

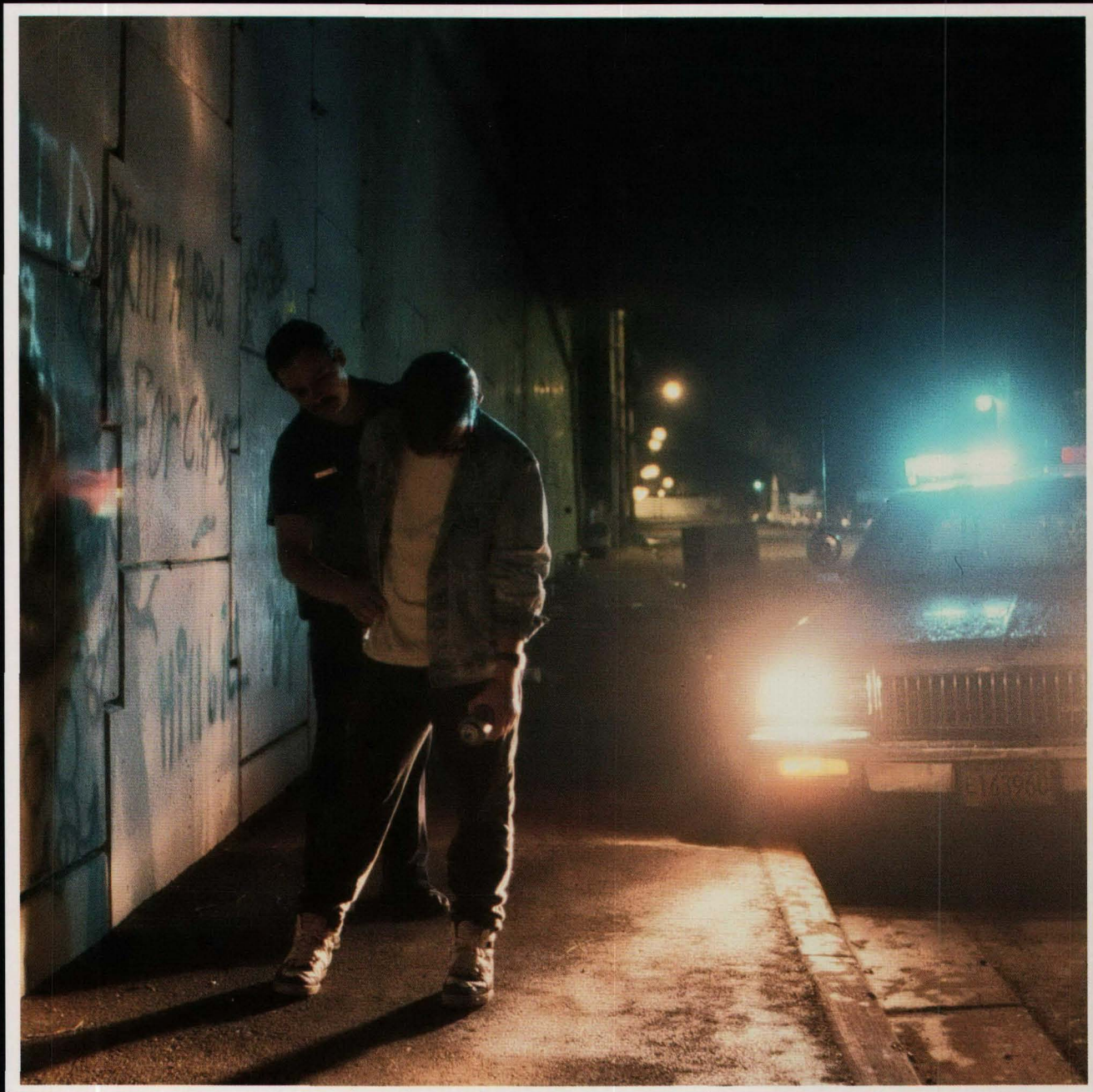
U.S. Department of Justice
Federal Bureau of Investigation



MAY 1994

FBI Law Enforcement

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Gangs

May 1994
Volume 63
Number 5

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

Louis J. Freeh
Director

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

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, Quantico, VA 22135.

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Gangs A National Perspective

By
ALAN C. BRANTLEY, M.A.,
and ANDREW DiROSA

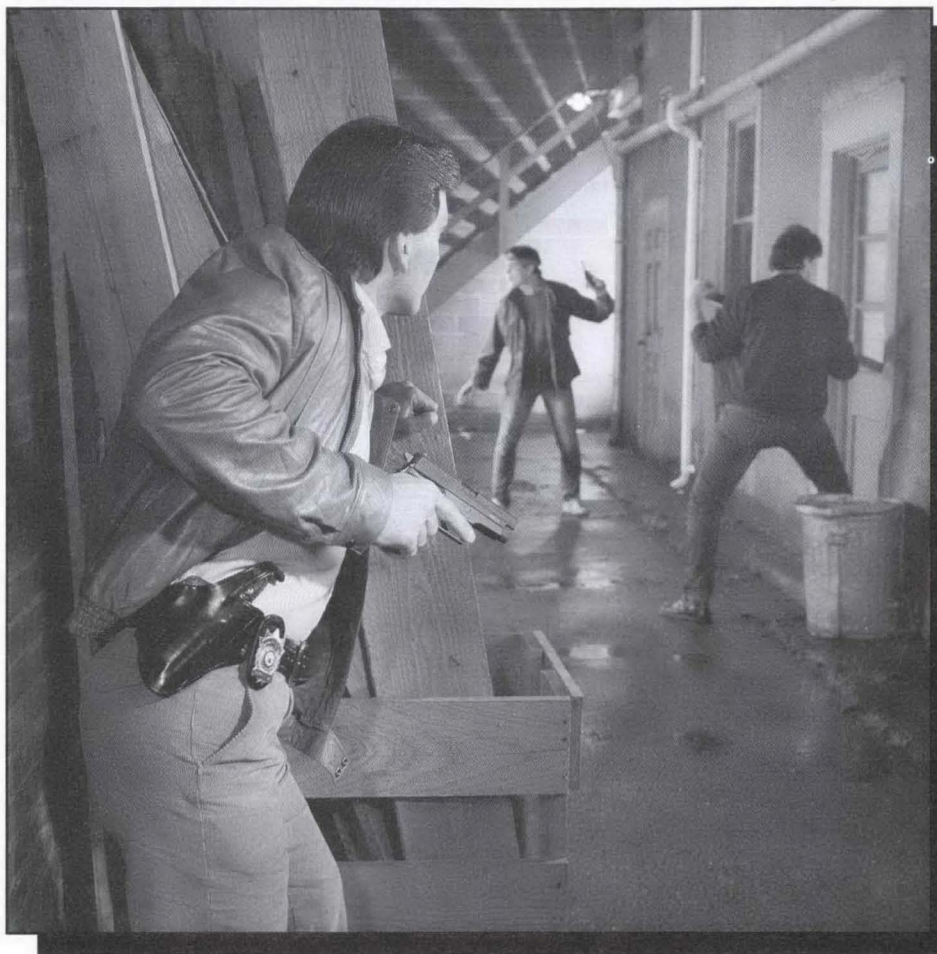


Photo © Sigams Inc.

Gang violence in America is nothing new. Even before the Nation declared its independence, outlaw groups with names like “The Sons of Liberty” formed in several colonial towns to express their opposition to British rule. A century later, ethnic gangs were well entrenched in many of these same cities along the eastern seaboard, from New York to Boston.

As the Nation grew, gangs emerged in the large urban centers that developed in the Midwest and on the west coast. Cities as diverse as Chicago and San Francisco have

long histories of gang-related crime.¹

If the formation of gangs is not a recent phenomenon, the number of youths involved in gangs and the level of violence and criminal activity that they perpetuate are. As recently as the mid-1970s, some social scientists and gang researchers seemed prepared to announce the extinction of gangs in America.²

In the 1980s, a combination of factors fueled a dramatic increase in gangs and gang affiliation among the Nation’s youth. Gang violence grew to unprecedented levels, as an expanded number of groups battled

for control of turf and profits from drug distribution. This trend continues in the 1990s. In Los Angeles County—the focal point of gangs in contemporary America—gang-related homicides increased over 250 percent—from 276 in 1979 to over 700 in 1990.³ By contrast, during this same period, the number of nongang-related homicides declined significantly.⁴

Still, despite the long history of gang activity in the United States, many communities remained largely unaffected until recently. While media accounts often depict new street gangs in previously gang-free

cities as mere satellite operations of entrenched criminal gangs from large metropolitan areas, this is rarely an accurate portrayal. The majority of new gangs are actually homegrown.⁵ They may emulate more infamous gangs and form cooperative alliances with other criminal groups, but they create uniquely local problems.

This fact underscores the challenge to law enforcement. Today, gangs represent a serious threat to the Nation's sense of security. Yet, except for a few notable exceptions, most gangs develop and thrive within a fairly limited geographic area. Any comprehensive response must first address the diverse factors governing gang activity in communities around the Nation. While important steps can be taken on the national level, the localized dimension of the gang problem requires a largely local response.

DEFINING THE PROBLEM

Problems of Definition

One of the basic obstacles in addressing gang activity in communities around the Nation is the absence of a universal definition for gangs. Some communities acknowledge difficulties in dealing with "groups of youths," but refuse to concede that they have a gang problem until the gangs become firmly entrenched.

Confusion also stems from the complexity and diversity of modern criminal groups. Outlaw motorcycle gangs (OMG) began forming shortly after World War II, when disgruntled former Armed Forces personnel established groups based on common philosophies and a mutual passion for motorcycles. The FBI has identified approximately 800 OMGs, ranging in size from a single, loose-knit chapter to an organization the size of the Hell's

Angels, which currently fields 63 chapters in 13 countries.⁶

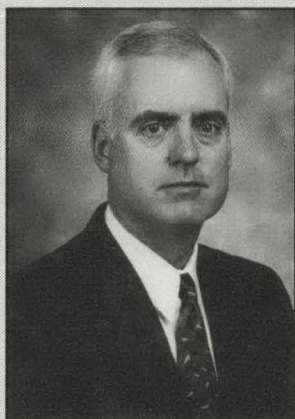
While such organizations may appear to have little in common with typical neighborhood street gangs, they share several common features. These characteristics combine to form a useful working definition.

Gangs can be said to be a group of three or more individuals bonded together by race, national origin, culture, or territory, who associate on a continual basis for the purpose of committing criminal acts. In this definition, territory can refer either to geographic location or to the scope of a particular criminal enterprise.

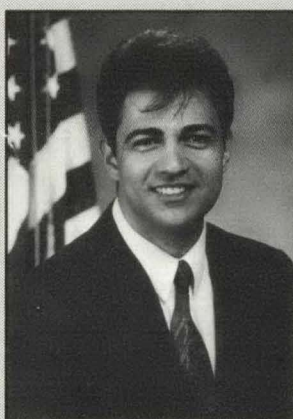
The Natural Progression of Gangs

Law enforcement officials should remain aware of what may be called the natural progression of gangs when considering the gang problem. Many gangs last only a short time before they weaken and wither away, either because of successful prosecution efforts or a lack of interest by members. More successful gangs excel at extending their economic base and recruiting new members. As these groups flourish, they may extend their reach into legitimate businesses and engage in traditional white-collar crimes, such as money laundering and corruption of public officials. Eventually, these "supergangs" come to more closely resemble organized crime groups than street gangs.

Understanding this progression is important for several reasons. Supergangs generally change their tactics as their criminal focus evolves. For example, there are



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indications that the Los Angeles-based Crips gang is attempting to unify all Crips sects across the Nation into one major organization with a chief executive officer-style leadership structure.

To protect such entrenched criminal enterprises from the scrutiny of law enforcement, leaders of these gangs often suppress overt acts of violence. In fact, supergangs actually welcome the turf violence of other less-entrenched gangs because it diverts the attention of law enforcement.

Unfortunately, the evolution of supergangs—with their gangland-style “truces”—only serves to disguise the ever-present danger of these powerful criminal groups. As gangs progress, the problems law enforcement does not see may be the ones that should cause the most concern.

SCOPE OF THE PROBLEM

No one knows how many gangs exist in America today. A 1992 survey of police department records estimated that there were 4,881 gangs in the Nation.⁷ However, because this survey does not include data from all cities and because different jurisdictions define gangs in different ways, the results of this study do not represent a comprehensive national total. The actual number of active gangs may be much higher.

This same survey estimated that nearly 250,000 individuals were involved in gangs.⁸ The factors that lead such a high number of youths into gangs may be as varied as the gangs themselves. While some participants may

become involved in gangs out of primarily economic motivations, the vast majority become involved for more basic reasons.

“
As gangs progress, the problems law enforcement does not see may be the ones that should cause the most concern.
”

POSSIBLE CAUSES

Why Youths Join Gangs

Most researchers agree that youths who *willingly* join gangs do so in an attempt to satisfy needs unfulfilled in other aspects of their lives.⁹ These basic needs may include structure, nurturing, economic opportunity, and a sense of belonging. In the most economically disadvantaged areas, these needs may even include clothing and shelter.

Yet, such factors do not fully explain the atmosphere of crime and violence that modern gangs foster. Nor do these factors explain why seemingly well-adjusted youths from affluent suburbs form and join gangs. It appears that today's gangs fulfill a need that, while not commonly considered as basic, may well be essential to many youths—excitement.¹⁰

From comic books and video games to movies, music, and televi-

sion programs, many of today's youths are brought up with images of *expressive* brutality—violence with no instrumental purpose, killing for the sake of killing. Although this type of message reinforces the style of violence manifested in such acts as random drive-by shootings, other media images appeal to more basic urges—power and sex.

Interviews with gang members often reveal a fascination with firearms. In settings where youths are overwhelmed by feelings of being powerless and where they sense no legitimate escape route from poverty and despair, guns assume a powerful symbolic, as well as practical, presence. In such situations, an increasing number of youths perceive guns as the quickest and surest route to empowerment. *Firepower* becomes a substitute for the perceived absence of any other kind of power necessary to attain status and wealth. Media images promoting violence as the most expedient way to resolve conflict fortify the connection.

By eroticizing brutality, media messages imply another perilous connection. These messages forge a strong link between violence and sexual attraction and are especially enticing to the youths who make up the lifeblood of new and established gangs.

Leading Youths into Gangs

Often, the violent messages merely intensify preexisting sentiments of discontent. By themselves, these messages may have little or no negative impact. However, when combined with dysfunctional home lives, a lack of respect for authority,

and the effects of residing in depressed housing areas, they become an effective recruiting tool.

Gangs also exploit other social and personal factors to recruit new members. When describing the recruiting strategies of Chinese gangs, a researcher noted:

"Usually gang members recruit youths who are vulnerable—those who are not doing well in school or who have already dropped out. Young newcomers who have little or no command of English, poor academic records, and few job prospects are the most likely to find gang life attractive and exciting."¹¹

Many of these characteristics can be generalized to describe the vast majority of today's street gang members. A recent study of African-American gangs in Milwaukee, Wisconsin, revealed that the founder of each gang interviewed had left school prematurely—most were expelled for fighting.¹² The director of a Hispanic youth services organization in Florida estimates that between 50 and 60 percent of the gang members in an antigang program operated by the organization had dropped out of school.¹³

In some areas, gang membership has become a family tradition. Hispanic gang members in East Los Angeles typically reveal in interviews that cousins, brothers, or other family members also actively participate in gangs. Because gangs in such communities have become so deeply entrenched in the social fabric, recruiting becomes less a process of selection than a ritualized custom.¹⁴

In other cities with an entrenched gang presence, recruiting may be less difficult now than ever before. An official with the Cook County, Illinois, State Attorney's Office estimates that "in Chicago, 80 percent of the recruitment into gangs is informal occurring through family members, friendship groups, and drug dealing activities. Intimidation probably plays a role in only 20 percent of gang recruitment."¹⁵

GANGS AND CRIME

Despite the localized dimensions of the gang problem, FBI investigations confirm that a growing number of groups operate from coast to coast. Other primarily ethnic gangs, including Asian and Vietnamese gangs, have been identified throughout the United States.

Understanding the reasons that compel youths to join gangs is the first step in confronting the problem.

Gangs trafficking large quantities of illegal drugs are the most likely to enlarge their scope of influence from the local level, as illustrated by the expansion of the Bloods and Crips gangs outside the Los Angeles area. Large-scale traffickers have also established international connections, which include Iranian, Pakistani, Nigerian, and Colombian drug suppliers.

As gangs increase their involvement in trafficking, they also tend to become more organized. Information gathered by the FBI's Baltimore Office, for example, indicates that gangs in the area have held meetings to delineate market territory, arrange for the sharing of drug shipments, pool money for increased purchasing power, and settle disputes.

ADDRESSING THE PROBLEM

Understanding the reasons that compel youths to join gangs is the first step in confronting the problem. The next step is to recognize the need for a coordinated response that includes social service organizations, schools, the criminal justice system, and other concerned groups in the community.

Coordinated Response

The complex social factors that produce and sustain gangs cannot be addressed by law enforcement alone. However, law enforcement agencies should be in the forefront of developing and supporting proactive efforts to keep youths out of gangs.

Across the Nation, examples of successful initiatives reinforce the importance of a coordinated response. While traditional law enforcement efforts generally focus on crime control, administrators are increasingly realizing the value of crime *prevention*. Effective gang prevention activities range from participating in community-awareness campaigns and sponsoring gang hotlines to delivering presentations at schools and community group meetings.¹⁶

The FBI's Response to Gangs

In 1991, the FBI launched its Major Gang Initiative to foster a greater understanding of the extent of gang activity in the United States and, where warranted, to allow field offices to give gang investigations priority attention. The primary focus of the initiative is the investigation of gangs that engage in large-scale drug trafficking.

Under the Major Gang Initiative, Special Agents in Charge (SACs) of FBI field offices may authorize investigations of gang-related criminal conduct where the primary thrust of the investigation is violence not directly associated with or perpetrated to further drug distribution. Cases often involve investigation of other crimes committed by these groups, such as homicide, kidnapping, extortion, burglary, robbery, car theft, extortion, loan sharking, money laundering, and firearms violations.

Operation Safe Streets, another initiative developed to address violent crime, provides a framework for FBI field offices to become more proactively involved in confronting the gang problem in communities. As part of Operation Safe Streets, FBI Special Agents become active in community efforts to keep youths out of gangs.

The FBI also participates in multiagency task forces that specifically target violent crime. This makes up an integral component of the FBI's response to gangs. Currently, FBI field offices participate in over 100 task forces around the Nation, combining resources with other Federal, as well as State and local, agencies

Gang Resources

A number of resources are available to provide wide-ranging information on gangs.

- Drugs and Crime Data Center and Clearinghouse
1600 Research Boulevard
Rockville, Maryland 20850
Phone: 800-666-3332
- National Crime Prevention Council
1700 K Street, NW, Second Floor
Washington, DC 20006-3817
Phone: 202-466-6272
- National School Safety Center
4165 Thousand Oaks Boulevard
Westlake Village, California 91362
Phone: 805-373-9977
- The National Congress of Parents and Teachers
700 Rush Street
Chicago, Illinois 60611
Phone: 312-787-0977

to implement effective enforcement strategies.

THE FUTURE

The image of the United States as a great melting pot of diverse cultures and ideas is giving way to less-comforting images of a Nation of divergent groups, tenuously held together by laws and institutions. The positive vision of the melting pot has evolved into the unsettling image of society as a pressure cooker.

When viewed within this larger context, the proliferation of gangs in contemporary America can be seen for what it largely is—a reaction to what youths view as the social reality facing them. When perceived reality becomes “us versus

them,” one basic tenet of survival holds true—there is safety in numbers.

To address the gang problem successfully, the criminal justice system and communities across the Nation must confront this mentality. When asked to define gangs, a youth worker offered the following insight, “The word ‘gang’ is a term of the adult community; you would never find youths defining their group as a gang.”¹⁷

This sentiment further underscores the entrenched feelings of disaffection on which criminal groups capitalize. While some groups revel in gang and “gangster” terminology, others use labels, such as “crews” and “posses,” to describe their groups.

Regardless of the terminology used, members of these groups generally possess a clear sense of association that sets them apart not only from rival gangs but also from society at large. In the future, effective programs must intervene to address this sense of alienation from "mainstream" society that provides fertile breeding ground for the development of gangs.

Law enforcement agencies should also avoid enforcement strategies designed to simply push gangs from their jurisdictions. A strategy of displacement not only transfers gang-related crime to neighboring communities but it also fails to address the root causes of the gang problem. Where possible, agencies should work to develop regional responses that coordinate the resources of schools, community organizations, and all aspects of the criminal justice system.

CONCLUSION

Gangs have a long history in the United States. Like many trends, they started in large urban areas and are now taking hold in communities of every size and cultural makeup.

The scope of problems presented by modern gangs requires a coordinated response. Neither school systems nor community groups nor law enforcement alone can adequately address the complex issues surrounding the rise in gangs. However, by developing comprehensive responses, communities across the Nation can reverse this tide. The challenge to law enforcement agencies is to sustain effective enforcement efforts while developing and supporting proactive efforts to keep youths out of gangs. ♦

Endnotes

¹ Carl S. Taylor, "Gang Imperialism" and "Chinese Gangs and Extortion," in *Gangs in*

America, ed. C. Ronald Huff (Newbury Park, California: 1990), 103-115, 129-145.

² Ruth Horowitz, "Sociological Perspectives on Gangs: Conflicting Definitions and Concepts," in *Gangs in America*, ed. C. Ronald Huff (Newbury Park, California: 1990), 37-54.

³ Internal report, Federal Bureau of Investigation, Criminal Investigative Division, 1992.

⁴ Ibid.

⁵ Supra, note 2, 39.

⁶ Supra, note 3.

⁷ G. David Curry, Robert J. Fox, Richard A. Ball, and Darryl Stone, *National Assessment of Law Enforcement Anti-gang Information Resources: Draft Final Report*, West Virginia University, 1992.

⁸ Ibid.

⁹ *Street Gangs: Current Knowledge and Strategies*, National Institute of Justice, U.S. Department of Justice, Washington, DC, August 1993, 19.

¹⁰ Supra, note 2.

¹¹ Supra, note 9, 17.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid, 18.

¹⁵ Ibid, 19.

¹⁶ Ibid, 49.

¹⁷ Ibid, 6.

Wanted: Photographs

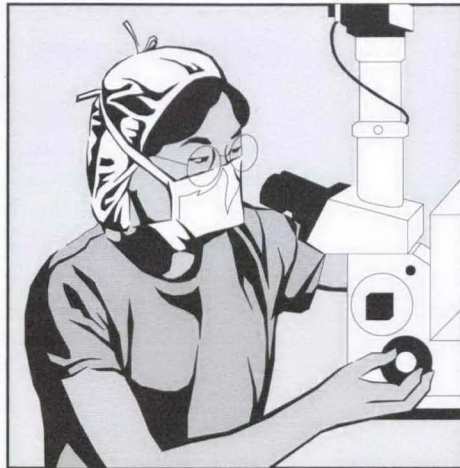
The *Law Enforcement* staff is always on the lookout for dynamic, law enforcement-related photos for possible publication in the magazine. We are interested in photos that visually depict the many aspects of the law enforcement profession and illustrate the various tasks law enforcement personnel perform.

We can use either black-and-white glossy or color prints or slides, although we prefer prints (5x7 or 8x10). Appropriate

credit will be given to contributing photographers when their work appears in the magazine. We suggest that you send duplicate, not original, prints as we do not accept responsibility for prints that may be damaged or lost. Send your photographs to:

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FBI Announces New Forensic Examination Policy



Effective July 1, 1994, the FBI Laboratory will no longer accept evidence from State and local law enforcement agencies for forensic examination in cases involving property crime investigations, except those cases that involve personal injury or for crimes that were intended to cause personal injury. The Laboratory will continue to accept evidence relating to violent crime investigations, including those that may involve property crime. These new guidelines are being implemented, in part, to ensure that the FBI continues to provide timely forensic assistance to law enforcement agencies investigating crimes of violence or threatened violence.

The following are examples of State and local property crimes that *will not* be accepted for forensic examination by the FBI Laboratory as of July 1, 1994.

- Arson of vacated residential dwellings and commercial buildings (Because arson of

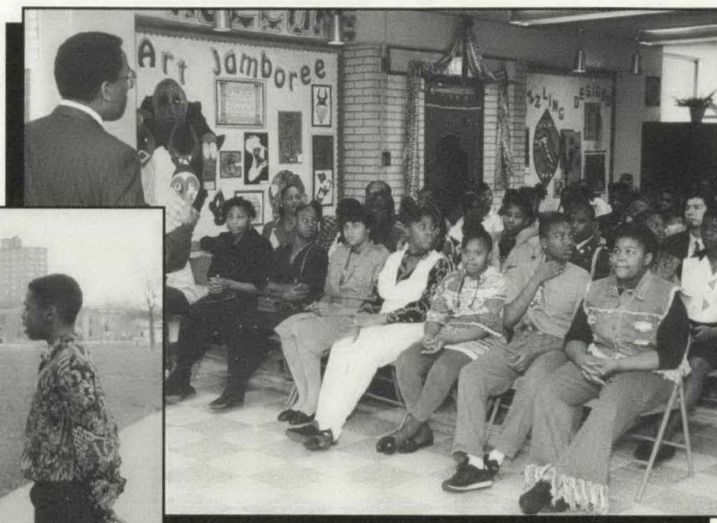
occupied residential dwellings is considered a violent crime rather than a property crime, such cases will not be affected by the new policy.)

- Nonfatal traffic accidents involving speedometer and/or headlight examinations, except cases involving law enforcement officers or State and local government officials
- Vandalism and malicious mischief directed toward personal or commercial property
- Hit-and-run automobile accidents that involve no personal injury
- Auto theft, *except* cases involving auto theft rings or carjackings
- Breaking and entering
- Burglary
- Minor theft (under \$100,000)
- Explosive incidents or hoaxes targeting unoccupied dwellings, vacant commercial buildings, or other uninhabited property.

At the discretion of the FBI Laboratory's Assistant Director (or designee), the Laboratory may agree to accept evidence from property crime cases that would not be accepted otherwise under the revised policy. Such exceptions will be considered only on a case-by-case basis and should not be regarded as setting a precedent for future case acceptance. However, all accepted cases will continue to be afforded the full range of forensic services offered by the FBI Laboratory. ♦

The Chicago Area Project Addressing the Gang Problem

By
ANTHONY SORRENTINO
and DAVID WHITTAKER, M.S.W.



In 1934, Russell Square Park was a relatively small, self-contained, Polish-Catholic community in South Chicago. It was also very poor, highly congested, and filled with immigrant steel workers, many of whom worked nights while their families clung to old rural traditions and tried to cope with life in a highly industrialized setting.

Russell Square Park was also home base for 15 well-established youth gangs—the Tigers, Tomatoes, Bush Walkers, Baker Bears, Brandon Speed Boys, and others—who principally committed such crimes as petty larceny, vandalism,

and lewdness. These gangs were the scourge of the community and a danger to those who did not defer to them. However, they never posed the same threat as gangs do today, whose sophisticated and violent crimes, turf wars with rival gangs, and networks in other cities closely resemble the acts of organized crime syndicates.

During this time, University of Chicago sociologist Clifford R. Shaw, aided by colleagues in the sociology department of the Institute for Juvenile Research, identified Russell Square Park as an area where crime rates were high and rising, despite an ever-growing

number of programs, agencies, and institutions established to cope with the problem. Shaw decided that this area, and others like it, needed a new approach to reduce juvenile delinquency. Here, he tested his then-experimental Chicago Area Project (CAP), a project that remains committed to the prevention and treatment of juvenile delinquency.

A Revolutionary Approach

Shaw believed that the solution to Chicago's gang problem meant reaching out to the gangs and redirecting them into the conventional life of the community. His method, which emphasized a

"bottom up," proactive approach, contrasted greatly with traditional, "top down" methods, which stressed punitive or repressive measures to control delinquency.

To lessen the attractions of delinquency for gang members, Shaw began what became popularly known as "curbstone counseling," or "street work"—going to where the juveniles "hung out" and offering them friendship and a sympathetic ear. As part of this approach, former gang members from the community worked with these youths.

CAP also embarked on an even more controversial path—involving some of the "unsavory" elements of the community in neighborhood plans and in the decisionmaking process. Recognizing that the "bad elements" of a community often wielded power and could not be avoided, Shaw's workers actually solicited their support and used their power and strength to meet the community's needs.

Shaw's ideas met with skepticism. Some established social agencies considered them heresy. Eventually, however, Shaw proved that his methods worked and that the community could control its own destiny. Now, almost 60 years later, the Chicago Area Project continues to thrive.

Strategies

CAP uses a three-pronged attack on delinquency—direct service, advocacy, and community involvement. It empowers neighborhood residents to work together to improve neighborhood conditions and to ensure the physical, social,

and moral well-being of their children.

CAP's principles sharply contradict the current practices of most philanthropic and social organizations in the United States. First, CAP seeks to fully use established neighborhood institutions—particularly those that naturally allow for social gatherings—such as churches and clubs, rather than to create new institutions that embody the morals and values of the more conventional communities. As Russell Square Park residents once did in conjunction with the local Catholic church, many communities continue to establish Boys and Girls Clubs at local sites, which they use as a rallying point for the neighborhood.

In addition, in contrast to social agencies that attempt to assist residents on a case-by-case basis, CAP focuses on the neighborhood as a whole. It aims to make the neighborhood conscious of the problems of delinquency, collectively interested in the welfare of its children, and active in promoting programs to improve the community environment.

Finally, CAP stresses the autonomy of the actual residents of the neighborhood to plan and operate the program, as contrasted with the traditional organization in which control is vested in lay and professional persons who represent interests outside the neighborhood. Russell Square residents started to promote this concept in 1934 by forming the Russell Square Community Committee, the first step in revitalizing their neighborhood. This citizens group became a model for other local committees and

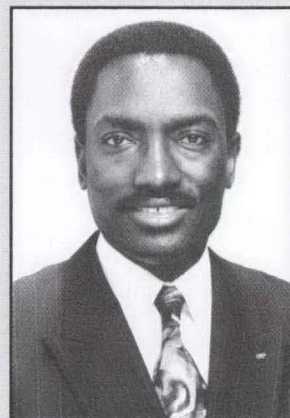
represented the heart of CAP's self-help philosophy.

Local Committees

Since formation of the original Russell Square Community Committee in the 1930s, 40 separate community committees have developed throughout Chicago. In addition, 100 similar programs



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Mr. Whittaker is CAP's current executive director.

operate in downstate Illinois. These nonprofit, independent, self-governing citizens groups function under their own local names and charters. Each has a headquarters and an office, and some committees have developed subcenters or branches.

Though CAP initially provides grants to the local community committees, they must eventually raise their own funds or make a significant contribution to the program effort. And, they do. Through various fund-raising activities, the local committees have almost matched CAP's financial contributions. More important, members of the committee donate their time and talents to the program and provide free access to such facilities as churches, schools, and police stations.

Programs and Results

Each community committee conducts a wide range of activities. Some have promoted recreation and sports programs involving thousands of children and young people; others have opened summer camps.

The local committees secure space for activities from churches and other local institutions and groups that are usually not available for neighborhood welfare programs. These committees have improved relationships between the schools and communities by helping to organize parent-teacher associations and adult education classes. They

have also provided leadership to campaigns for community improvement and, in several instances, have initiated the formation of housing boards.

When the people of a neighborhood band together and work collectively in a community welfare program, new and basic resources are

years, incidents of crime and delinquency have decreased. From forming youth clubs in neighborhoods where no recreation facilities exist, to building playgrounds and operating summer camps, to improving school curricula and such city services as garbage collection, CAP community organizations are working in Chicago's many and diverse neighborhoods.

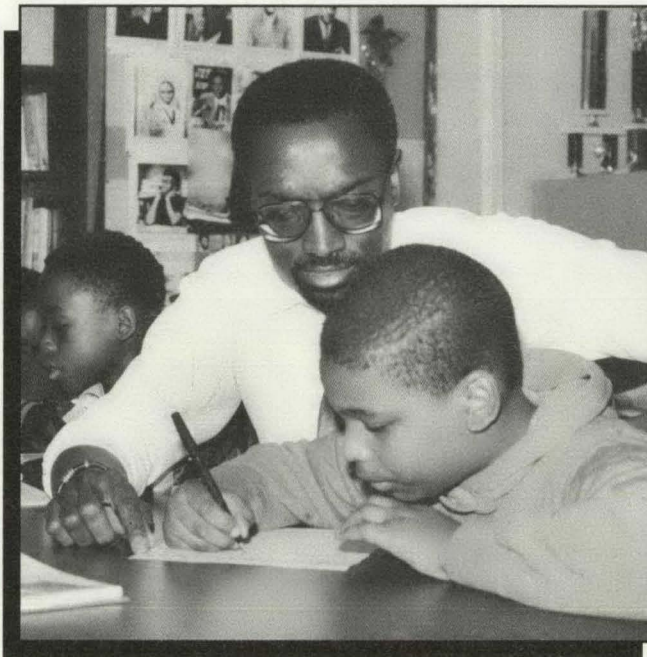
Beyond Prevention

In an effort to help as many youths as possible, local committees establish regular working arrangements with neighborhood police officers. With the trend toward community policing in law enforcement, police departments can use the resources of a local committee.

Leaders of the committee maintain liaison with law enforcement officials from the chief to patrol officers, and especially with the juvenile of-

ficers. Officers sometimes refer the juveniles they arrest to local committees, who then attempt to redirect the youths into constructive activities. This mutual relationship between CAP affiliates and local law enforcement works to meet the needs of the delinquent children.

Similarly, local residents work with probation and parole officers in order to maintain contact with juvenile offenders in court, in institutions when they are committed, and in the community when they are



brought to bear on local problems. As residents work on behalf of their children, positive attitudes are reinforced. The children begin to live in a better environment and respond to constructive social influences.

These influences, as well as the improvements in general living conditions that the residents effect, advance both the prevention of delinquency and the treatment of delinquents. In fact, in those communities where area projects have been in operation for a number of

released on parole. In fact, work with young parolees has been one of the most promising aspects of this program.

In many neighborhoods, local residents successfully help released offenders secure jobs and attend school. The residents also persuade them to join neighborhood groups. Frequently, the parolees become members of the local community committees, eventually serving on a board of directors, and sometimes being elected officers of the committee.

Community leaders supplement work with individual delinquents by dealing with gangs as a group. In fact, well before launching a neighborhood program, local workers approach the area's gangs and street corner groups. This enables the workers and citizens committees to obtain the information they need to plan and develop the program. As a result, young adult workers who symbolize values meaningful to the youths are in strategic positions to guide them into constructive activities.

New Initiatives

Representative of its ongoing partnership with the State of Illinois, CAP participates in the Comprehensive Community Based Youth Services Program, providing children ages 10-17 with a variety of services, such as crisis intervention, emergency foster home placement, job training, and counseling. For example, in an attempt to combat gang activity and to prevent fires in the area, a squadron of cadet firefighters has been formed. These youths receive such assignments as

speaking on fire awareness and learning how to combat fires in their communities.

In addition to extending services directly to juveniles, CAP has, most recently, established two new special projects—Citizens United for Better Parks and Women for Economic Security (WES). These projects cross community boundaries and indirectly affect Chicago youths.

Citizens United for Better Parks encourages citizens in low-income areas to work with the Chicago Park District to improve the safety, maintenance, and staffing of community parks. WES attempts to determine and influence the impact of public welfare policy on the ability of

CAP uses a three-pronged attack on delinquency—direct service, advocacy, and community involvement.

female recipients to find and retain meaningful employment. Because women on welfare often head their households, WES can help determine the long-term goals of the communities that CAP serves.

Each year, CAP works toward having a greater impact in Chicago-area communities by expanding the number of affiliates and by initiating new coalitions to effect changes.

The diversity of CAP's community programs mirrors its mission—to ensure self-determination in each neighborhood. The results achieved reflect the critical need for community organizations to combat juvenile delinquency and to reduce crime in low-income areas.

Establishing Local Committees

The resources usually needed to establish local committees include the following:

- Well-trained personnel made available by municipal, State, or other community development agencies. From 1934 to 1981, various State agencies provided CAP with personnel. CAP, in turn, assigned these workers to targeted areas to organize community committees. Since 1981, CAP has hired committee employees itself, with funding received from the State's Department of Children and Family Services, foundations, charities, and private contributions.
- Initial financial assistance from the government or from outside foundation sources, such as CAP, often offered on the condition that the local committees raise matching funds.
- Assistance to local committees in their search for other sources of capital.

CAP personnel in Illinois, functioning as consultants and community workers, help the independent citizens groups to attain their objectives. As the committees approach the point of self-sufficiency, they

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also employ their own personnel. Then, CAP personnel act only as consultants.

Conclusion

Today, CAP remains dedicated to improving the quality of neighborhood life, with a special focus on solving problems faced by young people and their families. From the beginning, CAP's focus has been to provide alternative social groups with appropriate rewards and approval, so young people can turn away from gangs and direct their energies to more positive endeavors.

But, unlike other agencies, CAP has always worked *with* Chicago's gangs—identifying and meeting gang leaders, discussing community and individual needs, and turning negative behavior into a positive force to create change for all members of a neighborhood. This grassroots effort has made CAP successful and continues to provide it with a unique focus in helping to prevent and treat juvenile delinquency.

CAP's strength lies in the very neighborhoods that need help the most. Its resources are in the streets and communities that are the most blighted. It is in these communities that Clifford R. Shaw's idea lives on. And, it is among young people, in all the neighborhoods where the hope for the future of the Nation lies. ♦

Community Policing Guide

The Bureau of Justice Assistance has released the community policing document, "Neighborhood-Oriented Policing in Rural Communities: A Program Planning Guide." This document offers guidance to law enforcement professionals, city or county governments, and community organizations considering, planning for, or implementing community policing.

"Neighborhood-Oriented Policing in Rural Communities" (NCJ143709) provides practical information on how to begin identifying and addressing community needs through effective problem-solving methods and community involvement. The guide informs readers of the tools actually used by local law enforcement agencies and gives a resource list for more hands-on information.

The document can be obtained from the Bureau of Justice Assistance by calling 1-800-688-4252. When requesting copies, callers should reference the document number.

Crime and the Elderly

The American Association of Retired Persons (AARP) has published several brochures on crime prevention for the elderly. The brochures contain practical advice on how to reduce criminal opportunity and can support community service programs. Each title—"How to Spot a Con Artist," "How to Protect Your Home," "How to Protect Your Neighborhood," "How to Report Suspicious Activities," "How to Protect You and Your Car," "How to Protect Your Rural Homestead," and "How to Conduct a Security Survey"—is available in English or Spanish.

Up to 50 copies of each title are available to each agency, without charge, from AARP, ATTN: CJS B-5, 601 E Street, NW, Washington, DC 20049. Allow 4-6 weeks for delivery.

Gang Intervention

Police and School Collaboration

By
WAYNE C. TOROK and
KENNETH S. TRUMP, M.P.A.

Once a concern only for large cities, youth gang activity now impacts communities of all sizes. Gangs tear at the social fabric of America, causing numerous problems for many segments of society.

Unfortunately, even the public schools—once traditional safe havens of society—are no longer immune to gang activity and violence. The scope of the youth gang problem requires specialized law enforcement intervention and prevention strategies on the local level.

In Cleveland, Ohio, the public school system and the Cleveland Police Department joined forces to combat the gang problem. The school board created a Youth Gang Unit within the school system, which now works closely with the police department's Youth/Gang Unit. This article discusses the collaboration of the units and how this combined effort reduced the gang problems in both the schools and the community.

OVERVIEW

Many law enforcement administrators do not readily acknowledge the existence of gangs in their jurisdictions. In fact, a 1988 study of gangs in Ohio identified denial as a typical official response of law enforcement and a major obstacle in addressing youth gangs effectively.¹

This denial actually sends the wrong message to gang members, who then believe they can operate with impunity.² This, in turn, promotes the victimization of communities by gangs.³

Many factors contribute to the official denial of gang activity,

including the problem of definition, the inability to identify the root causes, and the lack of resources needed to address gang issues adequately. However, as gang activity grows, media and community pressure to respond to the problem also grows.

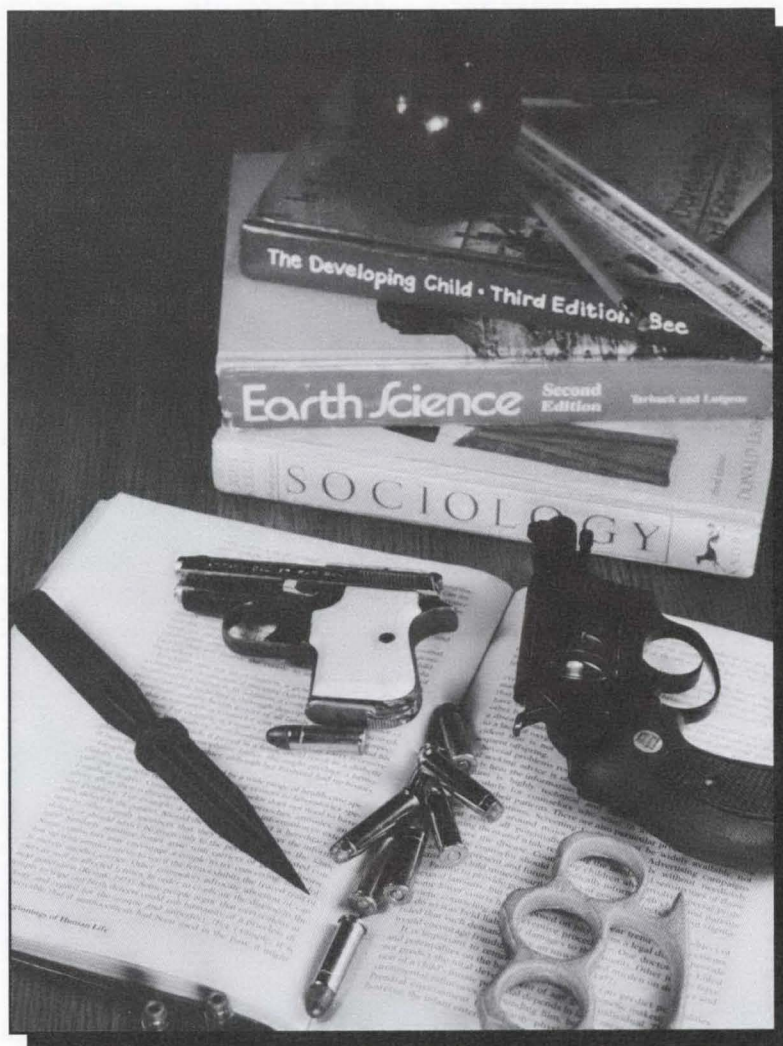
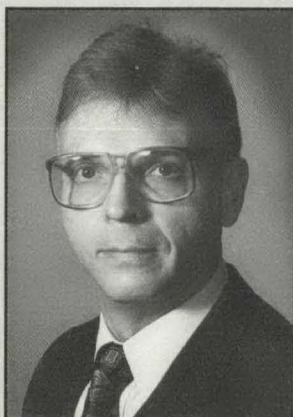


Photo by K.L. Morrison



Lieutenant Torok heads the Youth/Gang Unit of the Cleveland, Ohio, Police Department.



Mr. Trump is the coordinator of the Youth Gang Unit, Division of Safety and Security, Cleveland, Ohio, public schools.

Unfortunately, by the time gangs are officially recognized by the police, they have often become entrenched in the community. As a result, law enforcement agencies respond by creating specialized squads or units designed to eliminate the gangs through strong enforcement. In the beginning, this was the strategy adopted by the Cleveland Police Department.

YOUTH/GANG UNIT

The Youth/Gang Unit, formed in 1990, is divided into two squads—a youth squad and a gang squad. The youth squad investigates most juvenile, nongang-related crimes. The gang squad investigates most gang-related crimes committed by both adult and juvenile offenders, including misdemeanor crimes, which are not normally investigated by detectives. (The theory behind the investigation of misdemeanor crimes is that

any information—no matter how trivial—adds to detectives' knowledge concerning gangs.)

Members of the gang squad also conduct other indepth investigations in an effort to identify gang members, to enhance intelligence-gathering by obtaining detailed information on gang territories and methods of operation, and to ensure successful prosecution of gang members. They supplement their investigations with street enforcement.

Initially, street enforcement was designed to reduce overt gang violence and intimidation. However, officials began targeting specific gangs and gang members based on unit investigations and on concerns voiced by citizens, public officials, and others impacted by gang crimes. The combination of investigations, street enforcement, and intelligence-gathering provided a balanced approach to reduce gang activity.

While this approach worked in the beginning, officials came to realize that these strategies alone would not solve the problem. Clearly, the problem called for the involvement of the public education system, where early intervention by school officials might dissuade students from gang involvement.

SCHOOL YOUTH GANG UNIT

Although the majority of youths in school do not participate in gang activity, the incidents that do occur shift the focus from educational issues to safety concerns. Escalating gang conflicts deprive students, teachers, and administrators of valuable time needed for learning. Therefore, school board officials created their own Youth Gang Unit within the Division of Safety and Security, a part of the public school system. The school gang unit works closely with the police gang squad to deter this type of problem within public schools.

The school Youth Gang Unit—the first-line defense against the problem—addresses gang crimes and school rule violations city-wide. The unit, which consists of four school security officers and a unit coordinator, serves 127 schools with over 73,000 students.

Security officers visit schools throughout the day, staying abreast of any gang-related problems that may occur. During its first year of operation, unit personnel investigated approximately 400 gang-related school incidents, identified over 1,000 gang members, and trained over 7,000 staff members,

parents, students, and youth service providers to recognize gang problems. They taught specific intervention techniques that both parents and school staff members can use.

Officers in the unit prioritize investigations, mediate disputes between students, and attempt to dispel gang-related rumors within schools. They also make antigang presentations to students in classrooms and at school assemblies. Finally, the security officers network community-wide to develop programs designed to reduce gang activity and coordinate resources for at-risk and gang-involved youths.

POLICE-SCHOOL COLLABORATION

Prior to the creation of the school Youth Gang Unit, the police department received an overwhelming number of requests for assistance from various school officials. Requests ranged from those for special attention to prevent rumored gang fights at dismissal to those for gang-related training for teachers and staff.

Now, both gang units—school and police—focus on providing specific services. Personnel in the school gang unit act as first responders to gang-related incidents and needs at the various schools, while the police unit addresses gang issues in the community. When situations require additional personnel, such as substantiated threats of gang activity near schools or at school dismissal, the police and school units combine forces. In addition, as a preventive strategy, the units periodically merge to conduct patrols in

areas of frequent gang activity, rounding up truants and returning them to their schools. These patrols also often arrest gang members for various crimes.

A critical element of the successful collaboration is the atmosphere of mutual support that has existed between the public school system and the police department since the inception of the program. For example, the school unit coordinator, who monitored gang activity within schools prior to the creation of the unit, provided an inservice session for police detectives at the onset of their program. In return, gang unit detectives trained security officers in the school unit when it came into existence. These training sessions facilitated an exchange of

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...youth gang activity now impacts communities of all sizes.

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information on gangs that was mostly gained through experience of unit personnel.

Another cooperative effort between the two units includes developing information on rumored gang activity and individuals allegedly associated with gangs. The police unit maintains gang profiles based on their criminal investigations,

while the school unit maintains records of contact with gang members and computerized reports on gang-related incidents. By stripping gang members of their anonymity, crimes are often quickly solved or prevented all together.

Working cooperatively enhances both units' capabilities to analyze gang intelligence quickly. This, in turn, allows the police and schools to respond proactively to potential trouble areas. In addition, it maintains open lines of communication between the units. This continuing association serves to intensify the mutual support and assistance that existed prior to the creation of the separate units.

GANG UNIT MANAGEMENT

Cooperation between police and school gang units provides an accurate picture of gang activity in both the community and the schools. However, numerous management issues also arise with this type of collaboration. These issues may include establishing specific focuses for both units, selecting personnel, working with the media, and cooperating with other agencies and community professionals.

Unit Focus

The scope and impact of the gang problem require that both school and police administrators establish a clear focus with precise goals and objectives for their respective units. Police coordinators must determine whether their gang units will perform enforcement, investigative, or intelligence functions—or a combination of these.

On the other hand, school administrators must determine whether their gang units will perform strictly educational or enforcement roles—or a combination of both. However, unit coordinators should be authorized to adjust their operations at any time to ever-changing gang activity.

A balanced approach by each unit is best, as opposed to a single-focus approach that reduces the overall impact of a unit's efforts. But, no matter what the approach, coordinators of both units should recognize that gangs will only be eliminated if the entire community works to impact the underlying social and economic issues. Law enforcement and the schools cannot solve the problem for society.

Personnel Selection

Another critical management issue centers around personnel selection for gang units. Detectives assigned to the Cleveland Police Youth/Gang Unit must be veteran officers, in good physical condition, who have an interest in gangs and young people, excellent verbal communication skills, investigative and organizational skills, and a willingness to change shifts when necessary.

Personnel selected for the Cleveland Public School Youth Gang Unit must have prior experience in a youth service capacity, a demonstrated ability in crisis and conflict intervention, and specialized knowledge and/or training in the area of youth gangs. Here, again, a special interest in the welfare of young people is extremely beneficial.

Media Relations

Managers of gang units must also decide how to handle media relations—an issue both school and law enforcement administrators must address. Unfortunately, gang activity makes for good media stories, and the media produce these stories with or without the cooperation of those most knowledgeable on the subject.

Because the media play such an important role in informing and educating the public, police and

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school officials should develop a rapport with the media. By educating the media on gang issues and by establishing cooperative relationships guided by clearly identified parameters, law enforcement and school officials can convey information to the community in a positive manner. The primary goals of building media relations should be to educate the public on the seriousness of gangs and to make known the impact of joint-agency efforts.

Networking

It is beneficial for personnel in both gang units to network with other professionals in the community. This way, when personnel constraints do not allow unit involvement in specific requests, other professionals in the community can lend a hand.

Educators, social service personnel, and youth agency employees can form a network that allows for a better exchange of information, as well as more effective ways to deal with gangs. For example, appropriate members of the community can conduct prevention sessions with at-risk youths or they can refer youths with specific problems to other agencies.

Other Considerations

Other management issues emerge when creating police or school gang units. These issues may include establishing record-keeping and investigative procedures and developing a good rapport with the community. As unit coordinators develop and modify operational procedures, they should ensure that they adequately document these procedures and communicate them to their personnel, as well as to others who might be affected.

RESULTS

Data on the collaboration between law enforcement and the public schools in Cleveland reveal the program's successes. Juvenile court filings by the Cleveland Police Youth/Gang Unit decreased over 15 percent during 1992, compared to 1991. The public schools experienced a 39-percent reduction

in school gang-related incidents during the 1992-93 school year, compared to the 1991-1992 school year.

CONCLUSION

Close cooperation between schools and law enforcement agencies could be the key to a successful gang reduction program. Law enforcement personnel must balance the specialized investigation of misdemeanor and felony gang crimes with targeted street enforcement and intelligence-gathering.

At the same time, school personnel must balance disciplinary and criminal enforcement with strong intervention and prevention techniques. A cooperative and collaborative approach between the two entities prevents duplication of services and allows police and schools to gain maximum impact in their particular areas of focus.

Communities must recognize the underlying social and economic problems that contribute to gang growth and development and respond with a comprehensive approach. Through cooperative and proactive strategies designed to meet the needs of particular communities, America can move forward to reduce and prevent youth violence and gang activity. ♦

Endnotes

¹ C.R. Huff, "Youth Gangs and Public Policy in Ohio: Findings and Recommendations," Ohio Conference on Youth Gangs and the Urban Underclass, Ohio State University, Columbus, Ohio, May 1988.

² Ibid.

³ Ibid.

Author Guidelines

Manuscript Specifications

Length: 1,000 to 3,000 words or 5 to 12 pages double-spaced.

Format: All manuscripts should be double-spaced and typed on 8 1/2" by 11" white paper. All pages should be numbered, and three copies should be submitted for review purposes.

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Basis For Judging Manuscripts: Manuscripts are judged on the following points: Factual accuracy, style and ease of reading, structure and logical flow, length, relevance to audience, and analysis of information. Favorable consideration will generally not be given to an article that has been published previously or that is being considered for publication by another magazine. Articles that are used to advertise a product or a service will be rejected.

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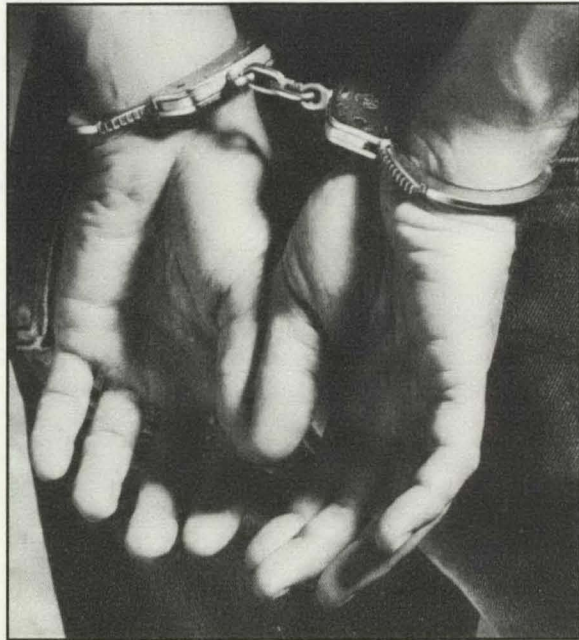
Submission

Authors may contact the special agent police training coordinator at the nearest FBI field office for help in submitting articles, or manuscripts may be forwarded directly to: Editor, *FBI Law Enforcement Bulletin*, Law Enforcement Communication Unit, FBI Academy, Quantico VA 22135.

Case Study

Investigation Counters Police Brutality Charges

By Alan C. Youngs, J.D.



Allegations of police brutality can be frequent and bitter. Some people living in the United States do not hold the police in high esteem. Recent incidents in Los Angeles, Detroit, and Washington, D.C., resulted in allegations of police brutality and point to the distrust and negative perceptions some citizens hold toward the police in this country.

The Lakewood, Colorado, Police Department strives to treat all members of the community fairly by investigating every complaint, especially those filed against the department itself. The following case typifies an incident that may cause citizens to mistrust the police, creating an atmosphere of doubt in both the community and the department. In this case, the crime laboratory proved crucial in determining the truth behind a brutality allegation directed against several of the department's officers.

Background

A distraught mother complained to the Lakewood Police Department that on the previous evening, her daughter had received a black eye, bruises, and a laceration requiring seven stitches. Because the police had picked her daughter up for public intoxication, the mother assumed that a police officer had beaten her while she was in police custody. The daughter could not remember how she had been injured.

The Investigation

Based on the mother's allegation of police brutality, the department conducted a thorough investigation, which consisted of laboratory analysis of the evidence by the Colorado Bureau of Investigation, as well as interviews of everyone involved in the incident. These interviews revealed the following chain of events.

The young woman began drinking in the afternoon with several friends. She became so intoxicated that a companion brought her home at approximately 7 p.m. Once home, however, she did not want to stay there, but wanted to continue drinking with another friend. An ensuing struggle prompted her companion to call the Lakewood Police Department for assistance.

The two responding officers found the young woman outside the apartment, straddling two second-floor balconies, apparently ready to jump. While one officer waited on the ground floor to catch her if necessary, the other officer talked her down from the balcony.

Once inside the apartment, the officers decided to detain her, for her own protection, at the county detoxification center. Because she resisted, the officers handcuffed her and placed her in the patrol car. After doing so, they discovered that she was double-jointed. By simply rotating her arms, she could pull them over her head so that her hands—still cuffed—were in front of her.

To compensate, the officers put a belt around her waist, hooking it through two belt loops—one on either side of the waistband of her pants—and buckling it in the back. They then cuffed her hands under the belt and behind her back. Although the officers

had to use some force to take her to the patrol car, she had not been injured up to this point.

While transporting her to the detoxification center, the officer who was driving glanced in the rearview mirror and noticed that she had again rotated her arms in front of her. The officer warned her that he was going to stop the car and handcuff her again. Unfazed, she told him that she would merely put her hands back.

Because they were only a short distance from the detoxification center, the officer continued to drive. As he did, he heard what sounded like the woman slamming her hands into the protective cage between the front and back seats. He also heard her exclaim something to the effect of, "What did I do to myself?" and "Why did I do this to myself?" At this time, the officer realized that the woman was bleeding from her right eye.

Arriving at the center, the two officers were assisted by a third. Together, they restrained the woman who, almost hysterical now, flailed her arms and made repeated references to having injured herself.

The officers removed the handcuffs, as well as six large rings that she was wearing. The rings, which were silver with turquoise stones, were later submitted to the laboratory for analysis.

The officers, realizing that the woman's injuries required medical treatment, took her to the hospital. According to the attending physician, the cut over her right eye was clean and had been caused by a sharp object. It required seven stitches.

In addition, the woman suffered a hairline fracture to her nose. Following treatment, she was transported back to the detoxification center, where she remained overnight.¹

Five days later, the woman's family physician removed the sutures from the wound. Lakewood officers retrieved them and submitted them to the Colorado Bureau of Investigation, along with a sterile, unused sample of the same type of suture.

Because the department theorized that the woman had injured herself with her rings, the laboratory

examined them. In addition, the laboratory used a scanning electron microscope to examine both the sutures from the woman's eye and the unused sample for traces of silver, turquoise, or steel, which might have come from her rings.

Results

The examination showed that only the sutures removed from the woman's eye showed traces of silver. In addition, two of the rings had traces of blood in their crevices, and what appeared to be a piece of hair was lodged in a lateral break in the stone of one of the rings.

Because the only known source for the silver was the woman's jewelry, the only plausible explanation for her injuries was that she had struck herself in the face, cutting it with her rings. This explanation was consistent with other available evidence.

Prior to the initiation of this investigation, the subject's mother had obtained an attorney and was prepared to file brutality charges against the department. However, by taking the allegation against its officers seriously, using every means available to investigate the charges, and promptly communi-

cating the results to the complainant, the Lakewood Police Department allayed her suspicions that the arresting officers had beaten her daughter.

Conclusion

Without the crime laboratory's analysis, this case would have fueled an increase in distrust, resentment, and bitterness between the police and the community. Instead, it serves as a model of what a thorough and competent investigation can accomplish. ♦

Endnote

¹ The subject's blood-alcohol level, tested 3 hours following her arrest, was .245.

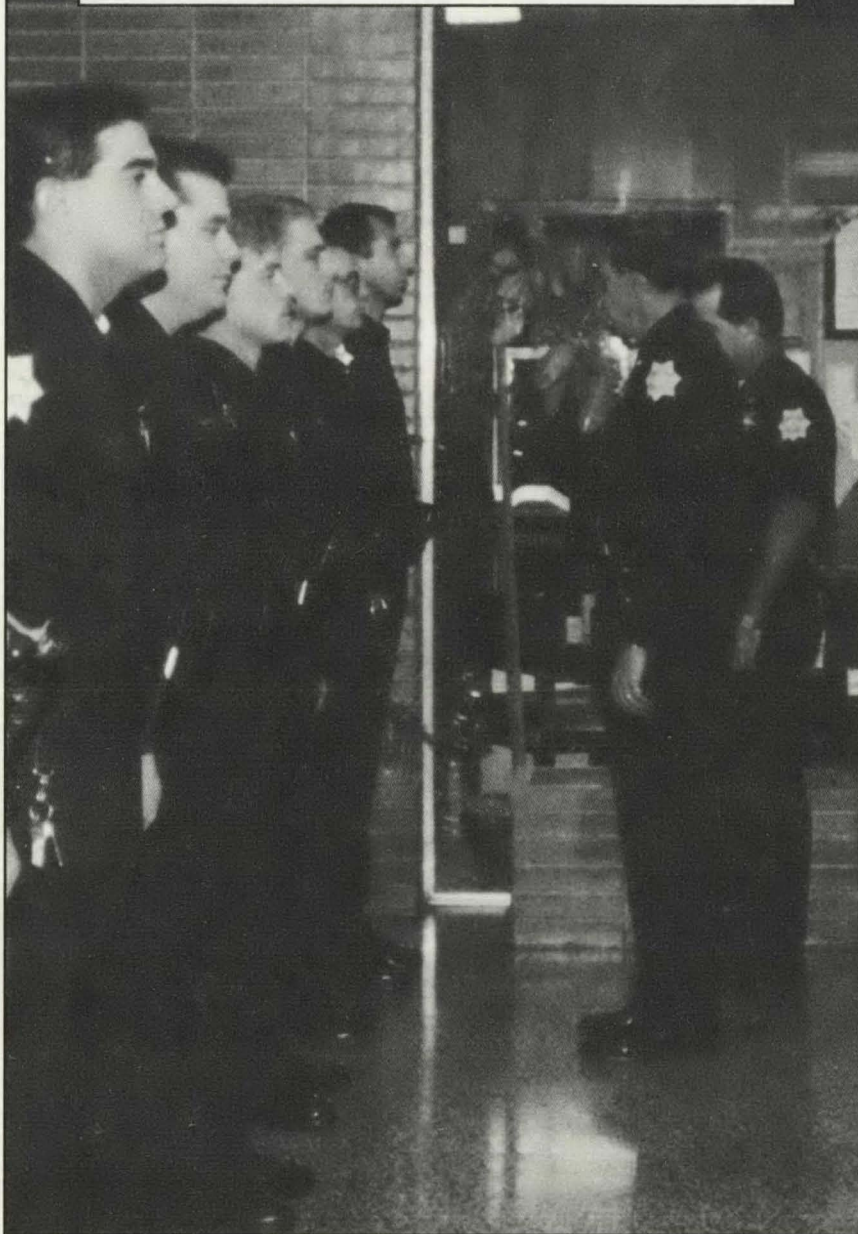
Captain Youngs heads the Intelligence Division of the Lakewood, Colorado, Police Department.

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Police Reserves Rights and Liabilities

By

HARVEY WALLACE, J.D., and ARNOLD P. PETER, J.D.



With tax revenues shrinking at an accelerated rate, public agencies now turn increasingly to volunteers to supplement their existing staffs. The reality of today's budgetary crisis requires that police administrators encourage and expand volunteerism in every possible facet of their agencies. However, in addition to implementing important policy and managerial strategies for the use of volunteers, law enforcement administrators must also deal with several troublesome legal requirements.

While every agency, whether public or private, must confront some legal obstacles when using volunteers, the use of volunteers in police work presents an entirely distinct set of legal issues. Unless addressed, these legal issues can endanger the success of even the most well-executed volunteer plan.

What follows is a discussion of the most critical of these issues. Law enforcement administrators who are familiar with possible problem areas can better protect the interests of both their agencies and their volunteers.

LEGAL ISSUES

Compensation of Reserve Officers

Law enforcement agencies traditionally use volunteers as a "reserve" component to supplement and assist full-time officers. Customarily, reserve officers receive no monetary compensation for their services, although some departments do pay for uniforms and other incidental costs. In fact, compensating these officers, even on a periodic or occasional basis, may raise

questions about their "volunteer" status. Generally, however, reserves may be paid expenses, reasonable benefits, a nominal fee, or any combination thereof, without losing their status as volunteers.¹

U.S. Department of Labor rules clearly stipulate that individuals who donate their time and services, without expectation of payment, for humanitarian, public service, or religious reasons are not considered employees.² Therefore, police departments that use such volunteer services need not comply with rules requiring payment of minimum wages and overtime.

The issue of compensation for volunteers came before the Supreme Court in *Alamo Foundation v. Secretary of Labor*.³ In this case, the Supreme Court distinguished between volunteers in commercial and noncommercial organizations and held that the so-called volunteers used by the Alamo Foundation, a religious organization, were *employees* within the meaning of the Federal wage and hour standards. The Court noted that the foundation derived income from the commercial enterprises in which the individuals worked and that the volunteers were paid in the form of benefits. Accordingly, the foundation was required to meet minimum wage, overtime, and recordkeeping requirements.⁴ Police reserves, however, are engaged in civic, not commercial, functions.

Because some agencies benefit greatly from the use of reservists, there is a natural tendency for administrators to want to compensate their efforts financially. While much of the reserve officers' appeal would be lost if they were

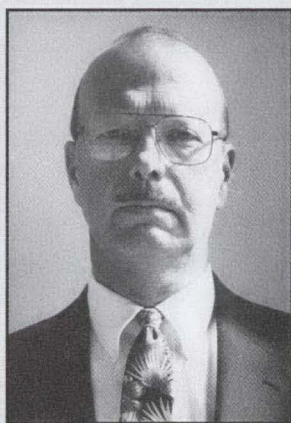
compensated on the same wage scale as full-time officers, some agencies have experimented with paying reserve officers and other volunteers on a reduced pay scale.

As a practical matter, regularly paid reserves may well argue that if they perform the same functions as full-time officers, they should be paid on the same scale. This is a real concern for agencies that routinely select new full-time officers from the reserve ranks, thereby using the reserve program as a pre-employment training period. These agencies may experience morale problems within the reserve ranks when reservists are paid less than the regular members of the department, even while performing the same duties. Therefore, the issue of compensation is extremely important when administrators consider the use of police reserves.

Union Considerations

Any proposal for change or revision within a law enforcement agency, including the initiation or expansion of a reserve program, may be met with a cry from law enforcement unions as a change in working conditions or wages. Structural reorganization that affects working conditions may be subject to the "meet and confer" process by which the agencies negotiate the proposed change with the unions.⁵

Specifically, police unions may argue that if payment to reserve officers reduces the number of overtime hours available to regular police officers, the issue is a mandatory subject of bargaining.⁶ Therefore, law enforcement agencies may be required to confer with the appropriate unions before initiating any formal plans for a reserve unit.



Mr. Wallace is an associate professor in the Department of Criminology, California State University, Fresno, California.



Mr. Peter is with the Fresno City, California, Attorney's Office.

Workers' Compensation

Law enforcement administrators also confront some crucial questions regarding workers' compensation benefits for reserve officers injured in the line of duty. Because police work is inherently strenuous and dangerous, workers' compensation claims within some law enforcement agencies far eclipse those of other agencies.

In some States, volunteers performing law enforcement or firefighting duties are automatically covered under the workers' compensation system.⁷ The additional cost of workers' compensation benefits for reserves would be minimal because the system already exists for full-time officers. However, when workers' compensation benefits are not automatically extended, valid reasons exist for law enforcement agencies to consider providing such benefits to reserve officers.

Extending workers' compensation benefits to reserve officers boosts morale. It demonstrates the agency's concern for the welfare of its reserve force.

This extension of workers' compensation benefits is also an effective way to limit civil liability and court judgments by seriously injured reserve officers. Workers' compensation provides a remedy for work-related injuries.

Failure to Train

Police administrators should be aware of the possible legal ramifications of allowing volunteers to perform police duties without sufficient training. While a single incident involving the use of force

by a police officer does not warrant an inference of failure to train properly, other areas of potential liability for reserve officers and their employers exist.⁸

Courts have found municipalities liable for failing to train in a variety of situations, including legal limits on the use of force,⁹ high-speed pursuits,¹⁰ constitutional limits of strip searches,¹¹ and the importance of confidentiality with respect to sexually transmitted diseases.¹²

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Reserve officers by the very nature of their volunteer status engage in law enforcement activities sporadically. This part-time employment raises issues of the validity and effectiveness of any post-academy training.

Because reserve officers may not be available when departments conduct their regular training classes, police administrators must ensure that all reservists receive necessary training at another time. This may require a concerted effort by personnel in a department's training section to schedule

training during times when reserve officers are available.

However, administrators should bear in mind that all training of reservists must be as professional and timely as that offered to regular officers. Simply having a sergeant read a training memorandum to the reservists to satisfy the department's educational requirements could be viewed by a court as deliberate indifference.¹³

In *Russo v. City of Cincinnati*,¹⁴ the 6th Circuit held that a municipality does not automatically shield itself from liability or failure to train police officers simply by offering a course covering the subject. The ruling in *Russo* requires that any training conducted by the municipality must be adequate in content, as well as in quality. Thus, special attention needs to be paid to the type and quality of training afforded police reserves.

Police administrators should view the training of volunteers to be a significant consideration. Those who do not look at training in this light not only commit a disservice to the reserve officers but they also expose their departments to liability for failure to train.

CONCLUSION

Voluntarism is an American tradition. Dwindling public sector resources now provide further impetus for increasing the number of volunteers in law enforcement. Police reserves provide municipalities with an inexpensive solution to continuing demands for greater police service. However, administrators of law enforcement agencies

Endnotes

²*Alamo Foundation v. Department of Labor*, 471 U.S. 290, 295, 105 S.Ct. 1953, 85 L.Ed.2d 278 (1985) (hereinafter *Alamo Foundation*).

⁴ *Id.* at 295.

⁶ See *Crown Coast Corp.*, 155 N.L.R.B. 625 (1965), which held that work that deprives union employees of overtime pay is a mandated subject of collective bargaining. See also, *Dublin Professional Firefighters Local 1885 v. Valley Community Service Dist.*, 45 Cal. App.3d 116, 119, 119 Cal. Rptr. 182 (1975).

¹³ Deliberate indifference is the legal standard that courts require to establish the municipal policy as the "moving force" behind the constitutional violation. *See City of Canton v. Harris*, 109 S.Ct. 1197, 1204 n.8 (1989).

¹⁴ 953 F.2d 1036, 1047 (6th Cir. 1992).

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Focus on Use of Force

Pepper Spray

By John C. Hunter



A deputy sheriff responds to a reported domestic dispute in a rural area of the county. Backup officers are 20 minutes behind when the deputy passes one of the subjects speeding in the opposite direction. After a short pursuit, the subject stops his vehicle and flees on foot. The deputy confronts the man, and a physical struggle ensues. Although not assaultive, the subject escapes when the deputy cannot effectively control him.

In another part of the country, officers take part in a multivehicle pursuit as a suspect attempts to avoid apprehension. The suspect eventually stops his vehicle, but refuses to comply with the officers' verbal commands to lie face down. After attempts of physical restraint fail, officers resort to tasers and repeated baton blows. A bystander captures on video what appears to be the officers' flagrant disregard for the citizen's safety.

Meanwhile, officers from another department transport a mental patient from a detention facility to

the hospital. Because the subject will not sit calmly in the backseat of the patrol vehicle, the officers hogtie him. When they arrive at the hospital after a 5-minute drive, the officers find the subject dead in the back seat. A subsequent coroner's report lists the cause of death as *positional asphyxia*.¹

These incidents reveal a paradox in modern policing. For the most part, the officers acted in accordance with their departments' training procedures. However, each of these encounters ultimately produced results unacceptable both to their departments and to the communities they serve. In fact, each of these scenarios reflects a missing link that exists in the use-of-force continuum currently recognized and accepted by law enforcement.

What makes scenarios such as these especially frustrating is that they could be resolved without placing either the subjects or the officers in jeopardy. Advances in nonlethal neutralizing agents—most notably oleoresin capsicum, or “pepper spray”—give today's law enforcement officers a means to control subjects without resorting to a physical confrontation or to the deadly force level of the force continuum.

Although an increasing number of departments equip their officers with pepper spray, other agencies have been slow to embrace this alternative to more conventional methods of subject control. Considering the many challenges facing modern law enforcement officers, agency administrators should consider the potential advantages of expanding the use-of-force continuum to include pepper spray.

EXPANDING THE USE-OF-FORCE CONTINUUM

As taught by most law enforcement academies, the use-of-force continuum consists of five levels,

with each tier representing an escalation in force from the preceding level. The principles of the continuum and safety considerations, as well as officer and department liability factors, reinforce the importance of approaching each situation on the *lowest* level possible to achieve the desired results. The escalation-in-force continuum model generally recognized in departments across the Nation is as follows:

- 1) Physical presence
- 2) Verbalization
- 3) Physical contact
- 4) Hand-held impact weapons
- 5) Lethal force.

While this model adequately reflects the methods available to police departments in past years, it does not accommodate the expanded arsenal of neutralizing agents available to today's law enforcement officers. Therefore, administrators and trainers should consider modifying the continuum to encompass these measures.

The new use-of-force continuum should include two additional levels and appear as such:

- 1) Physical presence
- 2) Verbalization
- 3) Less than physical force (neutralizing agents)
- 4) Physical contact
- 5) Less than physical force (neutralizing agents)
- 6) Hand-held impact weapons
- 7) Lethal force.

As reflected in this new model, neutralizing agents, such as pepper spray, can give officers an added degree of flexibility at two critical points in the force continuum—before they make any physical contact with subjects or after initial physical contact but before the introduction of hand-held weapons.

PEPPER SPRAY

A Tool to Augment the Force Continuum

Once administrators decide to expand the use-of-force continuum, they must then determine the most appropriate technology or device to fill the gaps. Pepper spray is gaining endorsement throughout law enforcement for its versatility and effectiveness.

The spray is an organically based inflammatory agent derived from the essence of cayenne peppers. Its ingredients are generally 90 to 95 percent inert, making it safe for use at very close range.

Effects

Pepper spray results in considerable tearing of the eyes, as well as temporary paralysis of the larynx, which causes subjects to lose their breath. Contact with the face causes a strong burning sensation.

After being exposed to the spray, subjects' reactions become reflexive in nature. They immediately cover their eyes and bend over into a defensive posture to avoid further contact. This reactive

behavior allows officers to gain control and restrain disorderly subjects more effectively. The effects of the spray generally last about 20 to 45 minutes and leave no residual effects.

One advantage of pepper spray is that it can be applied to handcuffed, resistant, and violent persons during transport, in lieu of the hogtying method. Contamination of vehicles is minimal. Generally, vehicles can be operated within a few minutes after the spray has been used. After use, no decontamination procedures are required other than normal cleaning of the vehicle's interior.

Other Considerations

Because individual protective devices are widely used by citizens, neutralizing agents such as pepper spray appear to be viewed by the public as

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an acceptable means of force. Pepper spray is available in most areas of the country in strengths ranging from .5 percent (dog repellant) to 10 percent (bear repellant). Most personal protective versions of the spray are in the 1-percent strength range.² Sales of the spray in the 5-percent range are restricted to law enforcement.

Like any weapon, pepper spray should not be assumed to be risk-free. At least one death has been attributed to the application of pepper spray. Although pre-existing medical conditions may have contributed to the subject's death, the coroner's report cites pepper spray as a significant factor.³

Still, compared to using batons and tasers in marginal use-of-force scenarios, pepper spray generally represents a more acceptable level of force. In fact, because the spray forces subjects to assume a prone position without officers resorting to physical contact, departments that train their personnel in the proper use of pepper spray can significantly limit their vulnerability to lawsuits.

Affordable Training and Deployment

Another aspect of pepper spray that makes it attractive is its affordability. At an initial cost of \$10 to \$25 per canister and 4 to 8 hours of inservice training per officer, implementation is practical for most departments.

The low probability of civil liability rests with the effectiveness of officer training procedures. An important element of this training includes exposing officers to the effects of pepper spray.

This accomplishes two important goals. The first addresses officers' ability to react if exposed during an actual field situation. Officers should be aware of the physical reactions to the agent. The second goal involves developing a history of the product's reliability and safety. Courts may be more willing to side

with law enforcement officers who have themselves been exposed to the spray and survived with minimal short-term discomfort.

Among other considerations, training should also stress that officers move away quickly after spraying a subject. This is to ensure that the subject does not grab the officer when reacting to the spray.

After the initial instruction, agencies should conduct yearly inservice training. However, this training can be reduced to an informal update at little or no cost to the agency.

CONCLUSION

Today's law enforcement officers act according to a use-of-force continuum designed many years ago. Pepper spray allows for the expansion of this continuum and gives officers a needed degree of flexibility to confront noncooperative subjects. Administrators owe it to

their personnel and to their communities to explore this new and effective option. ♦

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Pepper spray is gaining endorsement throughout law enforcement for its versatility and effectiveness.

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Endnotes

¹ Although the hogtying technique is allowed by many law enforcement agencies as a way to restrain noncooperative subjects after arrest, this practice recently came under scrutiny due to the death of several suspects who had been restrained in this manner. A study of three such deaths determined that each resulted from positional asphyxia. This phenomenon occurs when the position of the body interferes with respiration, resulting in asphyxiation. See Donald T. Reay, et al., "Positional Asphyxia During Law Enforcement Transport," *The American Journal of Forensic Medicine and Pathology*, 13 (2), 1992, 94.

² While pepper spray is widely accepted in the law enforcement community, it still remains illegal in certain areas of the country. Police administrators should consult with their legal advisors before employing this neutralizing agent.

³ Report of Autopsy Examination # ME-93-658, Office of the Chief Medical Examiner, Chapel Hill, North Carolina.

Chief Deputy Hunter serves with the Skagit County, Washington, Sheriff's Office.

Search of Abandoned Property

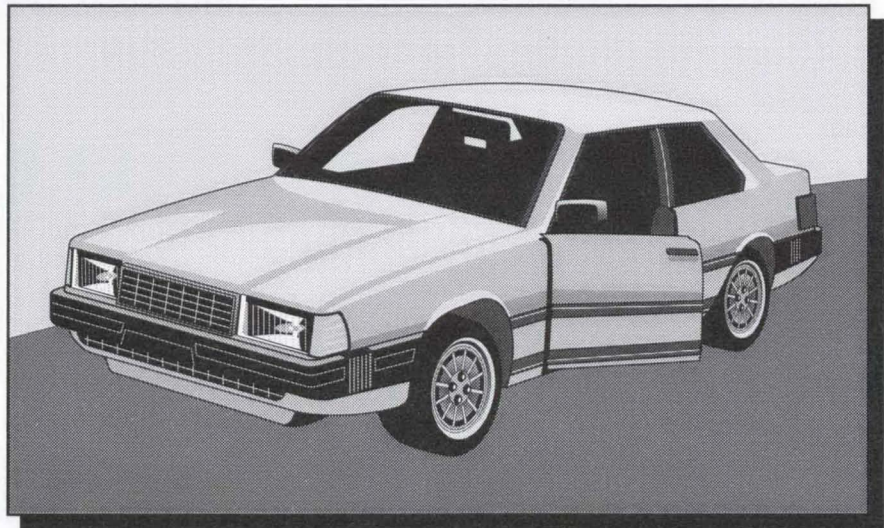
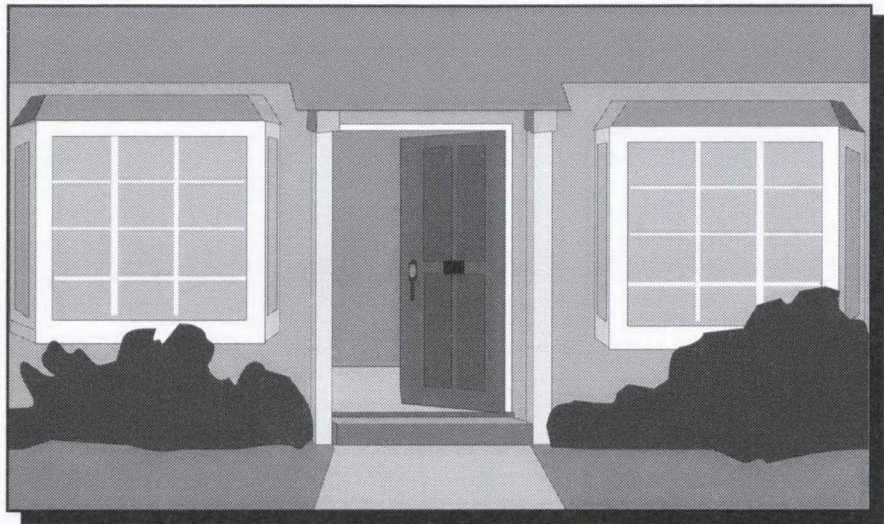
Fourth Amendment Considerations

By JOHN GALES SAULS

An officer, in trying to locate the pilot of a plane discovered to contain a ton of marijuana, receives information that the man was picked up by a local motel courtesy car. The officer then goes to the motel, where he learns that the man checked in without luggage at 6:25 a.m., paid for the room in advance with cash, and made a long distance call from the room at about 7 a.m., which he also paid for in cash. The officer also discovers that the man told the room clerk that he would be out by check-out time, when he learned it was 12 p.m. The man then ate breakfast and left the motel.

At 11 a.m., a motel housekeeper knocked on the man's room door, and after receiving no answer, opened the door with a pass key. The housekeeper found the room unoccupied, the bed in disarray, the room key on the nightstand, and two keys on a chain, along with another single key in the toilet bowl. Shortly thereafter, the officer enters the room without first obtaining a search warrant and seizes the keys (one of which is later found to fit the airplane's door). The officer also locates a fingerprint (later discovered to match that of the defendant).

At a suppression hearing, the defendant claims the officer violated his constitutional rights by searching the room without a warrant. The prosecution asserts that the defendant abandoned his room, and therefore, the officer's actions were

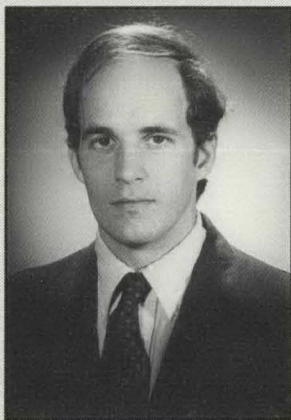


lawful. This article discusses the facts that law enforcement officers must obtain to demonstrate a person's surrender of fourth amendment privacy in premises, vehicles, and other items of personal property, so that a warrantless search will

be reasonable under the legal theory of abandonment.

ABANDONMENT UNDER THE FOURTH AMENDMENT

Fourth amendment law regarding abandonment is simple. When



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“Officers should be alert to the investigative opportunity presented by abandoned property.”

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someone makes evident a surrender of privacy interest in a place or thing, the police may search it without a warrant and with no additional factual justification.¹ In determining whether such a surrender of privacy has taken place, courts use the totality of circumstances test, assessing whether a reasonable person, confronted with the facts known, would conclude that no reasonable expectation of privacy remains.² Interestingly, a court making such a determination is not limited to what the police knew at the time they acted.

A court also may consider facts learned thereafter in determining whether a person surrendered privacy interest.³ More complex is the question of what facts are indicative of such a surrender of privacy interest. The answer to this question varies, depending on the type of property involved.

PREMISES

Premises are abandoned when the occupant no longer has a reasonable expectation that the interior of

the premises will remain undisturbed by others. The lack of an expectation of privacy is frequently shown by facts indicating the occupant departed without apparent intention to return.⁴ This sort of departure is much more easily shown when the person's possession of the property is not based on ownership but on some temporary right to possess, such as a leasehold.⁵ In assessing an abandonment of premises, courts focus on three key factors: 1) Flight by the occupant to avoid apprehension; 2) the nature of the occupant's tenancy; and 3) the condition in which the premises are left upon departure.

Flight

A person's departure from a residence in an apparent effort to avoid apprehension by law enforcement officers is strong evidence of that person's intention to leave the residence and not return. For example, in *United States v. Levasseur*,⁶ two defendants, who rented a house in Ohio, apparently departed the State on November 4, 1984, after learning

by phone that some of their partners in crime were being arrested nearby. Evidence presented at the suppression hearing indicated that the defendants were in Virginia as early as the next day and that they set up a household there within 10 days.

In evaluating the legality of a search of the Ohio house, the court found that the defendants had abandoned it, despite the fact that their rent was paid through the end of November and that they had left and locked their belongings in the Ohio house. The court stated, "Among the facts supporting this conclusion are the [defendants'] history of living underground and fleeing suddenly as the FBI drew near, plus the [defendants'] awareness that the FBI had just surrounded the Cleveland house and arrested their colleagues there."

The court found the defendants' "failure to take their weapons, clothing, and personal belongings with them to Virginia does not necessarily indicate that they had intentions of returning to the [Ohio] house. Instead, coupled with all the other signs of abandonment, it suggests that they learned of the Cleveland arrests while outside their home, and logically decided that it would be too risky to return...just to pack."⁷ Many other courts have given apparent flight to avoid apprehension substantial weight in determining whether premises have been abandoned.⁸

Nature of Tenancy

A second factor indicative of abandonment is the ending of one's contractual right to remain in the premises. In this regard, the shorter the term of the leasehold, the more

easily abandonment is shown. With motel or hotel rooms, the expiration of a person's tenancy alone is sufficient to create an abandonment, because it is unreasonable to expect that the innkeeper will not enter the premises and retake control.

For example, in *United States v. Lee*,⁹ the court determined that the defendant abandoned his motel room based on the fact that the term of occupancy had expired (the defendant's arrest precluded his return to the room). The court recognized that the defendant's absence was not by choice, but noted that it "was the defendant's own conduct that prevented his return to the motel."¹⁰

Some courts have held that the expiration of a motel room's or hotel room's term of tenancy eliminates the guest's reasonable expectation of privacy, even if the guest is still present when the innkeeper seeks to reclaim possession of the room.¹¹ Conversely, where the innkeeper permits the tenancy to continue beyond its expiration (e.g., charging the guest's credit card for an additional day), the extent of the guest's reasonable expectation of privacy may be expanded.¹²

Stronger facts are required when the term of occupancy is longer, as with an apartment or house rental. For example, in *United States v. Sellers*,¹³ the defendant leased a house for a period of months. He left the premises with his rent 5 months in arrears, leaving a note that instructed the landlord that she could have some valuables that he was leaving behind. The court concluded that a finding of abandonment was "clearly justified."¹⁴ However, a tenant, who overstays the term of the lease with

the rent paid up, has clearly not abandoned the premises, even though the tenant is away briefly.¹⁵

Condition of Premises Upon Departure

The third important consideration is the condition in which the premises are left upon departure. Failing to secure premises and removing most items of value are indicative of surrendering control and privacy.

For example, in *United States v. Akin*,¹⁶ the defendant left his motel room with the door wide open, and neither luggage nor clothes were left in the room. Although his term of tenancy had not ended, the court

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found that the condition of the room, coupled with the fact that the defendant never returned to it, was sufficient to establish an abandonment.

Similarly, in *United States v. Hunter*,¹⁷ the defendant departed his motel room, leaving the room key on the nightstand and apparently taking all personal items except for three keys left in the toilet bowl. These facts were held to establish an abandonment.

An abandonment of an apartment or house can also be established by the condition of the premises at departure. For example, in *United States v. Sledge*,¹⁸ the defendants' landlord went to their apartment 2 days prior to the end of their lease. He found the front door open, and the entrance hall light on. The living room and kitchen had been cleared of furniture, decorative items, and appliances, and no one was present in the apartment. There was also no food in the apartment, and trash and a few items of clothing were strewn around the rooms. Based on these facts, the court concluded that the defendants had abandoned the premises.¹⁹

VEHICLES

Because of the mobility of vehicles and the diminished expectation of privacy associated with them, the factors that courts consider in determining whether a vehicle has apparently been abandoned are somewhat different. The focus of the inquiry is whether a person no longer reasonably expects that the vehicle and its contents will remain undisturbed by others. Key factors in making this determination include: 1) Flight from the vehicle by the person in an apparent effort to avoid apprehension by law enforcement; 2) where, and for how long, a vehicle is left unattended; 3) the condition in which the vehicle is left unattended; and 4) denial, by a person who is present, of possession or ownership of the vehicle.

Flight

As noted in the discussion of abandonment of premises, apparent flight to avoid apprehension by law

enforcement officers is a strong factor in determining that property has been abandoned. In *United States v. Tate*,²⁰ two Missouri State Highway Patrol troopers conducting a license check determined that a motorist's license was issued in an alias for a fugitive from the State of Washington. As they approached the motorist's van to confront him, he opened fire on the officers with an automatic weapon, killing one and severely wounding the other. The motorist then fled the scene on foot. In evaluating the legality of a later search of the van, the court noted, "When Tate fled the scene of the murder, leaving the van unoccupied and unlocked, he abandoned his expectation of privacy in the van and its contents."²¹

Where, and For How Long, Vehicle Left Unattended

The reasonableness of a person's expectation of whether a vehicle and its contents will remain undisturbed by others is clearly affected by where the person leaves the vehicle unattended and for what period of time. For example, a person who leaves a car in the traveled lane of a busy highway should expect the police to remove the car with some promptness.

As the U.S. Supreme Court has noted, "The authority of police to seize and remove from the streets vehicles impeding traffic or threatening public safety and convenience is beyond challenge."²² Although most cases considering subsequent searches in such circumstances employ the "inventory" exception to the warrant requirement, abandonment is sometimes an alternative lawful justification.²³

A more difficult abandonment question is presented when a person parks a vehicle lawfully. Unless other factors are present, such as flight, abandonment is only found in such cases where the vehicle is parked on someone else's property either without authorization or for a period of time that exceeds the permission granted.²⁴

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For example, in *United States v. Gullede*,²⁵ two men gained permission to park a U-Haul trailer at a service station, saying that their car was overheating and that they would return in 2 or 3 days. Ten days later, the service station attendant called police, who searched the trailer. The court summarily concluded that the trailer had been abandoned.²⁶

Condition of Unattended Vehicle

The manner in which a person apparently treats the vehicle is another factor that courts consider in evaluating whether the person's expectation of privacy has been surrendered. In *United States v. Oswald*,²⁷ an officer encountered a

Pontiac Firebird, engulfed in flames, in the median of Interstate 75 in rural Tennessee. The officer learned from bystanders that the driver left the scene.

During the next 90 minutes, the driver did not return nor was the fire reported to the authorities. After the fire was extinguished, the officer removed items from the car, including a locked, metal briefcase. When he opened the briefcase, the officer discovered it contained two kilograms of cocaine. In holding the car and contents had been abandoned, the court noted: "One who chooses to leave luggage in an unlocked burned-out automobile at the side of a highway in the country can fairly be thought to have a much lower expectation of privacy.... Flaming cars do tend to attract a certain amount of attention. The flames may keep people at a respectful distance for a time, but fires eventually die out; and a fire-ravaged automobile, left unprotected in the open countryside, invites just the kind of examination Oswald feared his would receive."²⁸

Denial of Possession or Ownership

A final important factor in weighing whether a vehicle has been abandoned is whether a person denies possession or ownership. For example, in *United States v. Hastamorir*,²⁹ Customs agents approached three men whom they had just observed loading the contents of two boxes into the rear of a Chevrolet station wagon. When confronted, all three denied any knowledge of the station wagon or its cargo. The agents discovered 30 kilograms of cocaine in the car. In

assessing these facts, the court concluded, "We hold that [defendant] did not express a subjective expectation of privacy in the Celebrity station wagon nor its contents, and effectively abandoned any fourth amendment rights he possessed in the station wagon and its contents."³⁰

OTHER ITEMS OF PERSONAL PROPERTY

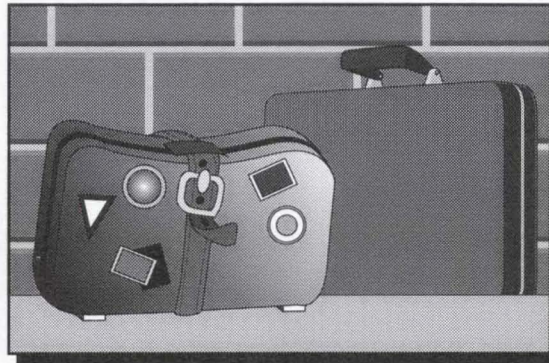
Because of the portability of most personal items and the manner in which they are often discarded, the factors that courts consider in determining whether items of personal property have apparently been abandoned are: 1) Flight from where the item is left by the person in an apparent effort to avoid apprehension by law enforcement; 2) where, and for how long, the item is left unattended; 3) the condition in which the item is left unattended; and 4) denial, by a person who is present, of possession or ownership of the item. As with a vehicle, the focus of the inquiry is whether a person no longer reasonably expects that the item and its contents will remain undisturbed by others.

Flight

As with premises and vehicles, apparent flight to avoid apprehension by law enforcement officers is a strong factor in determining that property has been abandoned. When a person being pursued by the police throws or drops personal property along the way, in places where it will be accessible to the public, it is unreasonable for the person to expect that the items will remain undisturbed or unexamined.³¹

Where, and For How Long, Item Left Unattended

The reasonableness of a person's expectation of whether a item of personal property and its contents will remain undisturbed by others is clearly affected by where the person



leaves the item unattended and for what period of time. One's reasonable expectations regarding the privacy of a valuable placed in a safe deposit box are quite different than those for the same item placed in a sidewalk trash can.

For example, a person who drops papers on a public street and walks away relinquishes any reasonable expectation of privacy in them.³² Similarly, a person who places items into a trash can on a public sidewalk has surrendered privacy interest in the items.³³ Also, a person who puts a bag on the front steps of an apartment house or in the public hallway of an apartment house and walks away surrenders privacy interest in the bag and contents.³⁴

Conversely, a person who checks a parcel with a store clerk while shopping has not surrendered privacy interest in the item.³⁵ Similarly, a person who throws a bag

onto the hood of his car and tries to prevent a police officer from looking into it has not abandoned the item.³⁶ Abandonment does not occur when a person demonstrates a continuing interest in the privacy of an item, either by placing it in another's care or by remaining close to the item and affirmatively seeking to protect it from others.³⁷

Denial of Possession or Ownership

A final important factor in weighing whether an item has been abandoned is whether a person denies possession or ownership. For example, in *United States v. Springer*,³⁸ a bus passenger, after being asked by police officers, denied ownership or possession of a suitcase. The U.S. Court of Appeals for the Second Circuit concluded the passenger had abandoned the suitcase.³⁹

CONCLUSION

Officers should be alert to the investigative opportunity presented by abandoned property. When officers elect to proceed based on an abandonment justification, they should preserve the facts upon which they concluded that the person previously in possession had surrendered privacy interest in the place, vehicle, or item searched. ♦

Endnotes

¹ *California v. Greenwood*, 108 S.Ct. 1625 (1988); *Abel v. United States*, 362 U.S. 217 (1960); *Hester v. United States*, 265 U.S. 57 (1924).

² *United States v. Levasseur*, 816 F.2d 37 (2d Cir. 1987); *United States v. Sledge*, 650 F.2d 1075 (9th Cir. 1981). Consider also,

Illinois v. Rodriguez, 110 S.Ct. 2793 (1990) (objective standard used to measure "apparent" authority to consent to a search).

³ *United States v. Levasseur*, 816 F.2d 37 (2d Cir. 1987).

⁴ *United States v. Wilson*, 472 F.2d 901 (9th Cir.), cert. denied, 414 U.S. 868 (1973).

⁵ See *Wilson v. Health & Hospital Corporation of Marion County*, 620 F.2d 1201 (7th Cir. 1980).

⁶ 816 F.2d 37 (2d Cir. 1987).

⁷ *Id.* at 44.

⁸ See, e.g., *United States v. De Parias*, 805 F.2d 1447 (11th Cir. 1986); *United States v. Winchester*, 916 F.2d 601 (11th Cir. 1990).

⁹ 700 F.2d 424 (10th Cir.), cert. denied, 103 S.Ct. 3094 (1983).

¹⁰ *Id.* at 425. See also, *United States v. Rahme*, 813 F.2d 31 (2d Cir. 1987); *United States v. Ramirez*, 810 F.2d 1338 (5th Cir. 1987); *United States v. Hunter*, 647 F.2d 566 (5th Cir. 1981).

¹¹ See, e.g., *United States v. Rambo*, 789 F.2d 1289 (8th Cir. 1986); *United States v. Larson*, 760 F.2d 852 (8th Cir. 1985). See also, *United States v. Ruckman*, 806 F.2d 1471 (10th Cir. 1986) (defendant had no reasonable expectation of privacy in cave where he was residing as a trespasser); *Amezquita v. Hernandez-Colon*, 518 F.2d 8 (1st Cir. 1975), cert. denied, 424 U.S. 916 (1976) (squatters on government land had no reasonable expectation of privacy in houses they had illegally constructed there).

¹² See *United States v. Mulder*, 808 F.2d 1346 (9th Cir. 1987).

¹³ 667 F.2d 1123 (4th Cir. 1981).

¹⁴ *Id.* at 1125. See also, *United States v. Haynie*, 637 F.2d 227 (4th Cir. 1980), cert. denied, 451 U.S. 988 (1981).

¹⁵ Cf. *United States v. Wyler*, 502 F.Supp. 959 (S.D.N.Y. 1980).

¹⁶ 562 F.2d 459 (7th Cir. 1977), cert. denied, 435 U.S. 933 (1978).

¹⁷ 647 F.2d 566 (5th Cir. 1981).

¹⁸ 650 F.2d 1075 (9th Cir. 1981).

¹⁹ See also, *United States v. Wilson*, 472 F.2d 901 (9th Cir.), cert. denied, 414 U.S. 868 (1973) (defendant was a weekly tenant in apartment; landlord found door open and apartment in disarray, and neighbors said defendant had moved out). For an example of facts sufficient to demonstrate abandonment of business premises, see *United States v. Binder*, 794 F.2d 1195 (7th Cir. 1986).

²⁰ 821 F.2d 1328 (8th Cir. 1987).

²¹ *Id.* at 1330. See also, *United States v. Edwards*, 441 F.2d 749 (5th Cir. 1971) (defendant fled car, which came to rest partially

on the pavement, on foot after wrecking it during a high-speed chase); *United States v. Williams*, 569 F.2d 823 (5th Cir. 1978) (defendant unhitched semi-trailer loaded with marijuana, leaving it parked at rest station, after apparently becoming aware of police surveillance).

²² *South Dakota v. Opperman*, 428 U.S. 364, 369 (1976).

²³ See *United States v. Hunter*, 647 F.2d 566 (5th Cir. 1981) (airplane left unattended in grassy area about 20 feet off airport runway in rainy, foggy weather, therefore presenting a hazard to other traffic).

²⁴ See *United States v. Scrivner*, 680 F.2d 1099 (5th Cir. 1982) (defendant left two trucks unattended at night with the ignition keys inside, one parked outside a warehouse he leased, the other parked in the warehouse. The court held that although imprudent, the defendant's actions did not constitute an abandonment).

²⁵ 469 F.2d 713 (5th Cir. 1972).

²⁶ See also, *United States v. Gibson*, 421 F.2d 662 (5th Cir.), cert. denied, 400 U.S. 837 (1970).

²⁷ 783 F.2d 663 (6th Cir. 1986).

²⁸ *Id.* at 667. See also, *United States v. Taylor*, 683 F.2d 18 (1st Cir.), cert. denied, 459 U.S. 945 (1982) (sailing vessel deserted on the rocks on the Maine coast); *United States v. Ramapuram*, 632 F.2d 1149 (4th Cir. 1980), cert. denied, 450 U.S. 1030 (1981) ("junkie" car, unlocked and with the trunk lock removed, bearing expired license plates, parked in farm field about 150 feet from public road); *United States v. Calhoun*, 510 F.2d 861 (7th Cir.), cert. denied, 421 U.S. 950 (1975) (garbage truck, with one expired license plate rather than the two required, doors open and unlocked, one tire flat, and snow piled around it indicating that it had not been moved in some time, parked in city beside liquor store).

²⁹ 881 F.2d 1551 (11th Cir. 1989).

³⁰ *Id.* at 1560.

³¹ See *California v. Hodari D.*, 111 S.Ct. 1547 (1991) (youth, pursued by police, threw down rock of cocaine on public sidewalk); *Michigan v. Chesternut*, 486 U.S. 567 (1988) (defendant, who was being trailed by a marked police car, threw a paper bag on sidewalk); *United States v. Morgan*, 936 F.2d 1561 (10th Cir. 1991) (defendant, being chased by police officers, threw a canvas bag into a friend's backyard); *United States v. Collis*, 766 F.2d 219 (6th Cir.), cert. denied, 106 S.Ct. 150 (1986) (defendant, being chased by police officers, threw shoulder bag over cyclone fence in airport parking lot).

³² *United States v. Eubanks*, 876 F.2d 1514 (11th Cir. 1989).

³³ *United States v. Caputo*, 808 F.2d 963 (2d Cir. 1987); *United States v. Dunkel*, 900 F.2d 105 (7th Cir. 1990) (defendant placed business documents into dumpster outside dental office and adjacent to parking lot); *United States v. Jabara*, 618 F.2d 1319 (9th Cir.), cert. denied, 446 U.S. 987 (1980) (defendant threw shopping bag out window of apartment onto driveway).

³⁴ *United States v. Wider*, 951 F.2d 1283 (D.C.Cir. 1991); *United States v. Thomas*, 864 F.2d 843 (D.C.Cir. 1989); *United States v. Torres*, 740 F.2d 122 (2d Cir. 1984), cert. denied, 471 U.S. 1055 (1985). See also, *United States v. Ramos*, 960 F.2d 1065 (D.C.Cir. 1992) (defendant stuffed plastic bag between seat cushions of inter-city bus and then sat a few seats away); *United States v. Mehra*, 824 F.2d 297 (4th Cir. 1987) (defendant concealed hashish in a roll of fabric that was imported into the United States; hashish was discovered as the fabric was processed and was turned over to law enforcement); *United States v. Brown*, 473 F.2d 952 (5th Cir. 1973) (defendant buried suitcase containing stolen money in open field beneath chicken coop near abandoned farmhouse).

³⁵ *United States v. Most*, 876 F.2d 191 (D.C.Cir. 1989).

³⁶ See *Smith v. Ohio*, 494 U.S. 541 (1990); *United States v. Sylvester*, 848 F.2d 520 (5th Cir. 1988) (defendant set down hunting box in field and walked some distance away to hunt; held not to have abandoned box and contents).

³⁷ See *Rios v. United States*, 364 U.S. 253 (1960) (passenger in taxi dropped package to floorboard while riding, and did not thereby abandon it); *United States v. Boswell*, 347 A.2d 270 (D.C.App. 1975) (defendant set down object covered with blanket in hallway and walked 20 or 30 feet to telephone; did not abandon item); *United States v. Jackson*, 544 F.2d 407 (9th Cir. 1976) (defendant put down suitcase and walked a few steps away).

³⁸ 946 F.2d 1012 (2d Cir. 1991).

³⁹ See also, *United States v. Lewis*, 921 F.2d 1294 (D.C.Cir. 1990); *United States v. Nordling*, 804 F.2d 1466 (9th Cir. 1986) (airline passenger left carry-on bag under plane seat, denied having any carry-on luggage); *United States v. Colbert*, 474 F.2d 174 (5th Cir. 1973).

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 Anderson

Officer John Anderson of the Wells, Nevada, Police Department responded to what he thought was going to be a domestic violence call at an area housing complex. Instead, Officer Anderson arrived to find a smoldering kitchen fire in one of the units. Shortly after the officer's arrival at the scene, the fire reignited, engulfing one of the apartment's kitchen walls. Without any firefighting or protective equipment, Officer Anderson and a member of the fire department quickly located a garden hose and entered the burning apartment to extinguish the quickly spreading blaze. Through their determined efforts, they contained the fire until the fire department arrived, thus saving neighboring apartment units.

While driving off duty, Sgt. Brian D. Huffman, assigned to the 9th Security Police Squadron, Beale Air Force Base, in California, observed a pickup truck that he had been following go around a curve and swerve into an oncoming lane of traffic. The pickup truck collided with a log truck and then flew off the roadway, plunging down a steep embankment. Sergeant Huffman immediately pulled off the road and ran down the slope to where the vehicle had come to rest. He noticed that the driver was slumped unconscious over the steering wheel and that fuel was leaking from the damaged vehicle. With the assistance of two men from the log truck, Sergeant Huffman freed the driver from the damaged vehicle just moments before it erupted into flames. After carrying the victim to safety, Sergeant Huffman checked the driver's vital signs and found that the man's heart had stopped. Sergeant Huffman, again assisted by the log truck operator, administered CPR until the man's heart began beating again and he resumed breathing. Paramedics transported the victim to an area hospital. It was later determined that the man was driving himself to the hospital after experiencing chest pains when he lost control and collided with the log truck.



Sergeant Huffman

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

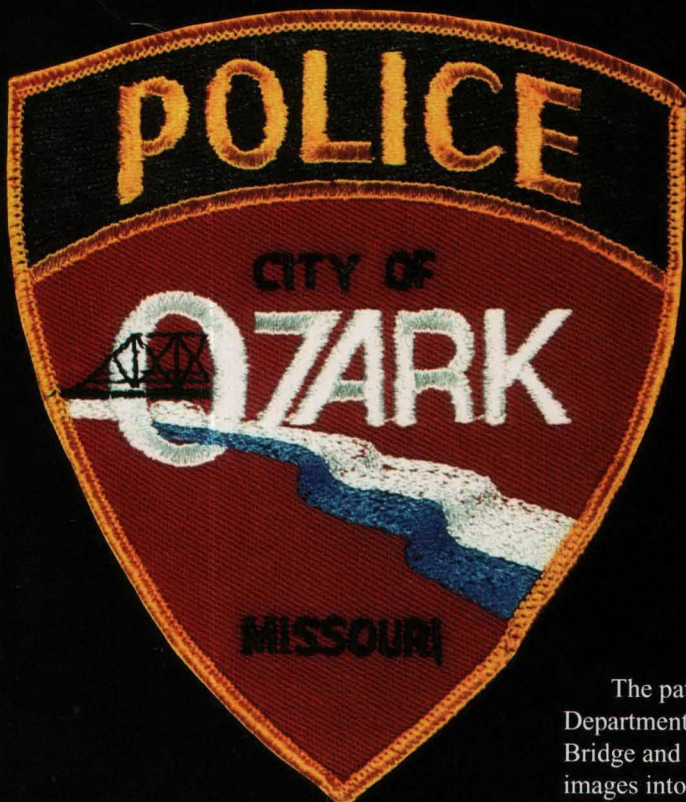
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ISSN 0014-5688

Washington, D.C. 20535

Official Business
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Patch Call



The patch of the Ozark, Missouri, Police Department illustrates the local Finley River Bridge and Finley River by incorporating both images into the "O" and "Z" of the city's name.



The Mesquite, Nevada, Police Department's patch features the city's seal bordered by two banners of stars and stripes. The seal is surrounded by a lasso and depicts the local Virgin Mountains, the Virgin River, and the Mohave yucca plant common to the area.