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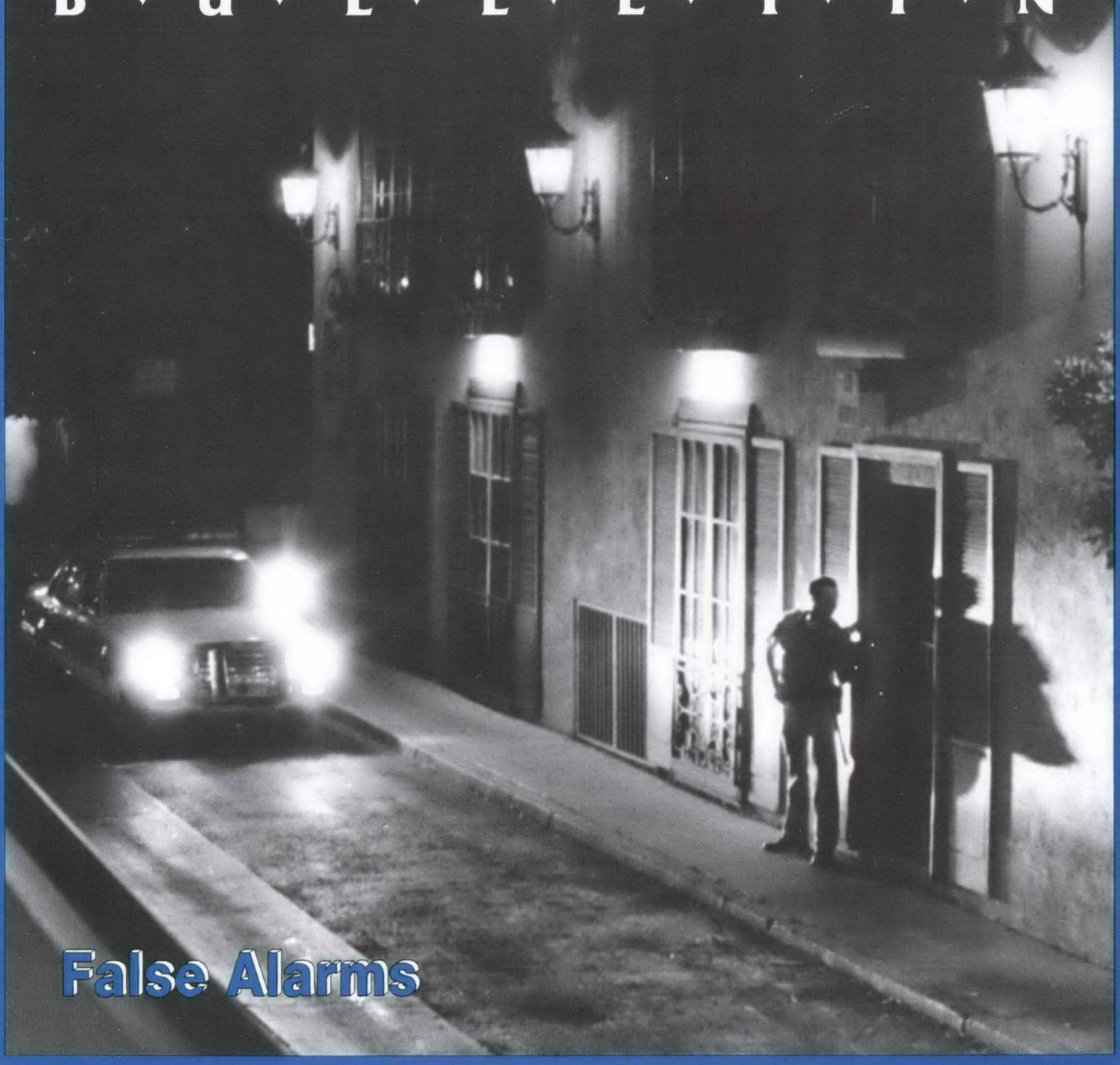

False Alarms

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FBI Law Enforcement
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Features

Departments

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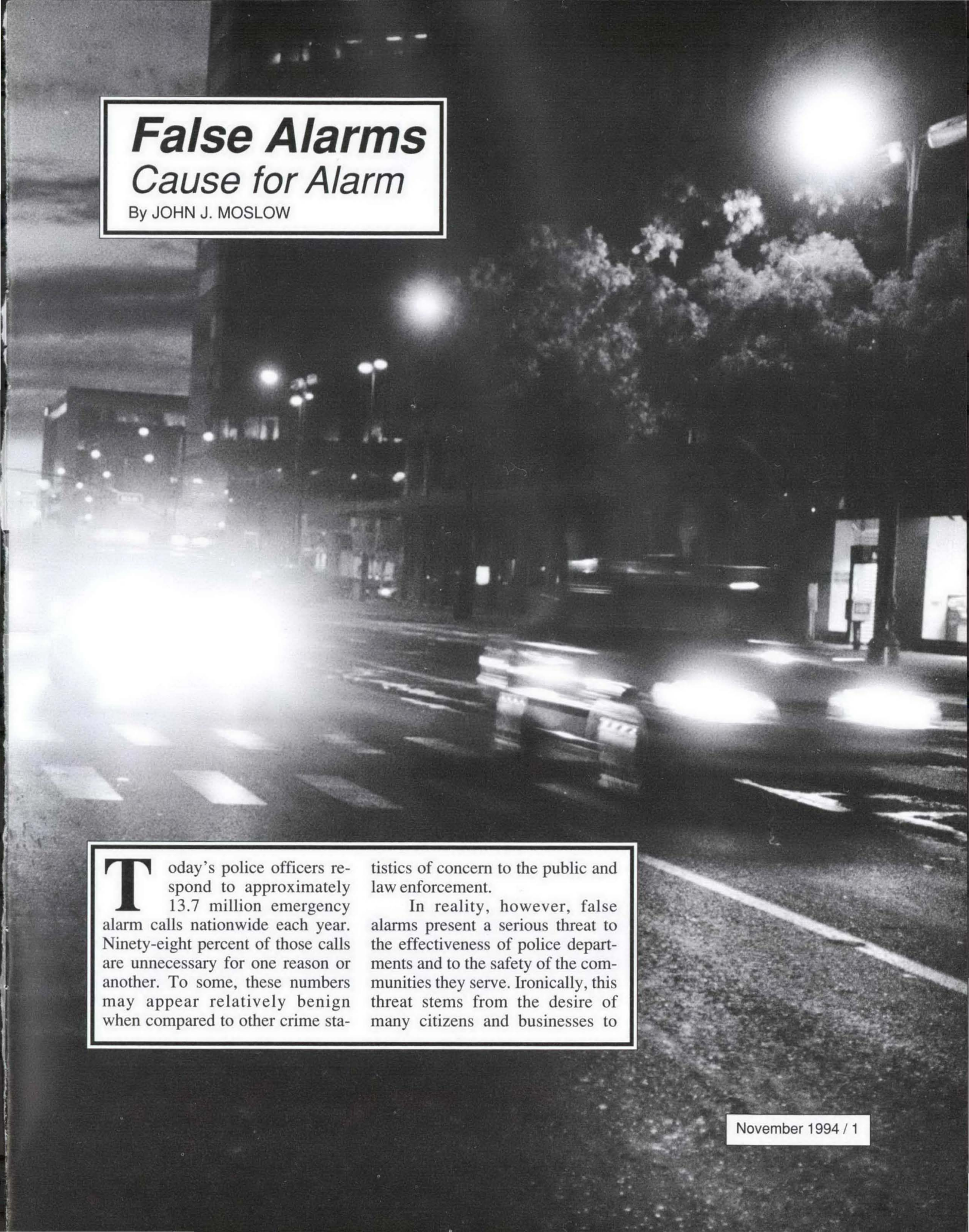


False Alarms
Cause for Alarm

By JOHN J. MOSLOW

Today's police officers respond to approximately 13.7 million emergency alarm calls nationwide each year. Ninety-eight percent of those calls are unnecessary for one reason or another. To some, these numbers may appear relatively benign when compared to other crime statistics of concern to the public and law enforcement.

In reality, however, false alarms present a serious threat to the effectiveness of police departments and to the safety of the communities they serve. Ironically, this threat stems from the desire of many citizens and businesses to

protect themselves better from crime. While media reports focus on increases in violent crime, the rate of property crime has risen even more dramatically, from 1,726 per 100,000 citizens in 1960 to 4,903 per 100,000 in 1992.[1]

One direct result of this upsurge in property crime has been an explosion in the number of monitored alarm systems. It is projected that by the end of 1995, police departments will be responding to a staggering 40 million emergency alarm calls.[2] Unless communities take action to bring the number of false alarms under control, police officers soon may find themselves devoting much of their time responding to false alarm calls, or in effect, working for private security companies.

The larger threat, however, is to the citizens who have become so fearful of crime. As police resources become strained beyond capacity, the safety of all citizens is unduly jeopardized by the rising number of false alarms.

LOCAL FALSE ALARM ORDINANCES

To address the problem, many municipalities have taken the initiative and enacted false alarm ordinances. Are these ordinances effective in reducing the number of false alarm calls? Are they cost-effective and worth the effort? Most important, do they ultimately enhance or diminish citizen safety? Because the ordinances reflect a variety of approaches and differ considerably in scope and effectiveness, police executives should be familiar with the range of false alarm ordinances enacted.

Case Study: Amherst, New York

The town of Amherst, located in western New York, implemented an "avoidable alarm ordinance" in 1993. Amherst is one of the most affluent and fastest-growing communities in the region. The construction of upscale residential subdivisions and a boom in commercial retail development coincided with an increase in demand for police service.

The Amherst Police Department, comprised of 147 sworn officers, responds to an average of 50,000 calls for service annually. Statistics verify that a growing number of these calls result from the triggering of private alarms. Responses to alarm calls increased from 15 percent of the total number of calls for service in 1988 to 18 percent in 1992.

The town organized an alarm ordinance committee to address the issue of false alarms. The "avoidable alarm ordinance" became effective on January 1, 1993. This ordinance specifies no charge for the first five false alarms, a $25 charge for the sixth and seventh, and a $50 fine for every false alarm thereafter.

By April 1, 1993, the police department designed and integrated an alarm notification and billing program into its existing computer-aided dispatch and records management systems. The program required a minimal number of clerical staff hours for managing the statistical data and billing. Still, it proved very successful: From April through December 1993, the ordinance generated nearly $19,000 in fines.

More important, these measures reduced the number of false alarms. During the last 9 months of 1993, the number of false alarms fell by 223 when compared to the same period in 1992. Although the reduction may appear rather modest

Captain Moslow serves as the police alarm coordinator for the Amherst, New York, Police Department.

"...false alarms present a serious threat to the effectiveness of police departments and to the safety of the communities they serve."

(six fewer alarms per week), the ordinance succeeded in curtailing the upward trend of false alarms and effected a decrease in calls, even as the number of new alarm installations continued to grow.

Other Municipalities

The measures adopted by the town of Amherst, while effective, are considerably less stringent than those of other municipalities. The range of ordinance provisions demonstrates how municipalities can design measures to address specific conditions. For example, the Boston, Massachusetts, Police Department responds to approximately 40,000 burglar alarm calls annually, 99.5 percent of which are false. Boston residents now face a $50 fine for a third false alarm, $100 for a fourth, and $200 for all subsequent false alarms.[3]

The ordinance enacted by the City of Savannah, unlike those in Amherst or Boston, targets only commercial properties. The escalating fee schedule allows for five false alarms prior to triggering a $90 fine for the sixth. Fines then increase from $90 to as much as $750 for the most flagrant violators. However, the ordinance allows business owners to undertake corrective measures within 72 hours of the avoidable alarm, whereby the police department will not assess the fee.[4]

USER PERMITS

False alarm ordinances represent only one way municipalities can address unnecessary alarm calls. To regulate and control flagrant abusers, as well as the types of alarm systems installed throughout the community, many municipalities require an "alarm user permit." A permit application process allows the municipality's governing agency to ensure that an applicant's alarm system satisfies a set of predetermined requirements and specifications. Such specifications may require that all alarms

> ***"...the safety of all citizens is unduly jeopardized by the rising number of false alarms."***

installed within a municipality possess an automatic cutoff feature that disables the audible alarm after a 10-minute period. To reduce the strain on police and emergency resources, a permit procedure also may deny approval of any system with an automatic dialer feature connected directly to the enhanced 911 system.

Permits can be subject to suspension or revocation depending on the number of avoidable or false alarms received from a particular address. Or, the police department may assign a lower priority for discretionary response to such locations. Winnipeg, Ontario, and Nassau County, New York, are among several North American municipalities that currently employ or plan to implement a user permit system.

Winnipeg, Ontario

Before installing new alarm systems, residents and businesses in Winnipeg must submit alarm permit applications to the police department. The applicants then are assigned a permit number and issued a decal that must be displayed on the premises in a location readily visible to patrols. If the site generates three or more false alarms within a 6-month period, or if the keyholder refuses to attend an alarm call, the police department can suspend the permit for a period of 6 months. The city attributes a more than 28-percent decrease in false alarms to this by-law.[5]

Nassau County, New York

The Nassau County Police Department currently receives more than 100,000 alarm transmissions annually; fewer than one percent indicate actual emergencies. Although the department repeatedly had warned, cited, and even fined alarm owners, the number of violations did not decrease significantly. As a result, Nassau County proposed an "automatic alarm permit system" to target alarm abusers.

The proposed plan would require all alarm users to register with the police department and to pay a prescribed fee for a permit, which could be suspended or revoked contingent on whether false alarms persisted. In addition to enhancing the overall safety of the community, county administrators project that such a program could generate $1 million the first year and $400,000 in subsequent years.[6]

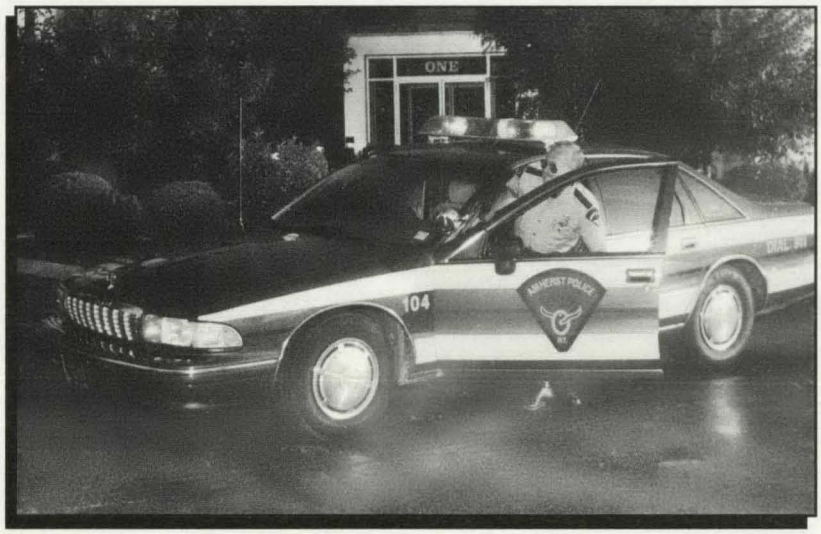
ALARM VERIFICATION

Some municipalities have taken the next step beyond an alarm permit system and now require some form of verification prior

to responding to alarm calls. In Canada, two large police departments now require businesses to provide them with additional proof of a possible burglary before they respond to an alarm.

Toronto, Ontario

The Metropolitan Toronto Police Department responded to 131,000 alarms in 1988. False alarms constituted 98 percent of this figure, with an estimated cost to the police of $130 per call. In response to this drain on police resources, Toronto adopted a policy whereby the police department could suspend response for 1 year to a location generating four unnecessary alarms within a 365-day period. This strategy resulted in an immediate 4-percent reduction during a brief testing period. More significant, however, was a reduction of more than 20 percent when the alarm verification phase was implemented.[7]



Edmonton, Alberta

The Edmonton Police Department no longer responds to "one-hit" alarms. If an alarm is triggered, the police wait for verification that another alarm, such as a motion detector, has been tripped from inside before responding. Officers also look for suspicious activity or signs, such as footprints, near a door or window.

While the Edmonton policy has reduced the number of false alarms, it also has been criticized as too restrictive by the Canadian Alarm and Security Association, which labeled it a "back door approach to create a nonresponse policy." The police commission has agreed to study the policy and the alarm association's concerns.

CONSIDERATIONS

Any proposed alarm legislation must be well thought out and researched. To ensure an effective and equitable approach, administrators should come to detailed, comprehensive answers to a series of questions through debate and research:

- What constitutes a false alarm, or put another way, what is the definition of an avoidable alarm as opposed to an unavoidable or excusable one?
- How many false alarms will be permitted before service is suspended or a fee is assessed?
- Will the fee increase with excessive misuse?
- What government agency will collect the fees and what sanctions will be placed against alarm owners should they neglect to remit the fee imposed?
- What policy and procedure will be established for administrative review enabling property owners to challenge a false alarm charge?
- If service is suspended or a permit revoked, under what conditions can service be restored or a permit be reinstated?

Defining an Avoidable Alarm

Perhaps the cornerstone of any legislation is the definition of an avoidable alarm. The Town of Amherst defines this as "...the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner, user, custodian, or lessee of an alarm system, or of his employees requiring an emergency response, when in fact an emergency does not exist." The definition also includes "intentional activation of an alarm when the activator knows an emergency does not exist."[8]

The classification of false alarms should not include alarms activated by violent acts of nature or similar causes beyond the control of the user or owner of the alarm system. Nor should it include circumstances in which the activator reasonably believed that an emergency situation existed.

Community Education and Support

Most false alarms result from user error or negligence. Therefore, it is vital for alarm vendors, the police, and local governing bodies to enhance community awareness and understanding of the false alarm problem. As many municipal governments have found, the local news media can be a highly effective means to communicate with the public and to solicit support. The community must embrace the intended purpose of any alarm statute as a way to promote the safety and general welfare of all residents by reducing the number of unnecessary emergency responses.

To engender the public perception of fair play, any statute should include a provision for issuing warning notices to alarm owners, as well as a grace period prior to the assessment of any penalty fee. Should the public view the alarm statute as "another revenue-making scheme," residents may begin asking, "Why do we pay taxes?"

Not only could the statute prove unpopular but the police also could suffer widespread loss of community support. Because of the reasoned implementation of Amherst's "avoidable alarm ordinance," as well as a proactive public information effort on the part of the police department, the majority of residents now understand the need for and support the ordinance.

Police Effectiveness

Police executives should not underestimate the many factors that surround this issue. Even in communities that have yet to experience any overt problem directly related to the excessive triggering of avoidable alarms, the indirect effects may already have been felt.

> ***"...it is vital for alarm vendors, the police, and local governing bodies to enhance community awareness and understanding of the false alarm problem."***

Repeated response to false alarms breeds a sense of complacency among officers that can lead to a potentially dangerous situation should an alarm call prove to be legitimate. At the same time, police executives and municipal leaders must also consider the financial ramifications of a civil lawsuit should a tragedy occur due to a delayed police response to *another* false alarm call.

For police executives faced with streamlining operations, false alarm statutes can reduce the number of false alarms. These statutes also enhance the safety of officers and citizens alike, improve officer morale, increase the number of police units available for legitimate calls and preventive patrol, and produce revenue at the expense of those who abuse community resources.

CONCLUSION

False alarms represent a disruptive and potentially dangerous drain on police resources. It is a problem that has grown as the public's fear of crime has increased. However, municipalities have an array of regulatory options available to them to address this issue.

By enacting such measures as false alarm ordinances, alarm user permits, and alarm verification regulations, municipalities can, at the very least, curb an upward spiral of false alarm calls. At best, these approaches can enhance community safety while freeing more officers to respond to those citizens who truly need their assistance.✦

Endnotes

[1] "Violence in America," *U.S. News and World Report*, 17 January 1994, 23-33.

[2] Lee A. Jones, "The Alarm Industry: Friend or Foe to Police Officers?" *The Police Chief*, August 1991, 24-25.

[3] *Corporate Security Digest*, February 1, 1993, 4-5.

[4] Savannah Department of Police, "Article N. Police Administrative Fees," Section 3. Flagrant violators are classified as those properties generating 51 or more false alarms.

[5] National Executive Institute Report, "Ideas for Cost Reduction/Increased Productivity in Law Enforcement Operations," Federal Bureau of Investigation, May 1991.

[6] Ibid.

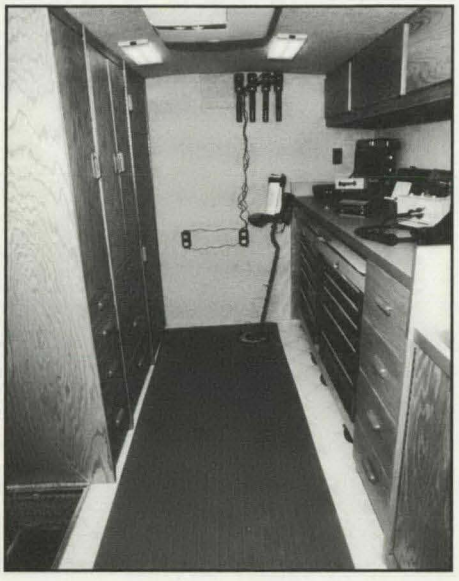
[7] Ibid.

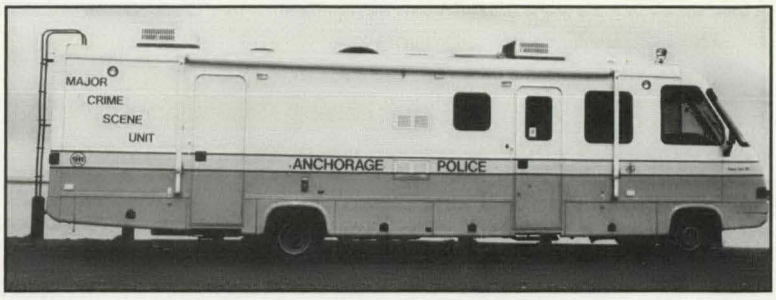
[8] Town of Amherst, Erie County, New York, Local Law 12-1992.

Police Practices

A Crime Scene Vehicle for the 21st Century

By William D. Gifford





Crime scene teams in police departments across the country benefit from the availability of new forensic tools that enable them to process crime scenes more quickly and thoroughly. Paradoxically, when officers transport these tools to major crime scenes, serious problems may arise. Tools often get damaged when they are stuffed into overcrowded storage compartments.

To avoid such breakage, officers must leave some tools behind, resulting in extra trips between the crime scene and the station to retrieve necessary equipment. Too often, officers spend an inordinate amount of time searching for equipment instead of using it. Also, teams must cope with limited workspace at crime scenes, resulting in a lag time between the collection of evidence and its processing. The length of that delay often determines whether a crime is solved at all.

The Anchorage, Alaska, Police Department's crime scene team evaluated these problems and selected a major crime scene response vehicle that enabled it not only to store and transport the necessary equipment but also to process more evidence at crime scenes. The team's experiences could serve as a model for other agencies facing similar problems.

Choosing a Vehicle

For many years, a converted passenger van served as the department's crime scene vehicle. When it became clear that the van no longer served their needs, members of the crime scene team sought other options. They examined large truck frames with specially designed boxes, large vans with trailers, and custom-built campers with trailers, but finally settled on a customized motor home. Even though the initial outlay of funds was more than anticipated, the motor home cost less than any of the alternatives, and it met the team's specifications perfectly.

The team developed a list of desired options and met with representatives of the manufacturer to

map out design specifications. The vehicle had to accommodate the department's current equipment needs and also provide room for growth. Starting with a base model vehicle and drawing on the vast experience of the motor home industry, the team adapted already-proven designs to law enforcement needs. The result was a new crime scene vehicle that will satisfy the department's needs for many years.

Features

The team uses the vehicle for more than just storing and carrying equipment. The motor home accommodates eight people for holding meetings, viewing crime scene videos on the TV/VCR unit, and performing other tasks. It has a work area equipped with two computers that can connect to the network at the police station. With the computer system, officers can search criminal histories immediately and can construct and print crime scene diagrams, property and evidence forms, property tags, and complete property inventories for search warrant returns.

The motor coach has two telephones: One land-line unit with scrambling and coding capability and one cellular phone carried by the team leader for instant communication with detectives, district attorneys, or other critical personnel. Faxes also can be sent and received at the workstation—an important feature when the need for search warrant requests arises at the scene. A bathroom and shower area also can double as a wet-storage compartment for evidence.

The rear half of the vehicle serves as the evidence work area. A latent fingerprint processing chamber measures 2 feet x 2 feet x 5 feet and can be divided into several smaller chambers or opened to its full height. Access panels above and below allow for repair or replacement of fans and heating units. Next to the fuming tank sits a large washtub for dye staining. Items are dried directly above the sink, which has a work counter next to it. A specially designed comparison photo stand can be placed over the sink. This area contains ample storage space for equipment, with an additional storage area for evidence near the aft outside door. Access to the rear work area is limited strictly to technicians.

Tips for Designing a Crime Scene Vehicle

- Develop a list of features before shopping
- Research the options: Talk to manufacturers and to other police departments that may have similar equipment needs
- Prioritize the list according to critical needs
- Plan for the future
- Visit the factory for an inspection during construction of the vehicle, if possible, to answer questions that may arise and to spot problems early
- Don't wait. A better work environment improves attitudes and results in increased productivity and a superior work product.

The vehicle provides ample storage areas for portable lights and lengths of plastic pipe. These items are used at outdoor crime scenes to construct tents or to fabricate blackout areas in order to search for fiber evidence with an alternate light source.

A 6,500-kilowatt generator, with several hundred feet of extension cord, powers the portable lights and can power the entire vehicle when the engine is turned off. Electrical outlets are located at each corner of the vehicle on the outside near ground level, with two more mounted at the top of the coach near the center.

Conclusion

The Anchorage Police Department now has a vehicle that will improve its ability to process major crime scenes efficiently. Having all of its equipment available at the scene enables the crime scene team to process evidence more quickly, access the department's complete computer network, and take crime scene processing into the 21st century.✦

Lieutenant Gifford supervises the Investigations Division of the Anchorage, Alaska, Police Department.

Combating Bank Fraud In Arizona

A Team Approach

By HOWARD D. SUKENIC, J.D.
and JAMES G. BLAKE, J.D.

Photo © Aldus

Consider the following scenario. You have a classic automobile for sale, so you place an advertisement in the newspaper highlighting the car's outstanding characteristics. Several prospective buyers call you immediately after the ad is published. Some of the callers come out to see your vehicle and find that this "dream machine" looks as good as it sounds. A few even make bids to buy it. The offers are in the acceptable range, but fall a bit lower than you had hoped, so you hold out for something better. After all, everything seems to be going your way up to this point.

You advertise the car in the paper for another week. If nothing better is offered, you will accept the best of the original bids. As soon as the ad comes out in the Sunday paper the second time, you receive a call from a very excited prospective buyer. He claims to have been looking for a car like yours all of his life and would like to see the vehicle right away. He makes you promise not to accept any offer until the two of you have met. Bingo! You urge him to hurry over because several other people have expressed interest in buying the car.

Rather than risk losing the chance to buy your car, this prospective buyer instantly makes you an offer over the phone—the best one yet because it meets your asking price. Excited, you accept the offer and arrange the details for the transaction. He will arrive at your home in an hour with a cashier's check, and you will transfer the title and give him the keys.

Precisely 1 hour later, a cab pulls up to your home, and a well-dressed, clean-cut man in his late twenties steps out. You exchange small talk as he examines the vehicle. He can barely contain his excitement at the prospect of owning this car.

He pulls out a First Interstate Bank cashier's check for $19,500 and endorses it over to you. The check looks perfect, just like the cashier's checks you have seen and used in the past. In return, you sign over the title and hand him the keys. The new owner drives off, and you pocket the check for deposit first thing tomorrow morning.

The next day, you deposit the check. Three days later, the bank notifies you that a hold has been placed on your account. Thinking that a cashier's check must be valid, you call the bank only to discover that the check is a nearly perfect counterfeit and, therefore, worthless. You have lost the money, and your car probably has already been cut up for parts or shipped out of the country.

How can law enforcement agencies protect consumers and financial institutions from such deception? In Arizona, several agencies joined forces to crack down on financial institution fraud. The Bank Fraud Task Force (BFTF) can serve as a model for stopping this multimillion dollar criminal enterprise.

The Pen Is Mightier Than the Sword

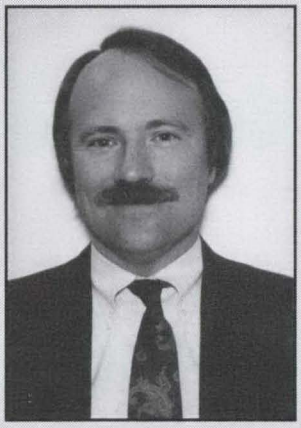
Schemes like this one cost financial institutions more each year than bank robberies do. According to statistics prepared by the Arizona Banker's Association, State financial institutions lost approximately $11.5 million in 1991 to internal and external fraud. During the same period, losses due to armed robberies amounted to only about $1 million[1]—less than one-tenth the amount lost to fraud. These figures clearly show that a little finesse can be much more profitable than a lot of fire power.

Financial institution fraud at its most basic level is the passing of bad checks. Banking officials estimate that approximately 1 percent of the 50 billion checks written in the United States each year are returned due to nonsufficient funds (NSF). This figure translates into about 500 million NSF checks annually, or roughly 15 every second.[2]

At its most sophisticated level, financial institution fraud includes embezzlement schemes, commercial bribery, and counterfeiting. The weapons of choice in counterfeiting are personal computers, laser printers, advanced system copiers, and scanners. A scanner can reproduce a document, such as a cashier's check, which can be modified by a computer operator and reprinted on a laser printer. Such counterfeits can be nearly indistinguishable from the originals.

As previously illustrated, a skillful counterfeiter can strike a chosen target and leave town long before the victim discovers the deception. When individual law enforcement agencies investigate fraud cases without conferring with adjoining jurisdictions, criminals have an added advantage. They can move from jurisdiction to jurisdiction, commit similar crimes in each area, and be gone before any single law enforcement agency can catch them.

Mr. Sukenic serves as Deputy County Attorney for the Organized Crime and Racketeering Bureau in the Maricopa County Attorney's Office, Phoenix, Arizona.



Mr. Blake is Chief of the Criminal Trials Division in the Maricopa County Attorney's Office in Phoenix.

The Bank Fraud Task Force (BFTF)

On March 2, 1992, the Law Enforcement Coordinating Committee's White-Collar Crime Subcommittee established the Bank

Fraud Task Force in Arizona.[3] Participating agencies include the Phoenix Division of the FBI, the Maricopa County Attorney's Office, the Phoenix, Tempe, Glendale, Mesa, and Scottsdale Police Departments, the Arizona Attorney General's Office, and the U.S. Attorney's Office for the District of Arizona.

The task force represents a multijurisdictional group of investigators and prosecutors that addresses the problems of bank fraud occurring primarily in Maricopa County.[4] The task force promotes communication and cooperation between law enforcement agencies and financial institutions in the area. In the past, overlapping geographical and investigative jurisdictions made the process for reporting suspected fraudulent activity quite confusing. Now, financial institutions only need to alert one investigative agency—the BFTF—of suspected criminal activity.

Perhaps the most unique and important feature of the BFTF structure is that no additional investigative resources have been expended as compared with pre-BFTF investigations. Rather, the *same* investigators who worked these cases in their respective agencies have joined together in a team approach. This more effective approach has increased the quality of investigations, as well as the total number of indictments and convictions.

Some of the task force members—prosecutors as well as investigators—devote all of their time to bank fraud cases. Others, however, have additional responsibilities within their respective agencies due to a lower volume of bank fraud matters in their jurisdictions.

The BFTF System

Federal law requires banks to report any fraud loss over $1,000 and every internal theft regardless of the loss amount. The BFTF receives criminal referral forms directly from financial institutions statewide. These referrals alert law enforcement agencies of suspected criminal activity involving federally insured institutions.

> ***"The task force promotes communication and cooperation between law enforcement agencies and financial institutions in the area."***

The financial analyst permanently assigned to the BFTF conducts an initial examination of all referrals for completeness, predication, and supporting documentation. Referrals are opened and assigned to a task force investigator if the loss exceeds $2,000 and the financial institution provides enough supporting documentation to conduct a subject interview.[5] State and local investigators receive case assignments according to geographical jurisdictions, while FBI investigators work BFTF matters in all jurisdictions.

Information on each opened referral is maintained in a database and updated at each stage of the investigation and subsequent prosecution. The database includes the subjects' names, the names and locations of the victim financial institutions, the amount of each loss, and the type of loss, such as forgery, counterfeiting, mysterious disappearance, etc.

The task force publishes this data in a monthly report and distributes it to members of the Arizona Banker's Association and to police investigators and prosecutors on the BFTF. Any other law enforcement or financial agency that wishes to review the reports can request to receive them.

The amount of the loss affects the way investigators conduct their investigations. If the bank loss is more than $2,000 but less than $25,000, the investigator immediately attempts to locate and interview the suspect regarding the allegations made in the referral. If the investigator obtains a confession that corroborates the allegations, then the case is submitted for prosecution without further investigation.

The task force has found that this fast-track approach effectively handles a large volume of cases involving smaller dollar amounts in a short period of time. In these confession cases, if the defendant does not enter a guilty plea within a reasonable time period or if the case goes to trial, the BFTF investigators and financial institutions provide prosecutors with additional investigative resources.

Sometimes, of course, suspects do not confess their crimes. In these cases, investigators conduct more extensive investigations using traditional techniques, such as fingerprint analysis, witness interviews, and handwriting analysis.

The procedure for handling cases involving losses to the financial institution in excess of $25,000 varies slightly. Investigators still attempt to locate the suspect immediately for an interview with the goal of obtaining a corroborative confession. However, even if a confession is obtained, the investigator may use expanded investigative and laboratory techniques—including latent fingerprint analysis, handwriting analysis, and additional witness interviews—prior to submitting the case for prosecution. Investigators base their decisions to use these techniques on the complexity of the case and the prosecutor's directions.

The lead prosecutor for each case depends on geographical jurisdiction, dollar loss, and availability. The county handles cases involving internal or external fraud with losses between $2,000 and $25,000. The U.S. attorney's office prosecutes cases involving internal fraud with losses between $25,000 and $300,000, while external fraud cases of the same or greater magnitude are filed with the county or Federal prosecutor, depending on who can handle the prosecution more expeditiously.[6]

Results

Since its inception, the task force has investigated cases ranging from NSF checks to the counterfeiting of corporate and cashier's checks. The BFTF also has investigated and prosecuted a number of special cases. For example, a commercial bribery case involved a bank official who solicited a $42,000 bribe from a contractor. Unfortunately for the banker, the bribe attempt was recorded on camera.

In a 24-month period, the BFTF investigated 714 referrals from financial institutions involving losses of more than $6.8 million and resulting in 164 convictions. The courts ordered restitution exceeding $3 million due to the BFTF's efforts, and task force investigators prevented the economic loss of approximately $1 million.

Conclusion

Prior to the formation of the Bank Fraud Task Force, financial institutions had to present their cases to several different local law enforcement agencies. Overlapping jurisdictions and disparate investigations led to confusion and delay—two elements that clever criminals used to their advantage. By the time a local law enforcement agency received a crime report, the criminals had moved to another jurisdiction to pull the same scam.

With the coordinated efforts of participating agencies, the BFTF can get on the culprit's trail while it is still hot. Criminals no longer can use multiple jurisdictions to avoid detection. Instead of fraud cases' being reported to many different police agencies, one task force handles them all.

The previously presented case history clearly illustrates the

Bank Fraud Task Force
Summary Sheet
3/2/92-3/31/94

Referrals Investigated	714
Subjects Indicted	264
Subjects Convicted	164
Subjects Awaiting Disposition	100
Total Jail Time, All Subjects (months)	1,841
Dollar Loss Investigated	$6,883,435
Court Ordered Restitution	$3,175,016
Potential Economic Loss Prevented	$ 827,922
Total Restitution and Loss Prevented	$4,002,938

BFTF's effectiveness. The fraudulent car buyer did not get away. Instead, the case went immediately to the BFTF. It was handled by a BFTF investigator and successfully prosecuted by a BFTF attorney. Crime did not pay, and the "car buyer" is currently serving a lengthy prison sentence due to the efforts of the Bank Fraud Task Force.✦

Endnotes

[1] Arizona Fraud Loss Statistics for 1/1-12/31/91, prepared by the Arizona Bankers Association (Revised April 29, 1992).

[2] Vinse J. Gilliam, "Taking the Bounce Out of Bad Checks," *FBI Law Enforcement Bulletin*, October 1991.

[3] The Law Enforcement Coordinating Committee (LECC), established by the U.S. Department of Justice, serves as a forum for command personnel from all jurisdictions within a State to discuss crime patterns and common problems and to devise techniques for combatting these problems.

[4] *Annual Report on the Bank Fraud Task Force*, Law Enforcement Coordinating Committee, White-Collar Crime Subcommittee, July 22, 1993.

[5] J. Miles Gooderham, "Bank Fraud Task Force Operational Guidelines" (unpublished internal document), March 2, 1994.

[6] Supra note 4.

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-inch white paper. All pages should be numbered, and three copies should be submitted for review purposes.

Publication

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 generally will 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.

Query Letters: The editor suggests that authors submit a detailed one- to two-page outline before writing an article. This is intended to help authors but does not guarantee publication of the article.

Author Notification: Receipt of manuscript will be confirmed. Letters of acceptance or rejection will be sent following review. Articles accepted for publication cannot be guaranteed a publication date.

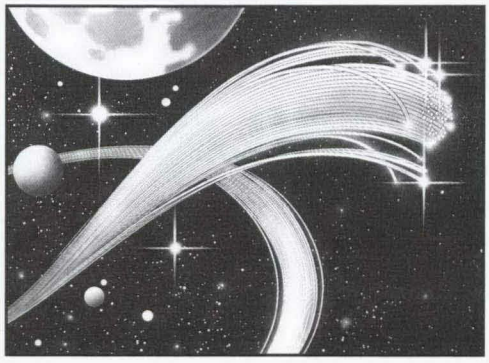
Copyright: Because *Law Enforcement* is a government publication, materials published within it are not copyrighted.

Editing: Law Enforcement reserves the right to edit all manuscripts.

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.

Wanted: Manuscripts Focus Issue on Technology



Law Enforcement is accepting manuscripts for possible publication in an upcoming issue focusing on technology. We will consider works from a variety of sources, ranging from law enforcement officers and administrators to researchers and scholars. Article formats may range from full-length features on problems faced by criminal justice professionals to columns highlighting successful programs implemented in individual police agencies.

Topics of interest include but are not limited to:

- Transferring defense technologies to law enforcement
- Research and development of new technology
- Use of technology in training
- Legal issues in the use of technology
- Less-than-lethal weapons
- Computer crimes and apprehension techniques
- Information management systems
- Virtual reality
- DNA technology
- Interactive video
- Distance learning
- Artificial intelligence
- The Internet

Manuscripts should be double-spaced and typed on 8 1/2- by 11-inch white paper, not to exceed 15 pages. Please number all pages and submit three copies for review purposes. If possible, a floppy disk using WordPerfect 5.1 should accompany the typed manuscript. Refer to the Author Guidelines on the previous page for additional information.

Mail submissions, postmarked by February 1, 1995, to:

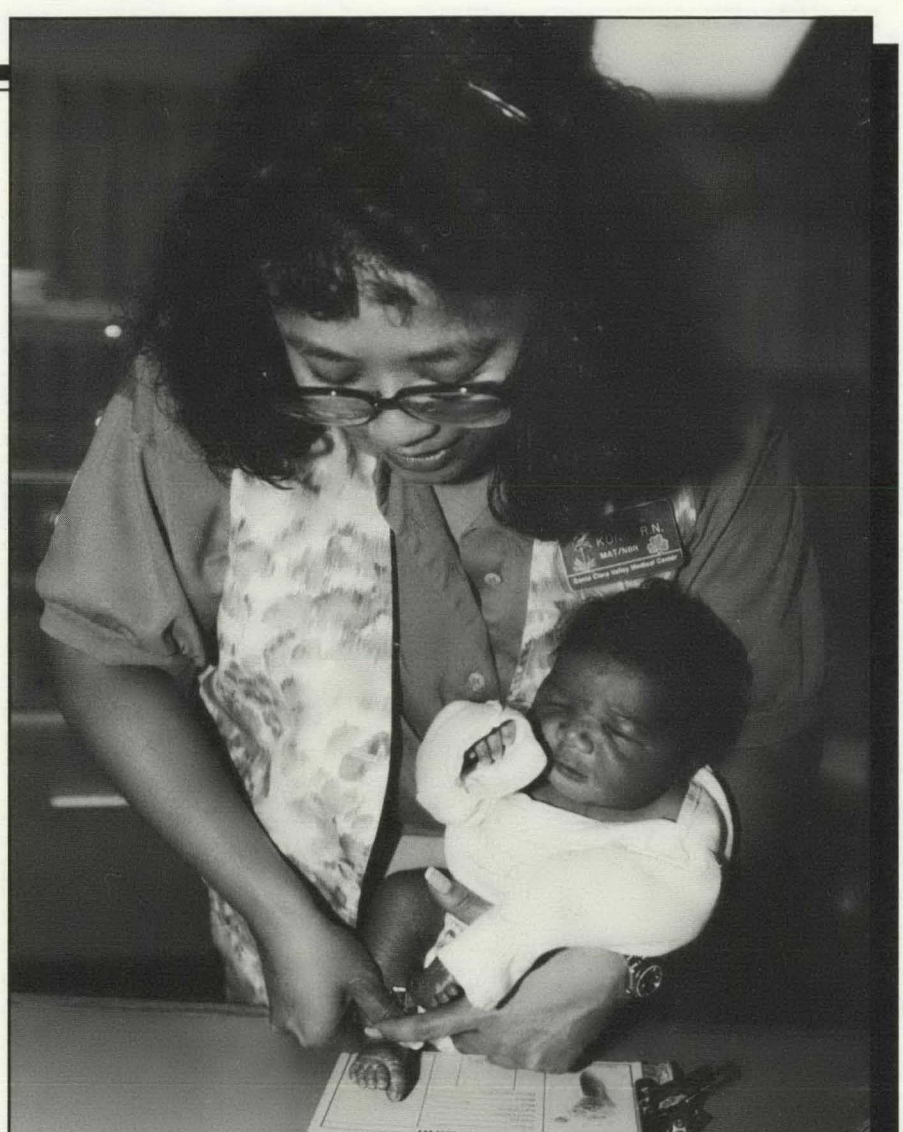
Technology Issue
FBI Law Enforcement Bulletin
Law Enforcement Communication Unit
Madison Building, Room 209
FBI Academy
Quantico, VA 22135

Submissions postmarked after February 1, 1995, will be considered for publication at a later date. All submissions will be acknowledged, and authors will receive notification of acceptance or rejection.

Best Foot Forward

Infant Footprints For Personal Identification

By
MICHAEL E. STAPLETON, M.A.



Every new mother feels certain she knows her own child. This "woman's intuition" makes baby-switching incidents that much more terrifying. If an infant's mother cannot positively identify her own offspring, who can? The answer to this question rests on the soles of the baby's feet.

Whenever sensational crimes such as baby-switching or the abduction of infants or young children appear in the news, interest in footprint identification techniques increases. In recent years, however, the print media, including several medical journals, have expressed the opinion that hospitals waste time and money by footprinting newborns. To support their arguments, the authors of these articles point out that delivery room personnel do not take consistently legible infant footprints suitable for identification purposes.

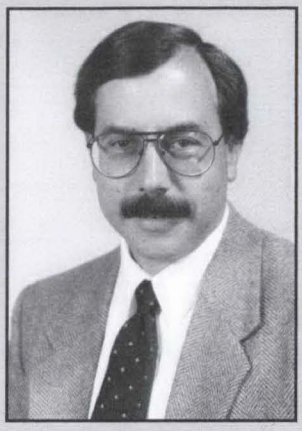
One article cited a study in which footprints were obtained from 20 newborns at 5 different nurseries with techniques known to provide maximum detail. An unidentified "police dermatoglyphist" examined the footprints. This print identification expert found 89 percent to be technically inadequate for identification purposes, with only 1 percent possessing sufficient ridge detail for positive identification. The article concluded by stating that the typical health care professional is not fully aware of "...how unreliable footprints of a newborn happen to be for purposes of identification."[1]

In a 1988 publication, the American Academy of Pediatrics (AAP) and the American College of Obstetricians and Gynecologists (ACOG) stated that "...individual hospitals may want to continue the

practice of footprinting or fingerprinting, but universal use of this practice is no longer recommended."[2] Both organizations based their findings on studies that demonstrated that the majority of infant footprints taken by hospital personnel prove inadequate for identification purposes. They also contend that better identification techniques, such as DNA genotyping[3] and human leukocyte antigen tests,[4] exist.

In contrast, the FBI continues to advocate and encourage footprinting infants at birth, believing that this process represents a reliable, expeditious, and cost-efficient method for establishing probable personal identity. This article offers justification for continuing this important practice and provides information for law enforcement professionals desiring to train hospital personnel in proper printing techniques.

> ***"...FBI print experts have identified the adult victims of such disasters as fires and airplane crashes by using the footprints of the individuals taken in infancy."***



Special Agent Stapleton serves in the San Jose Resident Agency of the FBI's San Francisco Division.

The Value of Footprinting

Print experts agree that every individual's prints contain friction ridge minutiae, i.e., ridge detail, that are unique to that person. Even the footprints and fingerprints of identical twins are different. Furthermore, friction ridge minutiae remain naturally unchanged throughout a person's life. Because of this consistency, FBI print experts have identified the adult victims of such disasters as fires and airplane crashes by using the footprints of the individuals taken in infancy.

A common misconception exists today that DNA genotyping represents a means of identification superior to fingerprinting or footprinting. In reality, just the opposite is true. A legible footprint with clear friction ridge minutiae provides the most certain form of identification available and, further, may be of more immediate value to law enforcement officials for the following reasons:

- Fingerprints and footprints of identical twins are different, but DNA genotyping technology presently cannot distinguish between them
- Fingerprints and footprints can be compared and a positive identification made by a print expert, usually within a relatively short period of time; DNA genotyping and analysis can take up to 3 months to complete
- Fingerprints and footprints can be taken at negligible expense, while DNA genotyping and analysis can cost several thousand dollars.

In short, although DNA genotyping represents an excellent technology for determining probable identity, it may not satisfy the immediate investigative needs of law enforcement officers due to its cost and the time required to complete testing and analysis. Infant abduction cases often move quickly, requiring law enforcement officials to react swiftly. Friction ridge minutiae examination and analysis offer law enforcement a fast and accessible form of identification.

Training Hospital Personnel

For decades, the FBI has advocated using infant footprints for identification purposes, encouraging hospitals to learn proper techniques. As early as 1966,[5] the FBI provided guidelines, procedures, and recommendations concerning why and how hospital personnel should obtain the footprints of newborns. The procedures remain largely unchanged today. In fact, inkless

methods now available make obtaining footprints even easier.

If infant prints prove technically inadequate for identification purposes, it does not mean the method itself is unsound. Rather, hospital personnel lack the necessary skills and knowledge to carry out the printing process consistently and accurately. Hospitals must ensure their delivery room personnel receive proper training so that they obtain legible and identifiable prints.

The nearest FBI field office or other local law enforcement agency can provide a fingerprint expert to train hospital personnel in footprinting procedures. In a short period of time, health care professionals can acquire the skills and knowledge they need to complete the practice on their own.

A comprehensive training session should consist of discussion, demonstration, and practice. Instructors should emphasize the value of footprinting infants, explain how fingerprint and footprint friction ridge identifications are made, provide examples of ink and inkless methods for recording footprints, and explain and illustrate the difference between legible and illegible footprints. After reviewing the materials necessary for footprinting, the instructor can demonstrate the footprinting procedure.

More important, participants learn by doing. Hospital personnel should practice taking infant footprints, with the instructor offering helpful suggestions and feedback. Personnel should concentrate on the ball of the foot when printing, because this area typically contains sufficient ridge detail to make an identification. Quite often, however, the portion of legible friction ridge minutiae needed to identify a footprint is very small.

In addition, including the fingerprint of the mother on the infant's footprint document links the child to the mother, eliminating any doubt of parentage. For this reason, hospital personnel also should learn how to take fingerprints.

Finally, the instructor may wish to provide a written handout outlining the printing procedure for the participants' future reference. Some instructors even award their students certificates, documenting their successful completion of the training.

Training Hospital Personnel

- Emphasize the value of footprinting infants
- Explain how fingerprint and footprint friction ridge identifications are made
- Provide examples of ink and inkless methods for recording footprints
- Explain and illustrate the difference between legible and illegible footprints
- Review the materials necessary for footprinting
- Demonstrate the footprinting procedure, emphasizing the ball of the foot
- Offer advice and feedback as hospital personnel practice taking infant footprints
- Teach participants to fingerprint mothers and to include the print on the infant's print card
- Provide a written handout outlining the printing procedure for participants' future reference.

Conclusion

Arguing that hospitals should discontinue footprinting infants because inadequately trained personnel cannot take legible prints compares to advocating that law enforcement stop fingerprinting criminals because officers sometimes take illegible prints. It simply does not make sense.

The National Center for Missing and Exploited Children, in its infant abduction prevention guidelines issued to medical

facilities nationwide, advocates footprinting all newborns within 2 hours of birth, preferably before the infant is removed from the delivery room. The center describes the footprinting procedure as a necessary, proactive prevention measure that every medical facility should conduct.[6]

The identification of individuals by their friction ridge minutiae continues to offer law enforcement officials the most certain, expeditious, and cost-effective method for establishing probable personal identity. When properly trained, hospital personnel can assist law enforcement efforts by successfully and consistently obtaining footprints of newborns. Whether used to save a life or merely to give worried parents peace of mind, these tiny footprints make a big impression on health care professionals, law enforcement officials, and parents nationwide.✦

Endnotes

[1] Frank A. Oski and Beryl J. Rosenstein, "Newborn Identification," *Pediatric Currents*, 42, (1993): 10.

[2] AAP Committee on Fetus and Newborn and Committee on Obstetrics, *Maternal and Fetal Medicine: Guidelines for Perinatal Care*, 2d ed. (Evanston, Illinois: AAP/ACOG, 1988), 85.

[3] DNA genotyping is the process of establishing probable individual identity through scientific analysis of DNA contained in some human cellular material.

[4] A human leukocyte antigen test can establish probable individual identity through scientific analysis of hereditary protein material.

[5] "Footprinting of Infants," *FBI Law Enforcement Bulletin*, October 1966, 8.

[6] John B. Rabun, Jr., National Center for Missing and Exploited Children, *For Healthcare Professionals: Guidelines on Preventing Infant Abductions*, 3d ed., June 1993.

Unusual Weapon

Foul Fountain Pen

This apparently harmless pen conceals a chemical agent spraying device. Available on the commercial market, the device contains a high percentage of oleoresin capsicum (OC), commonly known as pepper spray. It is 5 1/2 inches long, 1/2 inch in diameter with a tapered end, and resembles a Mont Blanc pen or large felt-tip marker. It comes in black or white but might be available in other colors.

Spray can be discharged in a cone-shaped mist approximately 3 to 4 feet by removing the top and pushing down on the nozzle. With the top on, the pen can be carried anywhere without danger of accidental discharge. Caution should be exercised by law enforcement personnel because a direct spray in the face could incapacitate an officer temporarily.

(Submitted by Monty B. Jett, Firearms Training Unit, FBI Academy, Quantico, Virginia.)

Focus on Cooperation

The National Law Enforcement Council

A Law Enforcement Umbrella

By Ordway P. Burden, M.B.A.

Complex, multijurisdictional investigations illustrate the lack of communication and cooperation that sometimes exists between law enforcement agencies. Even when they are working on the same case, local, State, and Federal officers may keep to themselves, refusing to exchange information. Tension increases in high-profile cases, as the media emphasize every incident in which it seems that law enforcement cannot get along.

The National Law Enforcement Council (NLEC) attempts to break down the barriers between agencies and to enhance interagency communication and cooperation. Founded in 1979, the NLEC serves as the umbrella organization for 14 major associations in the criminal justice field, including such groups as the Fraternal Order of Police, the National Troopers Coalition, the National Sheriffs' Association, the National District Attorneys Association, and the International Association of Chiefs of Police.

The executive heads of the member associations meet six to eight times per year in Washington, DC. At these meetings, leaders in the criminal justice field—such as the FBI Director, the Attorney General, and the chairman and ranking members of the House and Senate Judiciary Committees—formally address the council, followed by a question-and-answer session.

Prior to each speech, NLEC members meet with the guest speaker informally, which encourages communication and allows council members to understand better the issues facing today's national law enforcement leaders. At the same time, the guest speaker learns what concerns the leaders of officers in the field.

Perhaps just as valuable is the networking that occurs between NLEC members. They quickly establish a rapport and broaden their understanding of one another's problems and concerns.

These meetings often produce unforeseen, yet worthwhile, results. For example, when the president of the Association of Federal Investigators (AFI) met the head of the Federal Criminal Investigators Association (FCIA), they realized that both associations had essentially the same goals, but different membership bases. The AFI consisted of middle and top-level Federal supervisors, while field agents formed the backbone of the FCIA.

The two leaders agreed that merging the two organizations represented a natural and logical course of action. The members of each group concurred and approved the merger. As a result, the Federal Investigators Association, with some 5,000 members, represents Federal investigators of all ranks and jurisdictions.

Legislative Issues

Although the NLEC does not lobby Congress directly, individual members do. These representatives often present the council's views at congressional committee hearings when invited to do so. In addition, member associations testify before Congress on a variety of important criminal justice issues.

Members of the council also have led the way in supporting crime legislation. NLEC members have met with congressional sponsors of crime bills to offer suggestions and to express their opinions on areas of particular concern. These meetings between congressional and NLEC members have resulted in legislation that has, for example, increased the types of crimes punishable by the death penalty, limited the rules of habeas corpus, enacted mandatory minimum prison sentences, and streamlined the criminal justice system.

However, Federal legislation represents merely one concern of the NLEC. Council meetings also serve as a forum for discussing legislation that directly impacts State and local law enforcement officers. In many States, law enforcement officers are working with citizens to abolish parole for violent criminals and to get "Three-Strikes-and-You're-Out" initiatives on election ballots.

Other Issues

Efforts to effect crime legislation reflect law enforcement's desire to improve society. In addition, pay, retirement, and other personnel issues represent additional areas of concern to NLEC members because criminal justice professionals can better serve their communities when they receive personal satisfaction from their jobs.

In January 1994, members testified before the House of Representatives Subcommittee on Compensation and Employee Benefits regarding special classification and pay for Federal law enforcement officers. At the request of the committee chairman, NLEC members provided language for a congressional bill to provide Federal law enforcement officers with enhanced pay. The resulting bill demonstrates the Government's recognition that because law enforcement officers represent the first line of defense against crime, their pay should reflect this responsibility. Further, Federal legislation serves as a model for State and local legislation.

National Law Enforcement Council
Member Organizations

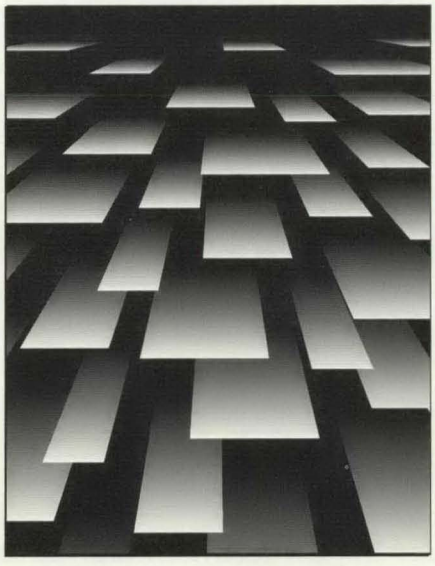
- Airborne Law Enforcement Association
- Federal Investigators Association
- FBI National Academy Associates
- Fraternal Order of Police
- International Association of Chiefs of Police
- International Narcotic Enforcement Officers Association
- International Union of Police Associations, AFL-CIO
- Law Enforcement Assistance Foundation
- National Association of Assistant U.S. Attorneys
- National Association of Police Organizations
- National District Attorneys Association
- National Sheriffs' Association
- National Troopers Coalition
- Society of Former Special Agents of the FBI

Conclusion

For over 15 years, the National Law Enforcement Council has served as a forum for law enforcement administrators to discuss important issues and to network with their peers. The rapport these professionals establish provides the foundation for a solid working relationship. As a result, whether investigating a major case or testifying before Congress, NLEC members work together to protect their communities. Indeed, this law enforcement umbrella is big enough to shelter an entire country.✦

Mr. Burden chairs the National Law Enforcement Council, Washington, DC, and serves as president of the Law Enforcement Assistance Foundation, Nanuet, New York.

FaxBack



What is FaxBack?

FaxBack is an interactive forum for readers of *Law Enforcement* to comment on current issues facing the criminal justice system. Each FaxBack will introduce a question and invite readers to respond. Responses will be compiled and summarized in a subsequent FaxBack column. Answers should be drafted on agency letterhead; however, all responses will remain anonymous when published.

FaxBack Question

Aside from budget, what are the five most important issues currently facing your department?

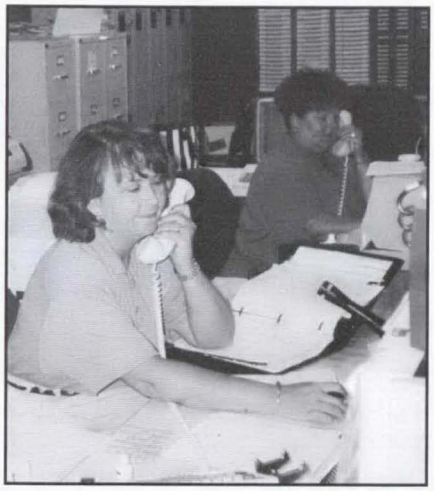
- List these issues in descending order of importance, with number 1 being the most pressing and number 5, the least
- Indicate the size of your department.

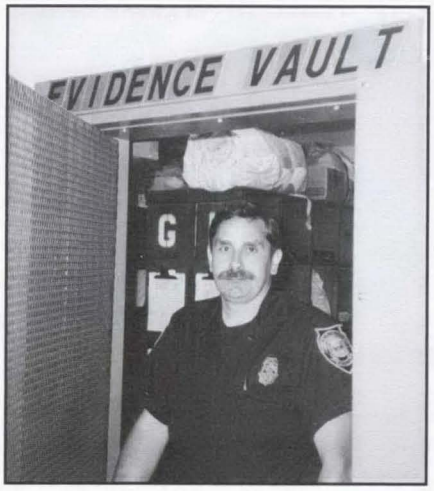
How to Respond

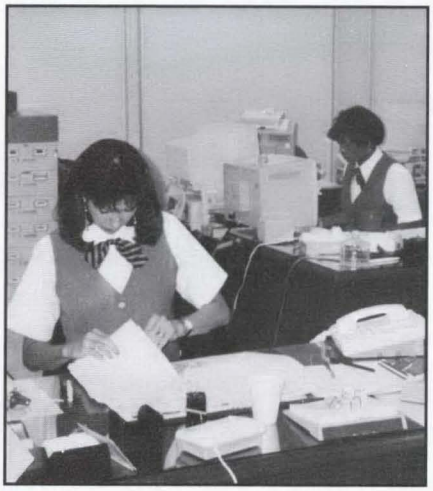
Fax responses to FaxBack at (703) 640-1474. Responses also may be mailed to the Law Enforcement Communication Unit, FBI Academy, Madison Building, Room 209, Quantico, Virginia 22135.

Civilian Services

By
BRUCE D. WILKERSON







Police departments nationwide confront increasing demands for police service without enough officers to respond adequately. At the same time, law enforcement administrators face the major dilemma of trying to put more officers on the street without sufficient funding to pay for them. One remedy for this dilemma is greater use of civilian employees. Civilianization enables more sworn police officers to answer service calls requiring full police powers, while still providing timely service for other types of calls.

Traditionally, law enforcement agencies have restricted civilian employees to clerical duties. Yet, in many departments, even this limited role has faced some resistance. However, one State, Kentucky, adopted new legislation that allows departments to go one step further and employ civilians with limited enforcement powers.

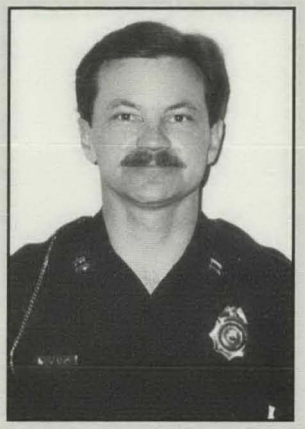
Expanding the role of civilians presents some distinct advantages to law enforcement agencies, but it can also encounter strong opposition from within the ranks of sworn police officers. For departments considering civilianization, some hurdles must be overcome, but the benefits to the department and the community can be worthwhile.

The Road to Civilianization

Departments can start the journey to civilianization by identifying positions that civilian employees can fill. The National Advisory Commission on Criminal Justice Standards and Goals recommends against selecting positions that require peace officer status, arrest powers, and expertise normally acquired only through field experience or that contribute to the professional development of sworn officers.[1]

In most departments, the first job classifications to undergo civilianization are those of records clerk and dispatcher, but even those are subject to debate. Opponents claim that the public expects to see an officer when visiting the local police department, not a civilian employee who must consult with or call an officer from the street. Questions also arise about the safety of a civilian employee alone at the station during late hours.[2]

Neither issue poses insurmountable problems. Granted, initial contacts between the public and



Captain Wilkerson serves with the Bowling Green, Kentucky, Police Department.

> ***"Changing attitudes and persuading officers to embrace the concept [of civilianization] provide the greatest challenges for the police administrator."***

the police department are very important. However, proper screening during the hiring phase can help departments to select individuals well-suited for dealing with the public. Also, sufficient training can prepare civilian employees to handle the most common situations. Of course, if an unusual situation develops, an officer or supervisor is just a radio call away.

Educating the community about the benefits of hiring civilians with limited enforcement powers can build support for the program. Chamber of commerce and city council members, as well as the general public, usually embrace initiatives that provide better police coverage at a lower cost to taxpayers.

Furnishing dispatchers with a safe facility simply requires minor renovations. Barriers that do not offend the public but still furnish needed safety can be copied from various commercial enterprises. These solutions, however, assume that the biggest hurdle—getting department members to accept the concept of civilianization—can be overcome.

Officer Acceptance

The most critical step in implementing a successful civilian program is to build acceptance among officers. Changing attitudes and persuading officers to embrace the concept provide the greatest challenges for the police administrator.

A very strong bond exists among officers that civilians, even department employees, do not share. Also, some old-line officers claim that most positions, especially dispatchers, require "on-the-road" experience.[3] Such issues usually divide sworn personnel across all ranks and ages.[4]

Many officers, however, do recognize the value and contribution of civilian employees. One study found that both sworn and civilian employees agreed on the importance of their respective positions and shared similar employee values. Civilians, however, placed less emphasis on loyalty to fellow employees.[5] Veteran officers feel threatened by those who are not part of the cadre of sworn officers to whom they entrust their lives. It is management's task to overcome such resistance and to integrate civilians and officers into a cohesive team.

Making the Transition

All levels of management collectively must support civilianization in order to sell it to the rest of the department. Preparation and planning can make it easier to place civilian employees in positions previously held by officers. Some techniques that may smooth the transition include clearly defining roles and relationships, implementing a familiarization program, planning periodic meetings between managers of civilian and sworn officers, and integrating sworn officers with civilians.[6]

In the beginning, the role of civilian employees and the appropriate relationship to sworn officers should be explained to everyone. For example, civilian dispatchers must understand that they do not supervise the officers with whom they work. Officers must also understand that dispatchers have control or authority over the information needed to do the job properly. From the outset, managers need to inform civilians that their positions support the officers in the field and that they were hired for their contributions to the overall goals of the agency.[7]

A familiarization program for both officers and civilians can help to clarify the different functions. Perhaps a limited tour of duty in

the civilian positions for sworn officers and a ride-along program with sworn officers for civilian employees would help each group to understand and appreciate their coworkers' situations.[8]

Another technique is for supervisors and other midlevel managers of civilian and sworn officers to meet periodically. The meetings provide a forum to exchange work-related information and goals. They may also help civilians and officers to develop closer, personal bonds.[9]

Finally, for those special positions that require some knowledge of the street, sworn officers and civilians can be integrated. This not only provides easy and immediate access to specialized knowledge for civilian employees but it also increases contact between the two types of employees within the department.[10]

New Roles for Civilians in Kentucky

Beyond the traditional records and dispatch roles, civilians also can fill positions with limited police powers. Some agencies restrict such powers to parking enforcement officers or school crossing guards. In 1992, however, Kentucky passed legislation enabling municipalities to create two new positions—citation officer and public safety officer.

Citation officers issue citations for violations of motor vehicle statutes (except moving violations), issue citations for violations of local ordinances that do not constitute violations of the Kentucky Penal Code, and authorize the removal of illegally parked vehicles. Public safety officers go one step further and issue citations for misdemeanors or criminal offenses committed in their presence.

These two new employee classifications make it possible for fully sworn officers to concentrate on more important tasks. Choosing whether to use citation or public safety officers depends on the goals of the agency.

Hiring and Training Civilian Officers

Prudent personnel selection and effective training are integral elements to ensure a successful program of this type. Agencies must be very careful to select individuals who are capable of providing the best service but who recognize the limitations of the positions. Some agencies see the potential for using these positions as a stepping stone to sworn officer status. However, a real danger can exist when these positions are used in that way. Police administrators should be cautious because civilians who want to become sworn officers may overstep their bounds in an effort to prove themselves. A high level of frustration with the current situation may develop, resulting in low morale among the ranks of civilian officers.

Hiring retired personnel, sworn or civilian, may be a better choice to fill the civilian officer positions. Retired police officers have the advantage of knowing the job and having the respect of the current staff. Civilian retirees bring the advantage of an outside perspective. The hiring of either type of retiree avoids the gung-ho attitude found in many young employees, which may cause them to go beyond their authority.

The Kentucky Department of Criminal Justice Training provides

Citation officers issue citations for non-moving violations of motor vehicle statutes and authorize the removal of illegally parked vehicles.

instruction for Kentucky's law enforcement personnel, including citation and public safety officers. These officers attend a 3-week training course that covers such topics as accident investigation, vehicle operations, legal considerations, traffic-related offenses, and first-aid/CPR.

State law mandates this training prior to an individual's being appointed as a citation or public safety officer. All newly hired officers receive an additional week of classroom training from their respective departments. This instruction includes basic radio procedure, department forms and procedures, and community relations. The classroom courses are followed by 2 to 4 weeks of field training. All new municipal police department employees in Kentucky are placed on probation for 1 year.

Legal Issues

The employment of civilian officers raises legal issues similar to those encountered when employing sworn officers. Liability is assumed by the department and the city when questions arise regarding adequate training, proper supervision, or performance of duties in accordance with the law and department policy. Any employee can be sued, but the city government provides an insurance policy and defends all city employees acting in the performance of their duties.

Exploring New Options

Shortly after the Kentucky Legislature modified the State's penal code, the Bowling Green, Kentucky, Police Department began to explore the potential benefits of increased civilianization. A review of the department's annual reports from 1989 to 1992 showed that adopting the new employee classifications could save thousands of work hours for sworn police officers and thousands of dollars for the department.

> ***"Beyond the traditional records and dispatch roles, civilians also can fill positions with limited police powers."***

Data from the annual reports showed that it took the equivalent of six full-time officers to investigate accidents and issue nonmoving citations. Assuming that officers additionally spent about one-third of their time performing administrative and patrol duties, the number of hours spent on these tasks increased to the equivalent of eight full-time officers.

Eight sworn police officers at a beginning salary of $19,730 cost $157,840 per year. In contrast, 8 citation or public safety officers at a beginning salary of $14,810[11] only cost $118,480 per year. These civilian officers are not entitled to police incentive pay, which provides $2,500 to each sworn officer, or to the enhanced pension benefits received by sworn officers. Therefore, the department found that by hiring eight citation or public safety officers, it could save at least $40,000 annually (about 25 percent) and increase the number of sworn officers available to respond to calls requiring full police service.

Conclusion

Municipalities in Kentucky have a unique opportunity to capitalize on the new legislation that permits the hiring of civilians with limited police powers. Implementing such a program requires a progressive educational program within both the department and the community. While significant monetary savings can be realized from such a program, the greatest advantage comes from putting more sworn officers on the street to serve the community.✦

Endnotes

[1] National Advisory Commission on Criminal Justice Standards and Goals, "Assignment of Civilian Police Personnel," *Police* (Washington, DC: GPO, 1973), 258-262.

[2] James Korczynski, "Civilians in the Police Function," *Law and Order,* April 1978, 26.

[3] Ibid.

[4] "Growth of Civilian Staff Heralds Dramatic Change in the Police Service," *Police*, March 1990, 28-30.

[5] S.K. Shernock, "Differential Significance of Sworn Status and Organizational Position in the Civilianization of the Police Communications Division," *Journal of Police Science and Administration*, 1988, 288-302.

[6] James J. Hennesy, "The Use of Civilians in Police Work," *Police Chief*, April 1976, 36-39.

[7] Ibid.

[8] Ibid.

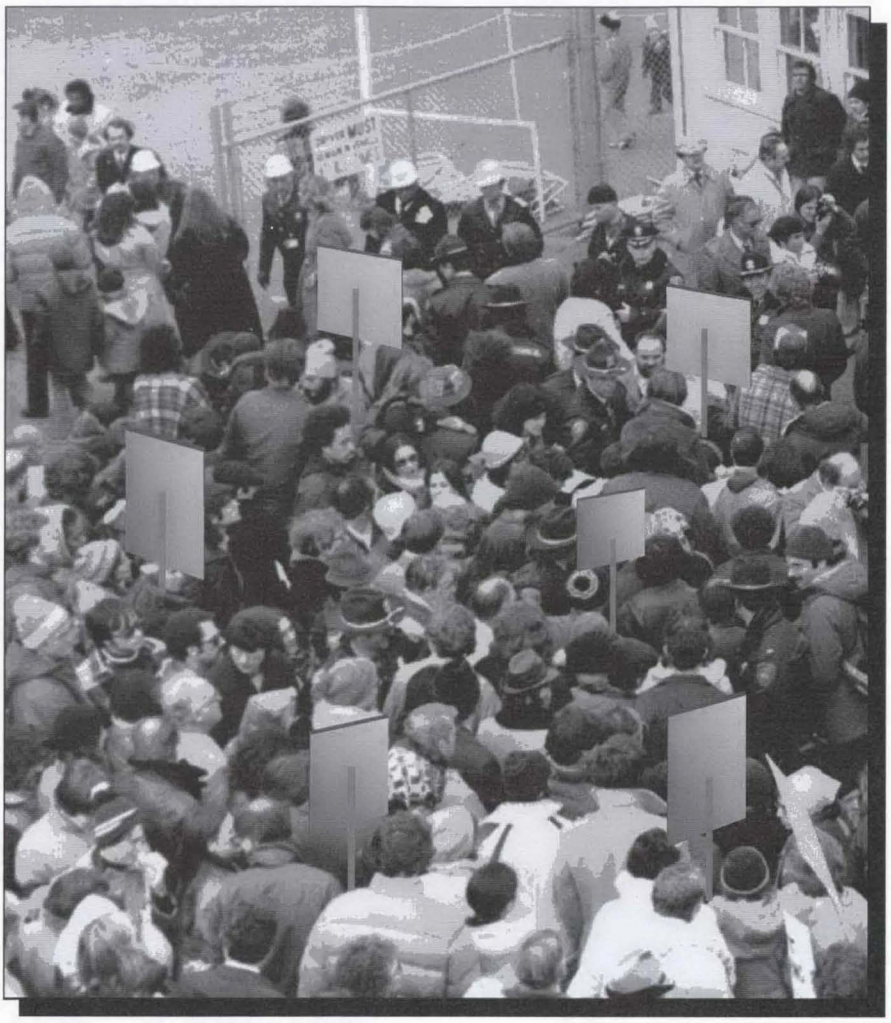
[9] Ibid.

[10] Ibid.

[11] The entry-level salary for citation and public safety officer positions was selected based on the salary of parking enforcement positions, which are filled by civilian employees.

Controlling Public Protest
First Amendment Implications

By
DANIEL L. SCHOFIELD, S.J.D.



The Supreme Court has indicated that in the context of protests, parades, and picketing in such public places as streets and parks, "...citizens must tolerate insulting, and even outrageous, speech in order to provide adequate breathing space to the freedoms protected by the First Amendment."[1] Police face difficult constitutional and operational issues when tasked with the dual responsibility of maintaining public order and protecting the first amendment rights of protestors and marchers. This article discusses recent court decisions concerning the constitutionality of permit requirements and injunction-based restrictions that limit the time, place, and manner of expressive activity in public places.

Three general first amendment principles guide departmental decisionmaking in controlling public protest. First, political speech in traditional public forums, such as streets and parks, is afforded a very high level of first amendment protection, and blanket prohibitions of such speech are generally unconstitutional. Second, reasonable time, place, and manner restrictions on such speech are permissible if they are content-neutral, narrowly tailored to serve substantial government interests, and leave ample alternative ways for the speech to occur. Third, speech or expressive conduct can be restricted because of its relationship to unlawful conduct, such as disorderly conduct or trespass.

Content-Neutral Permit Requirements

The first amendment permits the government to impose a permit requirement for those wishing to engage in expressive activity on public property, such as streets, sidewalks, and parks.[2] Any such permit scheme controlling the time, place, and manner of speech must not be based on the content of the message, must be narrowly tailored

to serve a significant governmental interest, and must leave open ample alternatives for communication.[3] The Supreme Court has held that any permit regulation that allows arbitrary application is "...inherently inconsistent with a valid time, place, and manner regulation because such discretion has the potential for becoming a means of suppressing a particular point of view."[4]

The Supreme Court has ruled unconstitutional permit schemes that vest government decisionmakers with uncontrolled discretion in deciding whether to issue a particular permit.[5] Ideally, a permit scheme should include:

1) A written description of the permit/license application process

2) Comprehensive and unambiguous standards for implementation and the objective criteria officials will use in determining whether to grant or deny a permit application

3) A time frame for the application process and for decisionmakers to consider an application

4) A provision for notifying the applicant that a permit request has been denied and the reasons for the denial

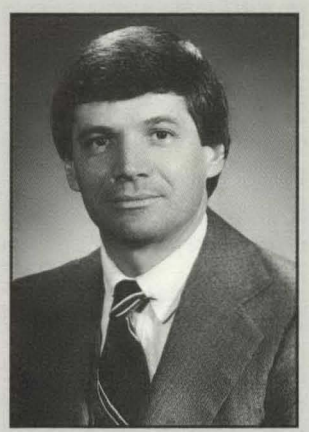
5) An established route to appeal a denial of an application

6) Language that avoids inherently vague terms, the meaning of which are not self-evident or easily discernible, such as "first amendment activities," "special or unique circumstances," "unique hardship," "public nuisance," or "detrimental to public health and safety," and

7) The identity of the person or persons with the authority to grant or deny a permit request.

A permit process must be narrowly tailored to serve significant government interests. For example, a Federal district court ruled unconstitutional a city's refusal to grant permission for a nonprofit organization to set up portable tables at particular locations on the public sidewalks of the city's commercial and historic district. The nonprofit organization intended to distribute literature, discuss issues of spiritual ecology, and sell T-shirts carrying messages related to the organization's religious tenets.[6] The court said the lack of a coherent permit scheme, narrowly tailored to serve city interests, gave the city unbridled discretion to grant or deny a request.[7]

However, the court suggested the first amendment would permit the city to use narrowly tailored regulations to minimize interference with pedestrian movement on crowded sidewalks, such as established times for such activity and limitations on the size and precise positioning of the tables.[8] Moreover, the city's legitimate interest in preserving the character and appearance of its historic district might justify restrictions, if the city's permit scheme has content-neutral standards narrowly tailored to serve that objective and the city proves that its aesthetic concerns are sufficient to warrant the abridgment of first amendment rights.[9]



Special Agent Schofield is the Unit Chief of the Legal Instruction Unit at the FBI Academy.

"Law enforcement often has the responsibility of balancing the legitimate need to maintain public order with the important interest in protecting first amendment rights."

Restrictions Based on Threat of Violence

The U.S. Court of Appeals for the District of Columbia stated in

Christian Knights of KKK v. *District of Columbia*[10] that when using a public forum, "...speakers do not have a constitutional right to convey their message whenever, wherever and however they please."[11] Accordingly, the government may regulate a marcher's use of the streets based on legitimate interests, such as: 1) Accommodating conflicting demands by potential users for the same place; 2) protecting those who are not interested onlookers, like a "captive audience" in a residential neighborhood, from the adverse collateral effects of the speech; and 3) protecting public order.

The court emphasized that a permit process cannot be used to "...impose even a place restriction on a speaker's use of a public forum on the basis of what the speaker will say, unless there is a compelling interest for doing so, and the restriction is necessary to serve the asserted compelling interest."[12] The court ruled the city's denial of a permit request from the Ku Klux Klan to march 11 blocks and the resulting decision to limit the march to only 4 blocks was unconstitutionally based on anticipated listener reaction, which turns on the group marching, the message of the group, and the extent of antagonism, discord, and strife the march would generate.[13]

However, the court also held that a restriction based on the threat of violence could be constitutionally justified if that threat of violence is beyond reasonable control of the police. The court noted:

> "[W]hen the choice is between an abbreviated march or a bloodbath, government must have some leeway to make adjustments necessary for the protection of participants, innocent onlookers, and others in the vicinity...Regardless of the Klan's message, and its opinion of the precise route needed to express it, some governmental interests are weighty enough to justify restrictions on speech in a public forum—particularly restrictions, like this one, that limit but do not ban or punish a march, and indeed allow use of a significant segment of the street requested."[14]

"A permit process must be narrowly tailored to serve significant government interests."

Nonetheless, because of conflicting police testimony and evidence, the court concluded the threat of violence posed by the proposed Klan march was not beyond reasonable police control and that the restriction therefore violated the first amendment.[15]

A court-ordered weapons ban at a particular Klan rally site, based on the threat of violence and the stated intention and practice of the Klan to bring firearms to their rallies, may justify police conducting general magnetometer searches of persons and packages at that site without regard to standards of reasonable suspicion or probable cause. However, mass pat-down searches of persons entering the rally sites would likely violate the fourth amendment.[16]

Supreme Court Rejects Permit Fee Based on Listener Reaction

To what extent can the government assess fees and costs for the issuance of a permit authorizing expressive activity in a public forum? In *Forsyth County, Georgia* v. *The Nationalist Movement*,[17] the Supreme Court ruled unconstitutional a parade ordinance that permitted a government administrator to vary the fee for assembling or parading to reflect the estimated cost of maintaining public order. The Court said that a $1,000 cap on the parade permit fee did not render the otherwise invalid ordinance constitutional. Specifically, the Court noted that there were no articulated standards, either in the ordinance or in the county's established practice, to guide the decision of how much to charge for police protection or administrative time—or even whether to charge at all.[18] Not only was there a possibility of censorship through such uncontrolled discretion, but the county's fee also often depended "...on the administrator's measure of the amount of hostility likely to be created by the speech based on its content."[19]

While those wishing to express views unpopular with bottle-throwers might have to pay more for their permit, the Court noted the county did not even charge for police protection for 4th of July parades, which drew large crowds that required the closing of streets.[20] The Court concluded the county imposed a fee only when it became necessary to provide security for parade participants from angry crowds opposing their message and that listener's reaction to speech is not a content-neutral basis for assessing a permit fee.[21]

Permissible Fees and Costs

The Supreme Court in *Forsyth County* did not decide whether only nominal charges are constitutionally permissible, but four Justices agreed in a dissenting opinion that the Constitution does not limit a parade permit fee to a nominal amount and permits a sliding fee to account for administrative and security costs.[22] In that regard, lower courts have upheld the practice of assessing permit fees in accordance with projected police expenses if certain conditions are met.

For example, a Federal district court upheld the Kansas City Police Department's policy of requiring parade sponsors to pay for the cost of traffic control.[23] The court concluded the department's extensive list of factors used to project associated police costs were content-neutral, with the exception of a "crowd control" factor, which the court said was unconstitutional and needed to be severed from the otherwise constitutional policy.[24]

Similarly, the U.S. Court of Appeals for the Sixth Circuit upheld a Columbus, Ohio, ordinance that required prepayment of an $85 fee for the cost of processing a parade permit application and prepayment of the cost for traffic control. The court ruled that the ordinance 1) did not permit speculation about the degree of violence a parade may provoke; 2) provided protection for the marchers without consideration of its cost; and 3) contained objective standards related to traffic control and not related to speculation about the potential for disturbances based on the parade's content.[25]

Precedential support for the assessment of costs also can be found in a California appellate court decision upholding portions of an ordinance that requires a parade permittee to reimburse the city for, and pay in advance, an estimate of "all city departmental service charges incurred in connection with or due to the permittee's activities under the permit." The ordinance also requires that "if city property is destroyed or damaged by reason of permittee's use, event or activity, the permittee shall reimburse the city for the actual replacement or repair cost of the destroyed or damaged property."[26]

The court said the fees correspond to the size of the parade and its impact on normal traffic and not the size of the crowd in attendance. Also, the departmental service charge and cleanup reimbursement requirements are textually tied to the activities of the permittee itself and does not purport to impose responsibility for the acts of others.[27]

It is constitutionally significant that in all the above cases upholding permit fees and costs, indigent groups unable to pay the fees were not precluded from engaging in expressive activity, because an alternative forum was available. For example, sidewalks were free for conducting a parade because traffic control was not affected and parks were available without cost for related speech activities.

Injunction-Based Restrictions

Injunction-based restrictions on expressive activity may be a viable

and operationally effective option for law enforcement to maintain public order. In *Madsen* v. *Women's Health Center, Inc.*,[28] the Supreme Court reviewed an injunction entered by a Florida State court that prohibited antiabortion protestors from demonstrating in certain places and in various ways outside a health clinic that performs abortions. The protestors were enjoined from blocking or interfering with public access to the clinic and from physically abusing persons entering or leaving the clinic.

However, the protestors continued to impede access to the clinic by congregating on the paved portion of the street leading to the clinic and by marching in front of the clinic's driveways.[29] As vehicles heading toward the clinic slowed to allow the protesters to move out of the way, "sidewalk counselors" would approach and attempt to give the vehicle's occupants antiabortion literature. The number of people congregating varied from a handful to 400, and the noise varied from singing and chanting to the use of loudspeakers and bullhorns. Protesters also picketed in front of clinic employees' residences.

Because of this conduct, the Florida court issued an amended injunction which, *inter alia*, excluded demonstrators from a 36-foot buffer zone around the clinic entrances and driveway and the private property to the north and west of the clinic. The injunction also restricted excessive noisemaking within the earshot of, and the use of "images observable" by, patients inside the clinic, prohibited protesters within a 300-foot zone around the clinic from approaching patients and potential patients who do not consent to talk, and created a 300-foot buffer zone around the residences of clinic staff.

The Supreme Court concluded that injunction-based restrictions must burden no more speech than necessary and that an injunction regulating a particular group's activities that express a particular viewpoint is not impermissibly content-based when premised on the group's past illegal or inappropriate actions.[30] Because all injunctions, by their very nature, apply to particular groups or individuals, the Court said the test for determining content-neutrality is whether the government's purpose in regulating the speech is without reference to its content.[31]

> ***"...a restriction based on the threat of violence could be constitutionally justified if that threat of violence is beyond reasonable control of the police."***

The Court held that injunctions carry greater risks of censorship and discriminatory application than generally applicable statutes and ordinances and that content-neutral injunctions must therefore be evaluated under a somewhat more stringent test to determine if "...the challenged provisions of the injunction burden no more speech than necessary to serve a significant government interest."[32] The Court then determined the constitutionality of the injunction's buffer zones, noise restrictions, ban on the display of signs and visual images, and restriction on residential picketing.

Buffer Zones

The Supreme Court upheld a 36-foot buffer zone around the Florida abortion clinic's entrances and driveway, finding it burdened no more speech than necessary to accomplish the governmental interest in protecting unfettered ingress to and egress from the clinic and because it ensured that traffic would not be blocked.[33] The Court concluded this buffer zone also was justified by the failure of the earlier injunction to accomplish its purpose of protecting access to the clinic.

Conversely, the Court said that a portion of the 36-foot buffer zone that extended to private property on the back and side of the clinic was unconstitutional because it burdened more speech than necessary to protect access to the clinic.[34] Because there was no evidence that the protestors had ever used the private property to obstruct access to the clinic, the Court found that this portion of the buffer zone did not serve a significant government interest.

The Supreme Court also held unconstitutional a buffer zone provision that ordered protestors to refrain from physically approaching any person seeking services of the clinic, unless such person indicates a desire to communicate in an area within 300 feet of the clinic. While

the stated purpose of this restriction was to prevent clinic patients and staff from being "stalked" or "shadowed" as they approached the clinic, the Court said a prohibition on *all* uninvited approaches, regardless of how peaceful the contact may be, burdens more speech than necessary to prevent intimidation and to ensure access to the clinic.[35] The Court found this ban on all uninvited approaches unconstitutional "...absent evidence that the protesters' speech is independently proscribable (i.e., "fighting words" or threats), or is so infused with violence as to be indistinguishable from a threat of physical harm."[36]

Using a similar rationale, the Supreme Court of New Jersey held an injunction provision creating a buffer zone was too broad-based on an insufficient history of threats and intimidation.[37] Rather than prohibiting all expressional activities on the sidewalk directly in front of the medical center, the court said the injunction should have allowed a limited, controlled form of expression near the entrance, while restricting the troublesome mass of protestors to a location across the street. The court said the injunction should give consideration to the right of protestors to make their presence known and to the role of sidewalk counseling in that process, while at the same time protecting against any harassment of the patients or others who wish to enter the clinic.

Nonetheless, a history of intimidation by a particular group may justify a restrictive buffer zone. For example, the California Supreme Court upheld an injunction provision creating a "clear zone" that effectively barred antiabortion protestors from the public sidewalk in front of a clinic by requiring that all picketing, demonstrating, or counseling take place on the public sidewalk directly across the street.[38] The court said the restriction was justified based on the group's history of intimidation and the fact that the first amendment does not guarantee the right to a captive audience.

> ***"Injunction-based restrictions on expressive activity may be a viable and operationally effective option for law enforcement to maintain public order."***

Noise Restrictions

The Supreme Court in *Madsen* upheld a portion of the injunction that restrained the protestors from singing, chanting, whistling, shouting, yelling, and using bullhorns, auto horns, or sound amplification equipment within earshot of the patients inside the clinic during the hours of 7:30 a.m. through noon on Mondays through Saturdays. Noting the importance of noise control around hospitals and medical facilities during surgery and recovery periods, the Court found the noise restriction burdened no more speech than necessary to ensure the health and well-being of the patients at the clinic. The Court noted that patients should not have to "...undertake Herculean efforts to escape the cacophony of political protests."[39]

Other courts have upheld disorderly conduct prosecutions for unreasonable noise based on the government's broad powers to protect citizens from unwelcome noise. This can extend to any situation in which individuals cannot escape bombardment of their sensibilities and which substantially threatens their privacy interests.[40]

Bans on the Display of Signs and Visual Images

The Supreme Court in *Madsen* ruled unconstitutional a provision in the injunction that prohibited protestors from using images observable to patients inside the clinic during the hours of 7:30 a.m. through noon on Mondays through Saturdays. The Court suggested the first amendment would not be violated by an injunction-based prohibition on the display of signs that could be interpreted as a threat or veiled threat to patients or their families. However, the *Madsen* injunction's broad prohibition on all "images observable" burdens more speech than necessary to achieve the purpose of limiting such threats.[41] If the purpose is to reduce the level of anxiety and hypertension suffered by patients who find the message expressed in the placards disagreeable, the Court distinguished the ban on signs from restrictions on noise by noting that "...it is much easier for the clinic to

pull its curtains than for a patient to stop up her ears."[42]

Restrictions on Residential Picketing

The Supreme Court in *Madsen* ruled unconstitutional a provision in the injunction that prohibited picketing within 300 feet of the residences of clinic staff. The Court said the protection of residential privacy and tranquility is a legitimate governmental interest of the highest order and affirmed its prior decision upholding the constitutionality of an ordinance that prohibited "focused picketing taking place solely in front of a particular residence."[43]

However, the Court found the 300-foot zone around residences burdened more speech than necessary because it banned general marching through residential neighborhoods or even walking a route in front of an entire block of houses.[44] The Court concluded that "...a limitation on the time, duration of picketing, and number of pickets outside a smaller zone could have accomplished the desired result."[45]

A Federal district court ruled an ordinance could be enforced to prohibit continuous picketing in front of a doctor's home but not to prevent picketing in the doctor's neighborhood, so long as the picketers did not picket in front of the doctor's home or the two homes on either side of the doctor's home.[46] The court noted sympathetically that police need bright-line standards to help them enforce such ordinances that raise difficult first amendment issues.

Conclusion

The Supreme Court has interpreted the first amendment as creating a "...profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open."[47] Law enforcement often has the responsibility of balancing the legitimate need to maintain public order with the important interest in protecting first amendment rights.

Because the legality of the various enforcement options discussed in this article depends on a complex and fact-specific analysis, law enforcement decisionmakers should obtain competent legal review of any proposed restriction on expressive activity. In that regard, a particular group's past violent or disruptive conduct should be carefully documented because it is relevant to this analysis. Finally, it is recommended that officers receive legal training on the basic principles of first amendment law before being assigned the difficult task of controlling public protest.✦

Endnotes

[1] *Boos* v. *Barry*, 485 U.S. 312, 322 (1988).

[2] *See Cox* v. *New Hampshire*, 319 U.S. 569, 574 (1941).

[3] *See United States* v. *Grace*, 461 U.S. 171, 177 (1983). *See also*, *Rubin* v. *City of Santa Monica*, 823 F.Supp. 709 (C.D. Calif. 1993) and *Paulsen* v. *Lehman*, 839 F.Supp. 147 (E.D.N.Y. 1993).

[4] *Heffron* v. *International Society for Krishna Consciousness Inc.*, 452 U.S. 640, 649 (1981).

[5] *See, e.g., Freedman* v. *Maryland*, 380 U.S. 51 (1965).

[6] *One World One Family Now* v. *City of Key West*, 852 F.Supp. 1005 (S.D. Fla. 1994).

[7] *Id.* at 1011.

[8] *Id.*

[9] *Id.* at 1012.

[10] 972 F.2d 365 (D.C. Cir. 1992).

[11] *Id.* at 372.

[12] *Id.*

[13] *Id.* at 373-74.

[14] *Id.* at 374-75.

[15] *Id.* at 375-76.

[16] *Wilkinson* v. *Forst*, 832 F.2d 1330 (2d Cir. 1987), *cert. denied*, 108 S.Ct. 1593 (1988); *Wilkinson* v. *Forst*, 717 F. Supp. 49 (D. Conn. 1989).

[17] 112 S.Ct. 2395 (1992).

[18] *Id.* at 2403.

[19] *Id.*

[20] *Id.* at 2404 n.12.

[21] *Id.* at 2403.

[22] *Id.* at 2406 (Chief Justice Rehnquist dissenting).

[23] *Gay and Lesbian Services Network, Inc.* v. *Bishop*, 841 F.Supp. 295 (W.D. Mo. 1993).

[24] *Id.* at 296.

[25] *Stonewall Union* v. *City of Columbus*, 931 F.2d 1130 (6th Cir. 1991), *cert. denied*, 112 S.Ct. 275.

[26] *Long Beach Lesbian & Gay Pride* v. *Long Beach*, 17 Cal.Rptr.2d 861 (Cal. App. 2 Dist. 1993).

[27] In *Pritchard* v. *Mackie*, 811 F.Supp. 665 (S.D. Fla. 1993), the court held that a requirement for the Klan to obtain a $1 million liability policy before it could receive a rally permit violated the first amendment.

[28] 114 S.Ct. 2516 (1994).

[29] Legal scholars disagree regarding the constitutionality of the recently enacted Freedom of Access to Clinic Entrances Act (FACC). *See, e.g.*, Paulsen and McConnell, "The Doubtful Constitutionality of the Clinic Access Bill," 1 Va.J.Soc.Pol'y & Law 261-289 (1994); and Tribe, "The Constitutionality of the Freedom of Access to Clinic Entrances Act of 1993," 1 Va.J.Soc.Pol'y & Law 291-308 (1994).

[30] 114 S.Ct. at 2523-24.

[31] *Id.*

[32] *Id.* at 2525.

[33] *Id.* at 2527.

[34] *Id.* at 2528.

[35] *Id.* at 2529. In *Sabelko* v. *City of Phoenix*, 846 F.Supp. 810 (D. Ariz. 1994), the court ruled unconstitutional an ordinance that effectively rendered sidewalk counseling, whether peaceful or not, dependent on the subjective reaction of the person approached.

[36] *Id.*

[37] *Horizon Health Center* v. *Felicissimo*, 638 A.2d 1260 (Sup. Ct. N.J. 1994).

[38] *Planned Parenthood Shasta-Diablo, Inc.* v. *Williams*, 873 P.2d 1224 (Sup. Ct. Cal. 1994).

[39] 114 S. Ct. at 2528.

[40] *See, e.g., Ward* v. *Rock Against Racism*, 109 S. Ct. 2746 (1989) and *Price* v. *State*, 622 N.E.2d 954 (Sup. Ct. Ind. 1993).

[41] 114 S. Ct. at 2529.

[42] *Id.*

[43] *Id.* at 2529-30. *See also, Frisby* v. *Schultz*, 108 S.Ct. 2495 (1988).

[44] *Id.* at 2430.

[45] *Id.*

[46] *Vittitow* v. *City of Upper Arlington*, 830 F.Supp. 1077 (S.D. Ohio E.D. 1993).

[47] *New York Times Co.* v. *Sullivan*, 376 U.S. 254, 270 (1964).

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 Wowak

While on patrol, Officer Phil Wowak of the Capitola, California, Police Department observed a large plume of smoke coming from a mobile home park. Upon arriving at the park, he found one of the homes fully engulfed in flames and smoke. Unsure whether anyone was inside, Officer Wowak secured a key from a neighbor and entered the home. Inside, he found an unconscious female who had been overcome by smoke and had collapsed on the floor. Officer Wowak sustained first-degree facial burns and smoke inhalation as he pulled the resident out of the home to safety.

Sergeant Sease

Deputy Alban

Sgt. George Sease of the Florence, South Carolina, Police Department and Deputy Jody Alban of the Florence County Sheriff's Department responded to the report of a fisherman who had fallen out of his boat into the icy waters of an area pond. A man who witnessed the accident and came to aid of the victim also had fallen into the water when his boat capsized during the rescue attempt. Sergeant Sease and Deputy Alban retrieved a canoe from the shoreline and paddled to the two men. They first recovered the fisherman, who had been in the water longest and was beginning to complain of chest pains. Officer Sease and Deputy Alban then returned for the other man. The fisherman was transported to a local hospital where he received treatment for chest pains and hypothermia. The other man was treated at the scene by EMS personnel and released.

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 (maximun 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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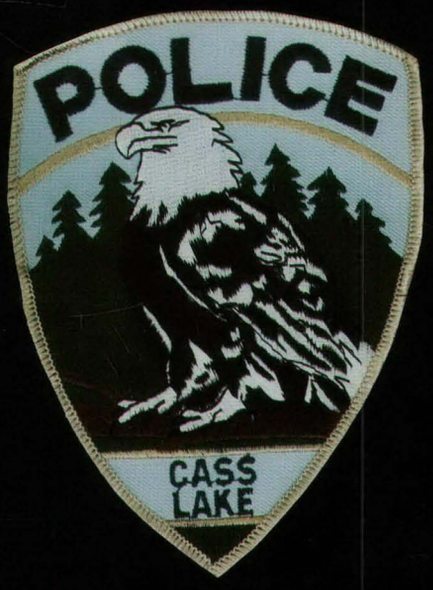
Patch Call

The Guam Police Department patch features insignia from the Guam Seal and Coat of Arms. The canoe represents bravery and adventurous spirit; the coconut tree stands for courage, strength, and usefulness.



The patch of the Cass Lake, Minnesota, Police Department depicts a bald eagle, common to the area, sitting on a tree branch. In the background are pine trees representing the Chippewa National Forest, which surrounds Cass Lake.