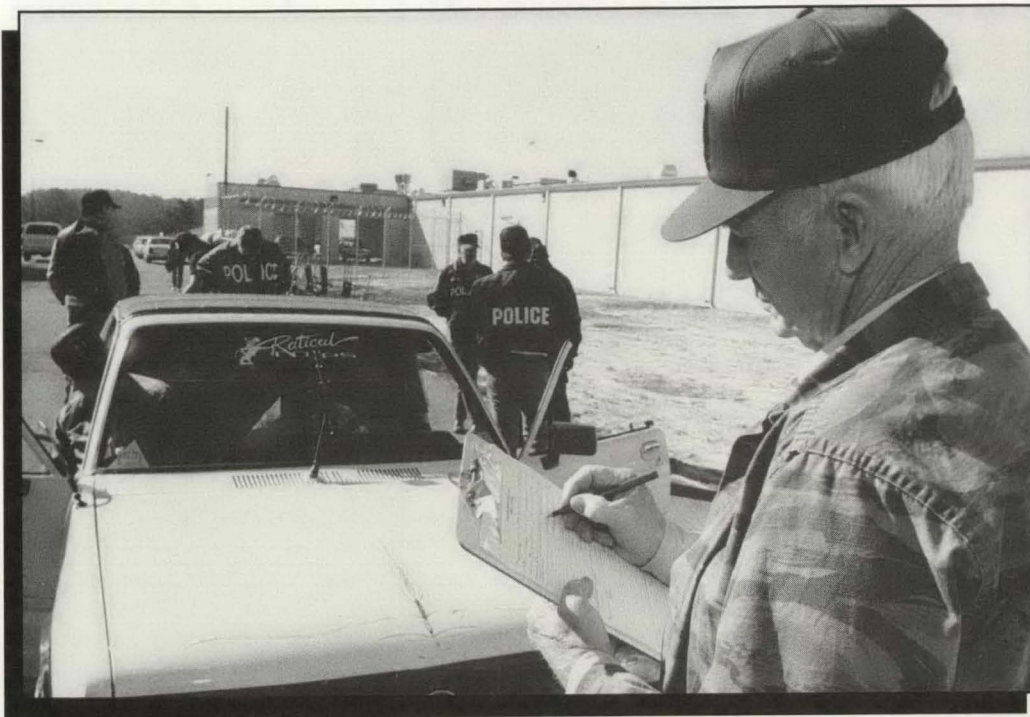


The *Bulletin* is available via a computer dial-up service offered by SEARCH Group, Inc. This service is available to those with a personal computer and a telephone modem. Users can call up current issues of the *Bulletin* by dialing (916) 392-4640. In addition, users can print any article from the *Bulletin* in their homes or offices—free of charge. Currently, the *Bulletin* is the most frequently accessed item in the SEARCH network. To access the system properly, users need the following information:

- Telephone Number: (916) 392-4640
- Communication Parameters: 8 databits, 1 stopbit, no parity
- Authorized Users: Criminal justice practitioners and related professionals

Inventory Searches

The Role of Discretion



By
AUSTIN A.
ANDERSEN

Suppose that police officers on duty in a locale frequented by drug users observe the vehicle of an individual known to them as a suspect in a drug trafficking investigation. Because this individual is driving in an erratic manner, he is stopped by the officers, who notice several apparently locked containers in the passenger compartment of the vehicle. After failing a sobriety test administered at the roadside, the suspect is arrested for driving under the influence. Prior to being taken to police headquarters, the arrestee asks the officers to lock the vehicle and leave it in a nearby public parking lot.

The officers now face the following questions concerning their

authority to impound the vehicle and inventory its contents:

- Can the vehicle be impounded even when a reasonable and less intrusive alternative exists?
- Can an inventory search be conducted at the point of seizure on the side of the road, or must it take place at the impoundment location?
- Can the officers inventory the contents of the closed and locked containers?
- If one container is opened, must all containers be opened and their contents inventoried?

- Will the officers' suspicion that drugs may be present in the vehicle or containers affect the admissibility of any such evidence located during the inventory?

The answer to each of these questions depends in large measure on the extent to which these police officers have discretion to initiate and conduct inventory searches.

This article examines the relationship between the administrative procedures that police agencies establish as criteria for inventory searches and the latitude for discretion available to officers conducting those searches. Court decisions involving police discretion to impound and conduct inventory searches are

discussed, and specific policy recommendations are offered.

DEVELOPMENT OF THE INVENTORY SEARCH

Current rules for conducting inventory searches of personal property have been established in a series of Supreme Court decisions that examine police caretaking functions under differing factual circumstances. A brief review of these cases reveals the development of a relationship between departmental policy and the use of discretion by an officer conducting an inventory search.

Lawful Custody Required

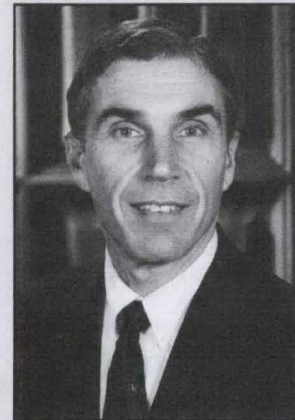
The ability of police officers to remove valuable items from vehicles seized as evidence of a crime was established in a 1968 Supreme Court case that upheld the inventory of the contents of a getaway car impounded after its use in a bank robbery. In this case, *Harris v. United States*,¹ the Court set forth two requirements that make inventory searches reasonable under the fourth amendment: 1) The vehicle must lawfully be in police custody; and 2) the officers must be acting in accordance with an established duty to protect the property.² Once the inventory is initiated, reasoned the Court, evidence of a crime located in plain view is subject to seizure.³

A Community Caretaking Function

In 1973,⁴ the Court validated a precautionary search for a service revolver in the impounded vehicle of a police officer arrested for driving while intoxicated. Although they suspected the off-duty officer's vehicle might contain a weapon, the officers conducting the inventory lacked the probable cause required to search the vehicle using either a

“
Once the inventory in initiated...evidence of a crime located in plain view is subject to seizure.
”

Special Agent Andersen is a legal instructor at the FBI Academy in Quantico, Virginia.



search warrant or the vehicle exception to the warrant requirement.⁵ Nonetheless, the Court found the inventory a reasonable police intrusion because it was performed as an *administrative* function designed for the general protection of the public.

Safeguarding Property in Police Custody—An Administrative Function

In its 1976 decision, in *South Dakota v. Opperman*,⁶ the Court stressed the fact that inventory searches are recognized as an exception to the general requirement that searches be conducted with warrants⁷ because of their administrative rather than investigative purpose. In *Opperman*, police impounded an illegally parked and locked automobile, inventoried its contents, and located a quantity of marijuana in the unlocked glove compartment. The Court ruled the marijuana admissible because it was located in plain view during an inventory search conducted for the purpose of safekeeping property in police custody.

The Court concluded that the fourth amendment requires neither a search warrant nor probable cause to inventory an impounded vehicle because such searches are reasonably justified by virtue of their administrative character. Unlike a search in furtherance of a criminal investigation, where the focus is on locating incriminating evidence, a routine inventory search is a non-criminal procedure designed to safeguard the community by: 1) Protecting an owner's property while it is in the custody of the police; 2) insuring against claims of lost, stolen, or vandalized property; and 3) protecting law enforcement personnel from potentially dangerous items.⁸

Personal Effects of Arrested Persons

In a 1983 case entitled *Illinois v. Lafayette*,⁹ the Court extended the right to conduct these custodial caretaking procedures designed to protect vehicles and their contents to the personal effects of an arrested person. The Court found the government's obligation to safeguard an

arrestee's property and to insure the well-being of the police and community to be paramount to individual privacy interests in the personal effects inventoried. In addition, the range of governmental responsibility justifying the need for inventory searches was broadened to include the following: 1) The prevention of undesirable police practices, such as the careless handling or theft of such personal property; and 2) the safekeeping of dangerous instrumentalities, such as razor blades, drugs, or explosives, that might be concealed within innocent-looking articles.¹⁰

LIMITING POLICE DISCRETION TO IMPOUND

When an individual taken into custody possesses such containers as a suitcase, briefcase, or a knapsack, should police have the discretion to seize and impound such containers, or to allow the arrestee to entrust the package to a friend or place it in a rental locker? Assuming there is no probable cause to search an arrestee's vehicle, do police nonetheless have the discretionary authority to impound that vehicle when it could as easily be left in a commercial parking lot?

According to the Supreme Court, "[the] real question is not what 'could have been achieved,' but whether the Fourth Amendment requires such steps."¹¹ What satisfies the fourth amendment, according to the Court, are "reasonable police regulations relating to inventory procedures administered in good faith...."¹² The fact that, in hindsight, an equally reasonable—or even *less* intrusive—means of protecting some types of personal property exists will not invalidate the inventory because it would be unreasonable to expect such subtle evaluations during these routine, course-of-business administrative functions.¹³

The above cases suggest that impoundment, or at least the exercise of custody or control of such property, is a predicate to the inventory search. The exercise of discretion in deciding whether to seize property is not prohibited if it is governed by standardized administrative procedures. However, property that is not seized is generally not subject to an inventory search. For example, a court held in a recent

**“
...impoundment, or
at least the exercise
of custody or
control...is a
predicate to the
inventory search.
”**

New Jersey case that the inventory of an improperly parked vehicle that police officers did not impound—although they could have—was unreasonable because no caretaking was required.¹⁴

Standardized Criteria for Inventory Searches

In both the *Opperman* and *Lafayette* cases, the Court stressed the need for departmental policy that guides police officers in carrying out administrative caretaking functions.¹⁵ Just as criminal investigative practices are authorized and limited by laws, administrative actions derive their validity and scope from established routine or published depart-

mental policy. In the case of inventory searches, policy is required to ensure that such administrative action is initiated and conducted in a uniform or standardized manner for the purpose of discharging caretaking responsibilities.

The 1987 Supreme Court decision in *Colorado v. Bertine*¹⁶ involved police officers from Boulder, Colorado, who had arrested the defendant for driving his van under the influence of alcohol. Before the tow truck arrived to take the van to an impoundment lot, a backup officer, acting in accordance with departmental policy, inventoried the van's contents, including a knapsack in which various containers of drugs and cash were located.

Based on the guidance provided in the departmental policy, the Court upheld the officers' decision to impound the vehicle and to search it at the side of the road before it was towed away. Noting that the standard procedure for impounding vehicles mandated a "detailed inventory involving the opening of containers,"¹⁷ the Court reaffirmed its earlier decision in *Opperman* extending inventory searches to closed containers found inside vehicles. The exercise of police discretion to impound and search the vehicle at the point of seizure, as opposed to leaving it locked in a public parking space, was also upheld as appropriate under the terms of the departmental policy in effect at that time.

Distinguishing Administrative and Criminal Searches

While inventory searches often reveal incriminating evidence, they must not be conducted *solely* for the purpose of criminal investigations. Instead, inventory searches must be initiated on the basis of "standardized criteria,"¹⁸ or departmental guidelines, that underscore

the administrative nature of the search, but incidentally include the right to seize evidence located in plain view during the inventory.

This distinction between administrative and criminal searches is clearly drawn in *Bertine*, where the Court rejected the defendant's argument that the inventory search of a closed knapsack seized from an impounded vehicle contravenes the rule that the scope of motor vehicle exception searches does not include closed containers placed in otherwise innocent vehicles.¹⁹ The Court found that the motor vehicle exception and the cases defining its scope concern *criminal* investigations and are not implicated in an analysis of routine administrative caretaking functions designed to secure and protect vehicles in police custody.²⁰ Furthermore, in the administrative context, it is immaterial whether the police *actually* suspect that a particular container might be dangerous since the duty to provide *general* protection against risks transcends a particular officer's specific subjective concerns.²¹

LIMITATIONS ON POLICE DISCRETION

The Supreme Court decision in *Bertine* left unresolved the following specific questions concerning the extent of police authority to search containers located during an inventory search:

- Can police search *locked*, as well as closed, containers during inventory searches?
- Can these containers be searched even when no specific provision to do so is included in the standardized criteria of departmental policy?
- Can the policy be drafted

to allow police the discretion to inventory the contents of some containers but not others that are taken into custody?

- Is evidence admissible when found in plain view during an inventory search even where the discovery is not inadvertent because particularized suspicion that evidence of a crime would be found preceded the inventory?

“While inventory searches often reveal incriminating evidence, they must not be conducted solely for the purpose of criminal investigations.”

Factual Background of *Florida v. Wells*

In 1990, the Supreme Court in *Florida v. Wells*²² addressed, either directly or indirectly, most of the above issues. After arresting the defendant Wells for driving under the influence, a Florida Highway Patrol trooper noticed a large amount of cash lying on the floor of the arrestee's vehicle. Shortly afterwards, Wells consented to open the automobile's trunk, which revealed a locked suitcase. The arresting officer ordered the vehicle towed to an

impoundment facility and sought instructions from his supervisor as to whether an inventory search should be conducted. The supervisor left that decision to the discretion of the arresting officer, who in turn inventoried the entire vehicle and its contents. During the search, the trooper suggested to those assisting him that the inventory should be thorough, as he had a “strong suspicion,”²³ based on the amount of cash previously located, that drugs were in the car, “probably in that suitcase.”²⁴ During the inventory, a bag of marijuana was recovered from the suitcase.

The Supreme Court of Florida declared the marijuana found in the suitcase to be inadmissible because the Highway Patrol policy did not specifically authorize the opening of closed containers during inventory searches.²⁵ In addition, the Florida court concluded that the drafters of administrative policy must “...under *Bertine*...mandate either that all containers will be opened during an inventory search, or that no containers will be opened,”²⁶ thereby leaving no room for discretion on the part of the officers conducting the inventory.

Importance of Departmental Policy

The Supreme Court affirmed the Florida court's decision to suppress the marijuana, but based its decision on the narrow ground that the absence of any policy whatsoever concerning the search of closed containers would allow police officers to have “uncanalized discretion”²⁷ during caretaking inventories. In effect, the Court held that if standardized criteria do not specifically provide for the opening of closed or locked containers, such items may not be opened during inventory searches.

A majority of the Justices, however, rejected the argument that policy should limit an officer's discretion by mandating that inventory searches be conducted in a "totally mechanical 'all or nothing' fashion."²⁸ In *Bertine*, the Court had previously highlighted the need for flexibility in police inventory policy:

"Even if less intrusive means existed of protecting some particular types of property, it would be unreasonable to expect police officers in the everyday course of business to make fine and subtle distinctions in deciding which containers or items may be searched and which must be sealed as a unit."²⁹

Thus, law enforcement officials may consider the following options in designing a particular policy appropriate for their needs:

- Disallow the opening of any closed and/or locked containers;
- Require that all containers be opened; or
- Allow closed and/or locked containers to be opened on a discretionary basis (i.e., the policy provides officers a "...sufficient latitude to determine whether a particular container should or should not be opened in light of the nature of the search and the characteristics of the container itself.")³⁰

Under the third option, the officer faced with the onerous task of inventorying large numbers of containers of the same or similar configuration and contents could lawfully decide to open only a few of the items if no purpose would be served to open the rest.

Pre-existing Suspicion

In *Wells*, the subjective intent of the officers conducting the inventory went beyond a desire to protect impounded property, since they also suspected the arrestee of other crimes and clearly anticipated the recovery of evidence of those additional violations. While the majority opinion in *Wells* does not address the constitutional significance of such mixed

"...if standardized criteria do not specifically provide for the opening of closed or locked containers, such items may not be opened during inventory searches."

motives in conducting an inventory search, it does note that "an inventory search must not be a ruse for a general rummaging in order to discover incriminating evidence"³¹ and that officers should not use the caretaking function *solely* as a criminal investigative tool.

Nonetheless, the Court has indicated that particularized suspicion of criminal activity will not taint an inventory search that was initiated pursuant to standardized criteria "designed to produce an inventory."³² In fact, suspicion or knowledge of the hazardous nature of the property often becomes part of the decisionmaking process

underlying custodial caretaking searches.

Prior to the 1990 Supreme Court decision in *California v. Horton*,³³ it was arguable that an inventory search, conducted with a pre-existing suspicion of the presence of evidence of criminality, might invalidate the seizure of such evidence under the plain view doctrine because the discovery was not inadvertent.³⁴ The *Horton* decision, however, resolved previous uncertainty concerning whether inadvertence is a necessary element of the plain view doctrine by holding that the fourth amendment does not prohibit the warrantless seizure of evidence in plain view even when the discovery of such evidence is not inadvertent.

In *Horton*, police officers executing a search warrant for weapons also seized in plain view proceeds of a robbery which they had reason to believe was on the premises before they entered. The Court held that "objective standards of conduct"³⁵ rather than the subjective state of mind of the officers are the appropriate criteria for a plain view seizure:

"The fact that an officer is interested in an item of evidence and fully expects to find it in the course of a search should not invalidate its seizure if the search is confined in area and duration by the terms of the warrant or a valid exception to the warrant requirement (emphasis added)."³⁶

CONCLUSION

This article began with a fictitious but common scenario of police officers faced with a series of decisions concerning their discretion to impound and inventory the contents of a vehicle stopped for one offense but suspected of containing evidence

of other criminal violations. It is clear that their decisions should be linked to the terms of the specific standards for inventory searches set forth in their departmental policy. A policy that permits the officers to inventory closed and locked containers and also reserves for the officer the discretion to determine whether a particular container should or should not be opened will probably produce the maximum benefits in terms of efficiency, safety, and the admissibility of any evidence recovered.

Court decisions discussed in this article suggest that a carefully drawn departmental policy can provide officers the authority to exercise their discretion to impound and inventory as follows:

1) Officers have the option not to impound a vehicle when there is a reasonable alternative, but the "existence of alternative 'less intrusive' means"³⁷ does not preclude their authority to impound.

2) An inventory may be conducted on the side of the road as long as the vehicle is taken into police custody.

3) Officers may inventory the contents of closed as well as locked containers when done in accordance with the terms of standardized criteria set forth in departmental policy designed for the caretaking of property in police custody.

4) A selective inventory may be conducted if such a technique is authorized by departmental policy.

5) A pre-existing suspicion that evidence will be uncovered during a lawful inventory will not invalidate a plain view seizure of that evidence.³⁸

Because of the incremental effect of recent Supreme Court decisions on the scope of inventory searches, careful review and updating of agency policy is now essential to ensure that the desired role of discretion in the execution of custodial inventories is clearly articulated and disseminated.

LEB

“...a carefully drawn departmental policy can provide officers the authority to exercise their discretion to impound and inventory....”

Footnotes

¹ 390 U.S. 234 (1968) (hereinafter *Harris*). See also, *Cooper v. California*, 386 U.S. 58 (1967), establishing the right to inventory a vehicle impounded for use as evidence in a forfeiture proceeding.

² *Harris*, supra note 1, at 235. For discussion of the justification and scope of inventory searches, see Hall, "The Inventory Search," *FBI Law Enforcement Bulletin*, August 1987, pp. 26-30, and September 1987, pp. 25-30.

³ For discussion of the plain view seizure doctrine, see Kingston, "Look But Don't Touch: The Plain View Doctrine," *FBI Law Enforcement Bulletin*, December 1987, pp. 17-24.

⁴ *Cady v. Dombrowski*, 413 U.S. 433 (1973).

⁵ The Supreme Court has held that when officers can articulate probable cause that a motorized conveyance contains evidence of a crime, that vehicle, because of its inherent mobility, may be searched without obtaining a warrant. See, e.g., *Carroll v. United States*, 267 U.S. 132 (1925) and *Chambers v. Maroney*, 399 U.S. 42 (1970).

⁶ 428 U.S. 364 (1976) (hereinafter *Opperman*).

⁷ *Katz v. United States*, 389 U.S. 347 (1967).

⁸ *Opperman*, supra note 6, at 369.

⁹ 462 U.S. 640 (1983) (hereinafter *Lafayette*).

¹⁰ *Id.* at 646.

¹¹ *Id.* at 647.

¹² *Bertine v. Colorado*, 479 U.S. 367 (1987) (hereinafter *Bertine*).

¹³ *Lafayette*, supra note 9, at 647.

¹⁴ *New Jersey v. Hill*, 557 A.2d 322 (N.J. Sup. Ct. 1989).

¹⁵ *Opperman*, supra note 6, at 373; *Lafayette*, supra note 10, at 648.

¹⁶ *Bertine*, supra note 12, at 367.

¹⁷ *Id.*

¹⁸ *Lafayette*, supra note 9, at 648.

¹⁹ See, *United States v. Chadwick*, 433 U.S. 1 (1977) and *Arkansas v. Sanders*, 442 U.S. 753 (1979).

²⁰ *Bertine*, supra note 12, at 367.

²¹ *Lafayette*, supra note 9, at 646.

²² 110 S.Ct. 1632 (1990) (hereinafter cited as *Wells*).

²³ *Id.* at 1637.

²⁴ *Id.*

²⁵ *Florida v. Wells*, 539 So.2d 464 (1989).

²⁶ *Id.* at 469.

²⁷ *Wells*, supra note 22, at 1635.

²⁸ *Id.* at 1635.

²⁹ *Bertine*, supra note 12, quoting *Lafayette*, supra note 9, at 648.

³⁰ *Wells*, supra note 22, at 1635.

³¹ *Id.*

³² *Id.*

³³ 110 S.Ct. 2301 (1990) (hereinafter *Horton*).

³⁴ See *Coolidge v. New Hampshire*, 403 U.S. 443 (1971), in which a plurality of the Court found that if an officer is interested in an item and expects to find it, his subjective state of mind will negate the finding of the inadvertence requirement of plain view seizures. Other requisite elements of a plain view seizure are as follows: 1) The object's incriminating character must be immediately apparent; and 2) the officer must have a lawful right to access the object itself.

³⁵ *Horton*, supra note 33, at 2308.

³⁶ *Id.* at 2309.

³⁷ *Lafayette*, supra note 9, at 647.

³⁸ In the event, however, that officers have developed probable cause that a particular item to be searched contains specific evidence of a crime, it should be noted that obtaining a search warrant for such evidence is generally preferred by courts. See *Fiatal*, "The Judicial Preference for the Search Warrant," *FBI Law Enforcement Bulletin*, July 1986, pp. 21-30.

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

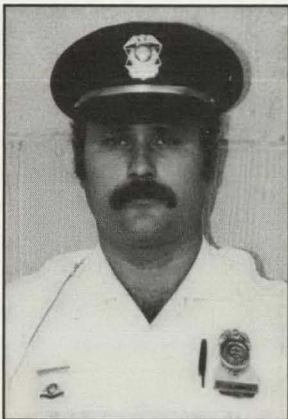
The Bulletin Notes

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



Officer Brown

During a fire at an apartment complex, Officers Steve Brown, John Andermatt, and Kent Brandeberry of the Whitehall, Ohio, Police Department responded to provide crowd control and assistance prior to the arrival of the fire department. Upon arriving at the scene, however, the officers discovered that the blaze was far worse than anticipated, with many residents still trapped inside the complex. The officers entered the burning structure repeatedly to assist frightened and injured residents in evacuating the premises and then performed first-aid until rescue units arrived.



Officer Andermatt



Sergeant Brandeberry

Trooper Thomas Revene of the Vermont State Police was on patrol when he observed an automobile stopped in a roadside breakdown lane. When he stopped to investigate, he observed a lone female occupant, who was unconscious and slumped over the console of her car. Trooper Revene pulled the driver from the vehicle and saved her life by performing the Heimlich maneuver, which dislodged the object that had choked her.



Trooper Revene

Patrolman Gene Saltz of the Wyoming Highway Patrol received a call at his residence from the local sheriff's office, requesting assistance at a crime scene where a young couple had been attacked by a knife-wielding assailant. When he arrived, Patrolman Saltz immediately took control of the situation, calming bystanders and tending to the serious stab wounds received by the victims. While performing life-saving first aid on the victims, Patrolman Saltz also gathered information that led to the apprehension of the suspect.



Patrolman Saltz



Officer Robert Irvin

While working off duty at a local restaurant, Officer Robert Irvin of the Kansas City, Missouri, Police Department was confronted by an armed assailant attempting to rob the establishment. The gunman fired several rounds at Officer Irvin. Though wounded, Officer Irvin returned the suspect's fire, seriously wounding him and causing him to flee the premises. The assailant was found deceased in a parked car a short time later.



Officer Norvell

Officer Gary Norvell of the Concord, California, Police Department was dispatched to a residence in response to a report that an infant had died from natural causes. Although the child was not breathing, Officer Norvell determined that he still showed signs of life. He immediately initiated CPR and revived the infant within seconds.

Nominations for ***The Bulletin Notes*** 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 separate photograph of each 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 & Pennsylvania Ave., NW, Washington, DC 20535.

U.S. Department of Justice
Federal Bureau of Investigation

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

Washington, D.C. 20535

Official Business
Penalty for Private Use \$300

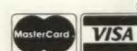
Superintendent of Documents Subscriptions Order Form

Order Processing Code:

***5079**

☐ **YES**, please send me _____ subscriptions to **FBI LAW ENFORCEMENT BULLETIN**, List ID is FBIEB, at \$14 each per year (\$17.50 foreign).

Charge your order.
It's easy!



To fax your orders and inquiries—(202) 275-0019

The total cost of my order is \$_____. Prices include regular domestic postage and handling and are subject to change.

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

()

(Daytime phone including area code)

Please Choose Method of Payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account -

☐ VISA or MasterCard Account

(Credit card expiration date)

Thank you for your order!

(Signature)

12/89

Mail To: Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325