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Bike Patrol

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FBI Law Enforcement Bulletin

Features

Departments

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Bike Patrol

Policing Public Housing Developments

By
SCOTT D. GRABIN

A drug dealer completes a sale of crack cocaine to a youth in a public housing development. Suddenly, a specially trained police officer riding a mountain bike confronts the unsuspecting felon. With no time to react, the youth and the drug dealer soon find themselves facing a wall, while being handcuffed and placed under arrest.

The arresting officer belongs to the Bike Patrol Unit of the New York City Housing Police Department (NYCHPD). The department organized the unit in an effort to address the ever-increasing challenges of providing security and a safe

Photo © Ken Sawchuk/NY Newsday

Captain Grabin is a member of the New York City Housing Police Department in Queens, New York.

> ***"Bike patrol officers promote the department's community policing efforts...."***

environment for the more than 600,000 public housing residents in the city.

The Concept

The need for a bike patrol developed out of a desire to improve the quality of life for residents in New York City's public housing developments. Faced with a rising level of violent crime, the NYCHPD wanted to enhance the visibility of officers in the community, thereby accentuating the impact of their presence. The bike patrol concept, currently employed by over 400 police departments across the United States, provided the most cost-effective and environmentally sound approach to patrolling the hallways, walkways, and perimeter streets of the 350 public highrise residential developments in the city.

Program Implementation

Realizing the benefits of obtaining as much information as possible on the bike patrol concept, the NYCHPD chief sent two officers to a "Police on Bikes" conference. There, the officers met with, and learned from, members of police bike patrol units from around the country. After attending this meeting, the officers then visited several departments and saw firsthand how their bike patrols operated. As a result of the conference and onsite visits, the NYCHPD knew what was required to organize an aggressive and effective bike patrol.

After giving the "green light" to the program, department administrators committed personnel and resources to ensure its success. Officers traveled to various sites to receive training, including instruction in bike mechanics. In less than 3 months, NYCHPD officers were patrolling the Housing Authority's highrise buildings on bikes.

Selection of Bike Officers

Nearly 120 applicants vied for 40 available positions after viewing an introductory video on bicycle patrol tactics shown at all command posts. Each applicant underwent a background investigation, which included a review of past disciplinary actions, civilian complaints, and attendance records.

The 40 officers selected for the newly formed unit then received a three-part medical exam before beginning the 1-month training program. The medical testing guaranteed each officer's ability to meet the strenuous physical requirements of the position.

The first part of the test consisted of a blood pressure reading, an audiogram and visual acuity exam (that included distance and color perception testing), a glucose and protein test, an EKG, and a skin caliper measure of body fat. Next, the officers took a stress test to determine cardiovascular fitness and to detect any heart irregularities. The final phase required officers to undergo a step test and flexibility exam. Weight lifting and 20 minutes on a stationary bicycle concluded the final portion. After successfully completing all phases of the screening and testing, the officers chosen for the patrol began their training.

Training

Bike patrol officers complete a rigorous 1-month training program before being assigned to a neighborhood. The program focuses on safety, physical fitness, and bicycle maintenance.

The safety portion of the training program concentrates on riding techniques and tactics and accident prevention. Instructors teach officers techniques for handling weapons while on bike patrol. Their training also includes vehicle stops, takedowns of suspects, and stair climbs, as well as how to perform interior vertical checks of a

highrise building. And, each day during the next month-long program, all officers must complete a 15-mile endurance ride.

Instructors train bike officers in the various tactics used to catch suspects. These maneuvers enable them to alight from their bicycles in the fastest possible manner and to apprehend suspects quickly.

During their training, officers also learn how to use their bikes as defensive tools. For example, they can use their bikes to ram a suspect who is about to club or stab a victim. Or, officers can throw or roll the bike into a suspect, thereby distracting the person long enough for them to draw a baton or firearm.

Uniforms and Equipment

The unit uses 21-speed, lightweight mountain bikes equipped with all-terrain tires and high- and low-beam headlights for night patrols. The bikes also have extended handlebars for added leverage and rear carrying racks for extra equipment. Each bike costs about $600 and is painted blue and white to associate it with the NYCHPD.

The bike patrols operate in all but the most extreme weather conditions. Officers patrol in rain, freezing temperatures, scorching heat, and humidity. Therefore, their uniforms must combine comfort and function, while adhering to the department's strict uniform standard.

The warm-weather uniform consists of a light-blue polo shirt and shorts or loose-fitting cycling pants, a helmet, sunglasses, and gloves. In cold weather, officers wear jackets and pants made of material that is waterproof,

Bicycle Maneuvers

Photo © Ken Sawchuk/NY Newsday

The Power Slide

With the power slide, officers direct their bikes to slide to a particular location. When using the power slide, officers approach a subject at a high rate of speed. On reaching the suspect, they plant either their left or right foot on the ground with the knees slightly bent to make the bike lean away from the suspect. The officers then apply the rear brake with enough pressure to lock up the rear tire, causing the bike to spin around. Power slides can be performed to the right or left side depending on which is the officers' stronger side.

The Panic Stop

To stop the bike at any given moment, officers use the panic stop. In this case, they apply the rear brake to lock up the rear tire and move their center of gravity (torso) to the rear of the seat, causing a controllable skid and stop.

The Rolling Dismount

The rolling dismount is a technique used by officers to get off their bicycles quickly. Officers slow the bicycle down to a controllable speed with one foot on the pedal, while engaging the kickstand with the other foot. The rolling dismount is performed in a quick, fluid motion, ending with the bike in the standby/ready position.

lightweight, and highly visible. Fleece-lined gloves and black boots complete the winter uniform. Each officer is equipped with a special nylon web belt and holster, a .38-caliber revolver, an expandable night-stick, handcuffs, mace, a radio, and a whistle.

On Patrol

Whether responding to calls for service in highrise buildings or conducting an interior vertical patrol, officers rarely leave their bikes unattended. The officers must either stand the bikes upright on the rear wheels and take them into an elevator or carry the bicycles on their shoulders up the stairs of the buildings. For quick checks, officers may search a building's lobby while riding the bike.

Under some circumstances, such as when a number of officers respond, one officer stands by the bikes, while the others enter the building. In emergency situations, officers handcuff the bikes together using special locking cuffs so that all officers can respond.

Bike patrol officers often work with plainclothes anticrime units to provide an added dimension to their operations, particularly in drug enforcement. Because of their ability to approach individuals swiftly and silently, bike officers can apprehend both drug buyers and sellers before either has time to flee or destroy the evidence.

Results

During its first 6 months in operation, the NYCHPD bike patrol made arrests for 156 felonies and 211 misdemeanors and recorded 488 assists and apprehensions. They also recovered 2,817 vials of crack/cocaine, 414 decks of heroin, 65 bags of marijuana, and 30 glassine envelopes of PCP. Furthermore, bike officers recovered 18 firearms and confiscated over $11,250 relating to drug transactions.

Benefits

Deploying officers on bicycles has several advantages. Bicycles allow officers to approach criminals quickly and silently without drawing attention to themselves. Officers can also reach locations inaccessible to other forms of transportation, thereby reducing the risk of losing a suspect in a chase. Furthermore, officers on bikes can cover more territory in less time and with less effort than officers patrolling on foot.

> ***"Bike officers...increase substantially the perception of security among the residents...."***

Bike officers also experience personal benefits. Many officers have become bicycle enthusiasts and have altered their lifestyles to include more exercise and healthy eating habits. Along with better health, officers experience a deeper commitment to their work and a greater sense of esprit de corps. For many, working has become a more pleasurable experience.

Community Relations

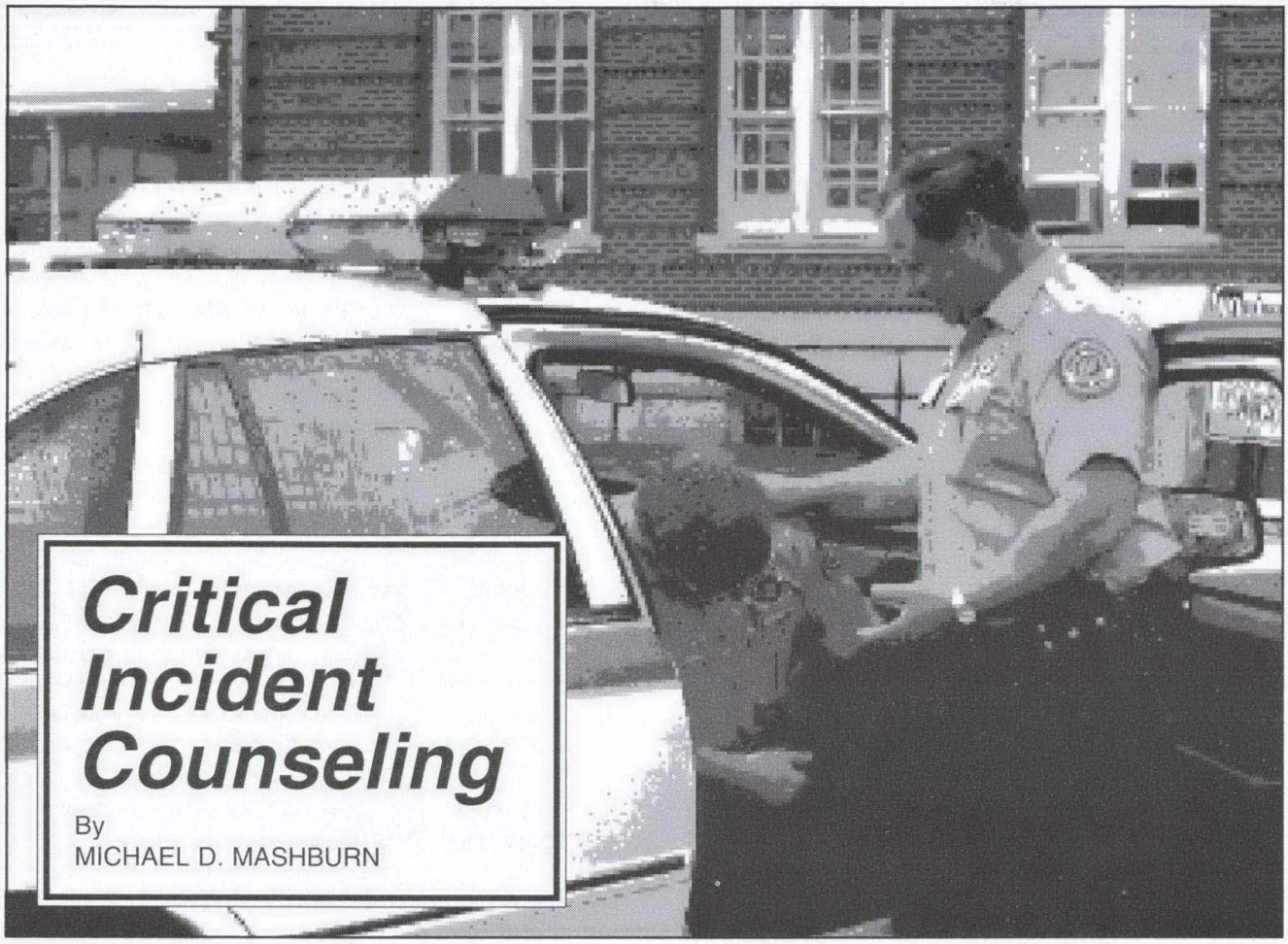
While primarily a crime-fighting force, the bike patrol reaches out to the community by creating a basis for dialogue and positive interaction between the public and the police. Bike patrol officers promote the department's community policing efforts by being more accessible, and residents and employees of the housing developments admit they feel more secure when they see bike officers on patrol. By being highly visible, mobile, and responsive, the officers naturally create a friendly rapport with the community.

For the youth of public housing developments, bike patrol officers have become new role models. Officers freely give bicycle safety and repair tips to the children, who more readily identify with a police officer on a bicycle than with one in a police car with the windows rolled up. As one official put it, "Just as police on horseback attract children, so do police on mountain bikes."

Conclusion

The use of uniform bike patrol units to protect highrise residential developments has proven to be an important and effective crime-fighting tool. Bike officers create an aura of police omnipresence and appear to increase substantially the perception of security among the residents of the patrolled areas.

More important, the bike patrol fits in perfectly with the community policing concept, especially by bridging the gap between the police and the youth of the community. The bike patrol brings the community and the police together. One of the founders of this program in New York stated, "Children find it easier to relate to the police, and residents trust the police again as their neighborhoods become safer places to live."✦



Critical Incident Counseling

By
MICHAEL D. MASHBURN

Many law enforcement administrators fail to recognize the importance of employee assistance programs until a critical incident, such as a shooting or an officer suicide, forces them to consider specific programs for reducing employee stress. Only then do many managers see, firsthand, the need for some type of support system for officers.

For example, when an officer of the Jonesboro, Arkansas, Police Department was found on the police firing range—dead from a self-inflicted gunshot wound—no formal support system existed to help other officers in the department deal with the tragic incident. The deceased officer's act of desperation could possibly have set off several time bombs—emotional maladies that might surface later in the lives of other officers in the department.

Fortunately, some of the officers who were close to the deceased were able to form an informal support group. Meeting with other officers allowed them to discuss their feelings and vent their frustrations among a group of colleagues who understood perfectly the pitfalls of the law enforcement profession.

As department members attempted to deal with the officer's suicide, administrators realized that they needed to take a firmer position on reducing employee stress. As a result, they began to seek ways to help officers cope not only with the stress of critical incidents but also with the stresses of everyday life.

Unfortunately, the oversight of the Jonesboro Police Department with respect to critical incident counseling is not an uncommon occurrence in law enforcement. The law enforcement community has been rather slow to accept the fact that critical incident stress can seriously affect police officers in both their work and their private lives.[1]

This article examines possible cost-effective steps that small departments can take to address the problem of stress within police agencies. It discusses how agency administrators can use inservice training classes to examine what causes stress within their departments, as well as effective ways to deal with the problem. Finally, it suggests possible economical avenues administrators can pursue to provide assistance to officers suffering from anxiety and other post-traumatic incident disorders.

INSERVICE TRAINING

Police administrators need to take a proactive approach when dealing with stress within their departments. They sometimes only get involved when they need to cure a problem, rather than attempting to prevent the problem.

Administrators can begin by instituting inservice training classes that better enable the officers to deal with post-traumatic stress when it occurs. While administrators cannot control all of life's events or the nature of criminal activity that turns to violence, they can take steps to educate officers to deal with them when they do arise.

The initial inservice training class on stress should emphasize the benefits of psychological services, whether these services are provided by fellow officers or by trained professionals. It is important that officers understand that counseling can help them to deal more effectively with certain life events. They must also accept the fact that receiving such help does not belittle or stigmatize them—it is not a reflection on their ability to deal with problems. When officers realize that other colleagues experience the same types of problems, they will be encouraged to openly share their feelings with their peers.[2]

The initial training should also familiarize officers with any department policies that require them to seek professional help in coping with post-traumatic stress disorders. To do this, however, police administrators must develop a policy that dictates how that care will be provided and who will bear the costs of a mental health professional, if one is required.

Through inservice classes, administrators can also prepare officers to support their colleagues who suffer from critical incident stress. Proper training in this area ensures that officers have the support of the department during these incidents. For example, both street officers and supervisors should know how to react at the scene of a traumatic incident and how they can offer reassurance to the officers involved. They should be trained to reduce, not increase, the officers' stress levels. They can accomplish this by distancing the involved officers from the scene. This prevents citizens and the media from confronting the involved officers until they can regain their composure.

Officers should also learn how to interact on a personal level with fellow officers involved in critical incidents. They should make only reassuring and supportive comments to the officers, and they should refrain from making glib or off-colored remarks about the event. Just their presence can offer valuable emotional support.

Furthermore, officers should learn to refrain from making humorous remarks to the involved officer. Humor does not necessarily relieve anxiety. Officers should also refrain from making judgment statements to these individuals. Instead, they should listen to their colleagues and

Captain Mashburn commands the Patrol Division of the Jonesboro, Arkansas, Police Department.

"Officers should not feel that they must deal with stress or critical incidents alone."

express concern about their well-being.[3] Sympathy and understanding go a long way in helping officers to deal with the situation.

METHODS OF SUPPORT

Although inservice training classes can help officers to learn how to cope with the stress caused by critical incidents, departments must also offer some form of extended, organized system for support. While many police agencies cannot afford the expense of retaining the services of a mental health professional, cost-effective means of providing officer support do exist. For example, police administrators can institute internal peer counseling teams or call upon ministers or priests to serve as volunteer counselors.

Internal Peer Counseling Teams

Peer counseling teams can help officers to deal with critical incidents that do not require a debriefing session with a psychologist, such as arguments with spouses, financial matters, or other minor causes of stress. While this process quite possibly already exists within the department in an unofficial manner, the methodology has to be refined to ensure that it occurs in a more efficient, organized, and beneficial manner.

A firm basis exists for implementing peer counseling teams, especially in law enforcement. The very nature of the job makes officers highly suspicious of individuals outside their inner circle. However, officials should address several areas before creating a peer counseling team. In fact, the success of the team may very well depend on the careful selection of team members and a balance in the rank makeup of the group.

Selecting team members

No one better understands the problems of a police officer than another officer.[4] Internal peer counseling teams allow officers to receive help from individuals who understand what the law enforcement occupation encompasses.

> **"No one better understands the problems of a police officer than another officer."**

However, officials should take great care when selecting officers for the peer counseling team. While the size of the department should dictate the size of the team, the composition of the team should depend on how comfortably officers in the department interact with one another with respect to rank. Administrators must decide whether ranking officers alone should serve on the team, whether the team should be a mixture of ranking officers and patrol officers, or whether only patrol officers should serve on the team.

It may also help if team members have experienced difficult times in their careers or private lives, thus giving them a greater capacity for empathy.[5] In other words, those who have already weathered personal battles may be better able to understand how officers in crisis feel.

Training team members

Officers chosen to participate as team members should receive additional training on stress management and counseling. They should learn to act only as sounding boards for the officers by listening sympathetically to their perceptions of what occurred. And, although they should not attempt to act as psychoanalysts, they must be trained to recognize greater, deep-seated problems that may require referrals to qualified therapists. The peer group should realize that it is not capable of handling every situation it encounters.

Members of the peer counseling team should also receive training in an often overlooked aspect of critical incident stress training—officers who witness critical incidents. Officers who witness a shooting incident or a similar traumatic event involving another member of the department may experience the same post-traumatic stress as the involved officer, which requires that they also receive counseling.

Finally, members of the peer counseling team should receive instruction on how to counsel the families of officers involved in critical incidents. Peer counselors can provide further support to affected officers by working with their families. Concerned relatives may have questions about how the incident will affect not only the life of the involved officer but also other family members.

Family members are well aware that critical incidents can affect

officers both administratively and emotionally, placing added pressure on their home lives. However, families can provide great support to officers during critical times. Having this added base of support can impact on how officers survive critical incidents.

As in the case of general stress training, the majority of this training can be given during inservice classes. However, because these training sessions concentrate on how to counsel officers, department officials should contract with mental health professionals to lead these particular classes.

Local Clergy

Another cost-effective way to deal with stress among police officers is to call upon area ministers and priests as volunteer counselors. Generally, these volunteers work on a case-by-case basis and remain on call at all times. This provides employees with a counselor during critical times or when employees simply feel unusual stress in their lives.

As professionally trained counselors, the local clergy can also assist department officials by lecturing at various inservice classes. Using these trained volunteers reduces the need to bring in highly paid mental health professionals.

CONCLUSION

Nothing is more frustrating to street officers than the belief that they are working on their own, without the support of their administrators. They may already feel a lack of public support, believing that their endeavors either go unnoticed or are unfairly scrutinized.

Approximately 70 percent of officers involved in shootings leave their police departments within 5 years.[6] This results in the loss of valuable employees. Sadly, some of these employees may not have been lost had adequate stress training and counseling services existed. Proper training and counseling services give employees an awareness that administrators are concerned about their welfare during both critical incidents and private crises.

Officers need to have adequate counseling services available to them, and they need adequate training in what to expect in the area of critical incident stress. Adequate, accurate, and realistic training make expectations and realities more compatible.[7]

Officers should not feel that they must deal with stress or critical incidents alone. Instead, they must be firm in the belief that they will have the support of the department, their peers, and their families. ✦

Endnotes

[1] Tom Pierson, "Critical Incident Stress: A Serious Law Enforcement Problem," *The Police Chief*, February 1989, 33.

[2] Ibid., 32.

[3] *Training Key #385* (Gaithersburg, Maryland: International Association of Chiefs of Police, 1988).

[4] Robin Klein, "The Utilization of Police Peer Counselors in Critical Incidents," *Critical Incidents in Policing* (Washington, DC: U.S. Government Printing Office, 1991), 160.

[5] Eugene Kennedy, *Crisis Counseling* (New York, New York: Continuum Publishing Company, 1984), 18.

[6] Class lecture by Special Agent James Horn, FBI Academy, Quantico, Virginia, 1992.

[7] James T. Reese, "Critical Incidents, Now There's Help," *Behavioral Science in Law Enforcement*, (Quantico, Virginia: U.S. Government, FBI Academy), 64.

Rethinking SWAT

The April issue featured the magazine's first *Sound Off* column, entitled "Rethinking SWAT," by *Lt. Tom Gabor* of the Culver City, California, Police Department. In the column, Lieutenant Gabor acknowledged that SWAT is an indispensable component of modern policing. At the same time, however, he questioned the need for allocating scarce resources to municipal SWAT units in light of county-wide or regional mutual aid agreements. Lieutenant Gabor also encouraged administrators to reassess the need for SWAT callouts, suggesting that many situations that now result in SWAT deployment could be adequately resolved by patrol units.

This *Sound Off* generated a significant amount of reader feedback. The majority of readers who responded agreed with the author's position. However, readers did express some dissenting opinions.

Corp. C. Carter of the Barstow, California, Police Department concurred with aspects of the column, agreeing that "there are many situations in which patrol officers can get the job done without the need for a SWAT team." At the same time, he expressed concern that "administrators facing budget constraints will use this type of thinking and place the lives of officers and innocents in danger, unnecessarily." Corporal Carter elaborates, "SWAT is like the pistol we carry....We don't want or expect to have to use it every day, but when we need it, we need it now and we want it to work. I think Lieutenant Gabor is on the right track in spirit. [However], rather than rethink SWAT, let's think of how we can take a valuable resource and expand upon it."

Other readers disagreed with the author's assertion that effective protection could be maintained with a reduction in municipal SWAT units. *Lt. Lee D. Rossman* of the West Covina, California, Police Department doubts that eliminating SWAT would produce significant savings, because many SWAT units around the Nation already work within very limited budget constraints—"some to the point where team members buy their own equipment and train on their own time." Referring to the author's overall premise, Lieutenant Rossman expressed concern that "the research was very limited....I would suggest that he attend a National Tactical Officer's Association Conference and learn from SWAT Units throughout the country what their SWAT Units actually do."

Pointing out that county law enforcement agencies face the same budget constraints as municipal departments, *Sgt. Kevin C. Rohrer*, Patrol Division Supervisor and Tactical Unit Leader of the Medina County, Ohio, Sheriff's Department, cautions against "dumping critical incidents in your local sheriff's lap." Although supporting the concept of regionalization in general, Sergeant Rohrer advises agencies to analyze their specific circumstances carefully before disbanding SWAT teams. Agencies should consider "jurisdictional problems" and "response times," as well as other factors, when making any decision regarding reallocation of SWAT resources. Sergeant Rohrer also cautions against an over-reliance upon patrol: "The melting pot of patrol is not the place we can expect to randomly draw people capable of dealing with all situations....Having the services of a small, cohesive group of highly trained and equipped, experienced individuals is the best bet for resolving critical incidents. And that group can only be SWAT." ✦

Feedback provides a forum for reader responses to *Sound Off*, a column in which criminal justice professionals express alternative views on accepted practices or address emerging, and perhaps controversial, issues. The thoughts expressed in these responses are strictly those of the writers and do not necessarily represent the opinions of their departments or the FBI.

Drug Informants

Motives, Methods, and Management

By
GREGORY D. LEE, M.P.A

Law enforcement agencies today face the tremendous challenge of combating drugs on the street. To meet this challenge, they must conduct investigations into the activities of organized drug dealers. With few exceptions, these investigations involve the use of confidential informants (CIs).

Agencies continue to use CIs because they help to solve crimes that may remain unsolved without their assistance. Indeed, relationships between drug investigators and their informants frequently determine the success or failure of an agency's drug enforcement program.

The Drug Enforcement Administration (DEA) has learned through experience that managing drug informants is, at best, challenging. But, if left unchecked, the results may be disastrous. CIs can be both the best friends and worst enemies of the investigators who must deal with them on a regular basis.

Informants in drug enforcement are unique among criminal informants, and perhaps, the most difficult to manage. However, investigators who know what motivates individuals to become informants can manage them more effectively. This article explains these motivational factors and outlines the steps law enforcement agencies can take to ensure the successful management of drug informants.

MOTIVATIONAL FACTORS

Like most people, informants need motivation to produce. In fact, the more motivated they are, the more likely they are to apply themselves to the task at hand and remain committed to achieving success. Therefore, by identifying an informant's true motives, an investigator greatly enhances the successful management of an investigation.

Informants commonly voice a specific motive for providing assistance. However, as a case proceeds and a relationship with an investigator develops, other reasons may surface. Some of the more common motivational factors encountered by drug enforcement investigators are fear, revenge, money, repentance, and altruism.

First, the most frequently encountered motivational factor may

be the CI's fear of punishment for criminal acts. Severe criminal penalties tend to increase the number of persons wishing to cooperate with drug enforcement authorities.

Informants may also fear their criminal associates. Individuals wrongly accused by drug dealers of being informants may then become informants for self-preservation, money, or both.

Next, informants frequently cooperate with the Government to seek revenge against their enemies. Jealousy may also prompt these acts of vengeance.

In addition, some individuals provide information or services for money. These money-motivated informants, known as mercenaries, are usually the most willing to follow the directions of their handlers. Mercenaries frequently possess other motives as well.

Furthermore, repentance can be a motivating factor. Informants often claim they cooperate in order to repent for past crimes. However, this is seldom their only motive for cooperating.

Finally, some individuals are motivated by a sense of altruism. People with professional obligations or feelings of responsibility frequently provide information to the police. Examples of altruistic informants include airline ticket agents and private mail service carriers.

PROBLEM INFORMANTS

Some informants have personalities that make them difficult, if not impossible, to manage. These individuals may also have questionable motives for offering their services to a law enforcement agency. Investigators who misjudge the true motives of informants experience tremendous control problems. This can create safety problems and place department resources and personnel in jeopardy. Therefore, each time informants offer information, investigators should question their motives. Furthermore, investigators should avoid recruiting certain types of individuals, if possible.

Egotistical Informants

These commonly encountered informants may not have received positive reinforcement from their parents or schoolmates when growing up. Consequently, they seek positive feedback from their handlers as their primary reward. Investigators who provide this positive reinforcement motivate egotistical informants to continue supplying quality information. Unfortunately, these informants are often the hardest to handle because their egos prevent them from relinquishing control of the investigation entirely to their handlers.

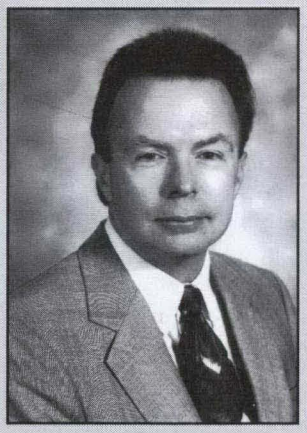
Informants with the James Bond Syndrome

Some persons see their roles as informants as a way to have their lives imitate art. While working as informants, they imagine themselves in a police or spy drama. Sometimes, they even attempt to orchestrate events to parallel a scene from a movie or novel. Frequently hard to handle, these informants often exaggerate their knowledge of criminal activity to enhance the likelihood of their becoming informants.

Wannabe Informants

Wannabe informants are people who, for whatever reason, failed to qualify for a law enforcement position and now seek to become

"Investigators who misjudge the true motives of informants experience tremendous control problems."

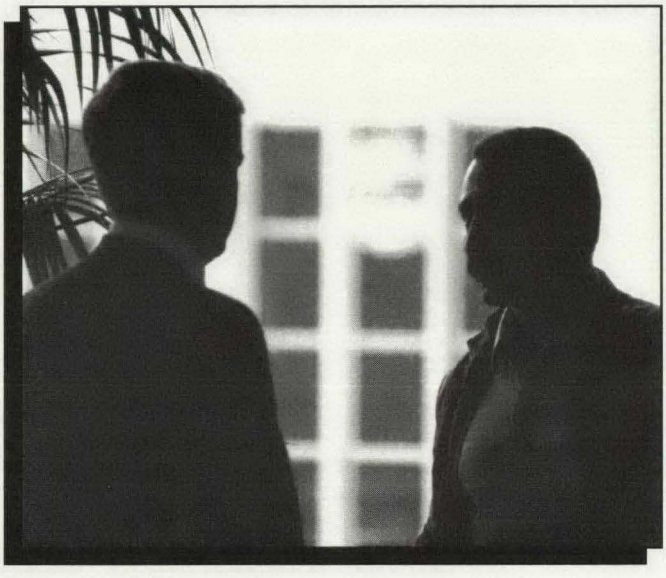


Special Agent Lee is an instructor in the Office of Training, Drug Enforcement Administration, FBI Academy, Quantico, Virginia.

involved in law enforcement as informants. Because they lack criminal associates, these individuals usually cannot provide specific information about drug dealing. Therefore, they do not make good informants.

Perversely Motivated Informants

The most dangerous and disruptive informants in drug law enforcement are perversely motivated CIs. They offer their services in order to identify undercover agents, learn the department's methods, targets, and intelligence, or eliminate their own competition in drug sales. Sometimes, criminal organizations instruct these individuals to infiltrate departments and learn whatever they can to assist the traffickers. These individuals may even provide genuine information about specific events as a decoy to divert resources from more significant trafficking activity.



Therefore, investigators must question all walk-in and call-in informants (i.e., individuals who volunteer their services without prompting), because they may be, or have the potential to be, perversely motivated. After completing a thorough background investigation of CIs, investigators must constantly guard against providing more information to informants than the informants furnish in return. Furthermore, investigators should not discuss with informants specific details about methods and techniques used during drug investigations.

RESTRICTED-USE INFORMANTS

In addition to problem informants, certain other informants,[1] by virtue of their criminal background or other status, pose special management challenges to both investigators and supervisors. Department managers should carefully scrutinize these individuals prior to using them as CIs. Examples include juveniles, individuals on probation or parole, individuals currently or formerly addicted to drugs, felons with multiple convictions, and individuals known to be unreliable.

Investigators should not use these individuals as informants until a supervisor approves them. In fact, because these informants require special scrutiny, only senior investigators should handle them. Furthermore, investigators must constantly reevaluate the motives of these individuals.

DEPARTMENT POLICY

Agencies should not leave the management of drug informants exclusively to investigators. Formulating a written policy ensures consistency in the use and management of CIs and serves as a guide for inexperienced investigators.

The policy should indicate which investigators may maintain informants, as well as who will supervise these CIs. In addition, the policy should clearly establish that informants are assets of the department, not of individual investigators. In this regard, management should both authorize and encourage investigators to share informants. Also, checks and balances must be in place to ensure that the policy is followed.

Policy concerning the management of confidential informants should establish procedures in several areas. These include creating and documenting informant files, debriefing and interacting with informants, and determining methods and amounts of payments for services rendered.

The Informant File

Investigators should formally establish files for CIs who regularly furnish information to investigators, as well as for those who expect compensation for information they supply. Informant files document the investigators' interaction with them. In fact, investigators should

not use any source that cannot be documented.

Although investigators should document their contacts with CIs, not everyone in the department needs to know an informant's identity or have access to informant files. Access should be on a "need-to-know" basis, including only those investigators and their supervisors who deal directly with the informant.

To further protect informants' identities, investigators should use code numbers in lieu of informants' names in investigative reports. Informants should keep the same number throughout their working relationships with the department.

The informant file should include information pertaining to the CI's vital statistics, such as physical description, work and home addresses, vehicles driven, contact telephone numbers, next-of-kin, etc. NCIC searches, completed before the informant is used and then systematically thereafter, ensure that the informant has no outstanding warrants. These records should be kept in the informant's file, along with the CI's photograph, fingerprints, and FBI and State "rap" sheets.

Establishing an informant file sends a not-so-subtle message to CIs that investigators document every encounter and verify all information that CIs supply. Such documentation may also deter a perversely motivated informant.

In addition, informant files enhance the credibility of the department in the eyes of the court and the public, who view CIs as inherently unreliable and who may believe that the agency fabricated information. Therefore, every time the informant provides information concerning an actual or potential criminal matter, the agency should include a written report detailing this information in the file. The original should remain in the CI file, and a copy should be maintained with the case file.

> ***"...department policies should preclude contact with informants outside the scope of official business."***

The department must also document what steps it takes to corroborate information provided by the CI. This is especially important when informants act unilaterally. As a matter of policy, all CI information should be verified regardless of the CI's past reliability.

Informant Debriefings

Each time investigators initiate investigations based on information received from a CI, the designated handler should interview and debrief the CI in order to ascertain the informant's motive(s) and to advise the informant of the department's rules. For example, informants should know that they carry no official status with the department, that the department will not tolerate their breaking the law or entrapping suspects, and that the department cannot guarantee that they will not be called as witnesses in court.

At the end of the interview, the investigator should put this information in writing in an "informant agreement." This agreement should be signed by the informant, witnessed by the handler, and placed in the informant's file. Investigators should debrief their informants on a regular basis—for example, every 30, 60, or 90 days—to keep them active, or if necessary, to terminate their association with the department due to lack of productivity.

Investigator-Informant Contact Procedures

The department must establish investigator-informant contact procedures and train employees in their use. For example, the handler should meet with the informant in private, if possible, but always in the presence of another investigator. In fact, the department should either strongly discourage or prohibit investigators from contacting informants alone, especially if the officer plans to pay the informant. Meeting with or paying a drug informant alone leaves the officer and the department vulnerable to allegations of wrongdoing.

Although informant handlers often develop special working relationships with their informants, department policies should preclude contact with informants outside the scope of official business. Investigators must keep their relationships with CIs strictly professional. This is particularly important when the informant and the investigator are not of the same sex. Policies should also expressly prohibit such contact as socializing with informants and/or their families, becoming romantically involved with or

Seven Steps To Successful Informant Management

Following these steps will greatly enhance the likelihood of managing informants successfully.

1. **Identify potential informants**. Recognize potentially productive informants. Investigators develop this skill with experience.

2. **Recruit informants**. Establish a rapport and explain the department's policy on awards and rewards in order to recruit informants.

3. **Document all contacts**. Document and maintain informant files to give a true picture of performance. Update files whenever changes occur.

4. **Develop relationships**. Know the limitations of individual informants, but do not accept anything less than their maximum effort.

5. **Maintain relationships**. Keep informants active by exposing them to situations that enhance, not limit or restrict, their ability to perform at their maximum potential.

6. **Use informants to the fullest**. Continue to use informants to keep them from losing interest. Encourage other investigators to task these informants.

7. **Control informants**. Manage informants successfully by controlling them. Investigators cannot allow informants to run investigations, regardless of how insistent or argumentative they become. Investigators ultimately make the decisions during cases, and informants must realize this.

conducting nonpolice business with them, and accepting gifts or gratuities from them.[2]

To ensure adherence to department policy, supervisors should review informant files regularly. In addition, they need to attend debriefings periodically to oversee the entire informant management process.

Finally, department administrators must establish procedures for investigating alleged policy violations by investigators or informants. Thorough investigations of this type maintain the integrity of the department by dispelling any notion that the department does not enforce its own policies.

Informant Payments

CI payments can be divided into two distinct categories—awards and rewards. Awards take a monetary form. They are based on a percentage of the net value of assets seized during a drug investigation as a result of information provided by a CI. Advising the informant of the exact amount of the percentage at the beginning of the case provides incentive for the CI to seek out hidden assets that might otherwise go undetected. However, because payments based on seized assets are not universally accepted in the courts, the investigator should consult the case prosecutor before promising a specific amount to the informant.

Rewards, on the other hand, do not represent a percentage of the value of the seized assets. Amounts are usually determined by the type and quantity of drugs seized, the quality of case produced, the number of defendants indicted, the

amount of time and effort the CI exerted, and the danger faced by the CI during the course of the investigation. Unlike awards, rewards come directly from an agency's budget.

While an informant might receive money as a reward, many informants cooperate with law enforcement agencies to receive a reduced sentence for a pending criminal matter. Regardless of the form of compensation, the department's policy must address under what circumstances an informant qualifies for an award and/or reward, who can authorize such payments, and under what conditions payments will be granted.

Although many informants receive substantial *awards* when they locate the assets of drug dealers, agency budgets may limit the dollar amount of *rewards* paid to informants. For this reason, investigators should exercise caution when explaining the payment policy to informants. They should avoid mentioning a specific dollar amount the informant will receive. Otherwise, the informant may try to hold the department to that amount, regardless of future budgetary constraints.

In addition to providing awards and rewards, departments can reimburse informants for expenses incurred during an investigation. In fact, the department may wish to reimburse the CI with small amounts of money beyond actual expenses as added incentives to continue working.

It is highly recommended that informants be paid only in the presence of witnesses, with the final payment being made after all court proceedings have been completed to help ensure the informant's presence at the trial. Once a payment is made, a record documenting the date, exact amount, and who made the payment must be included in the CI file in anticipation of future court inquiries.

OTHER CONSIDERATIONS

Agencies should conceal informants' connections to the department. Informants should not receive business cards that imply they work for the department. This will also prevent CIs from posing as investigators.[3]

CONCLUSION

A clear, written policy on establishing and handling informants serves not only as a guide for inexperienced investigators but also helps to ensure that all investigators handle informants consistently and correctly. This protects both the department and its personnel.

Confidential informants may be the best assets law enforcement agencies have at their disposal. Whether acting out of a feeling of honor or a love of money, they can provide valuable information that often leads to successful prosecutions. Officers who learn to handle these informants effectively—whatever their motives—can help society win the war on drugs.✦

Endnotes

[1] Drug Enforcement Administration, *Agents Manual*, Appendix B, "Domestic Operations Guidelines," sect. B.

[2] DEA Integrity Assurance Notes, Volume I, Number 1, Aug. 1991.

[3] Supra note 1, sec. 6121.2A.

Wanted: Photographs

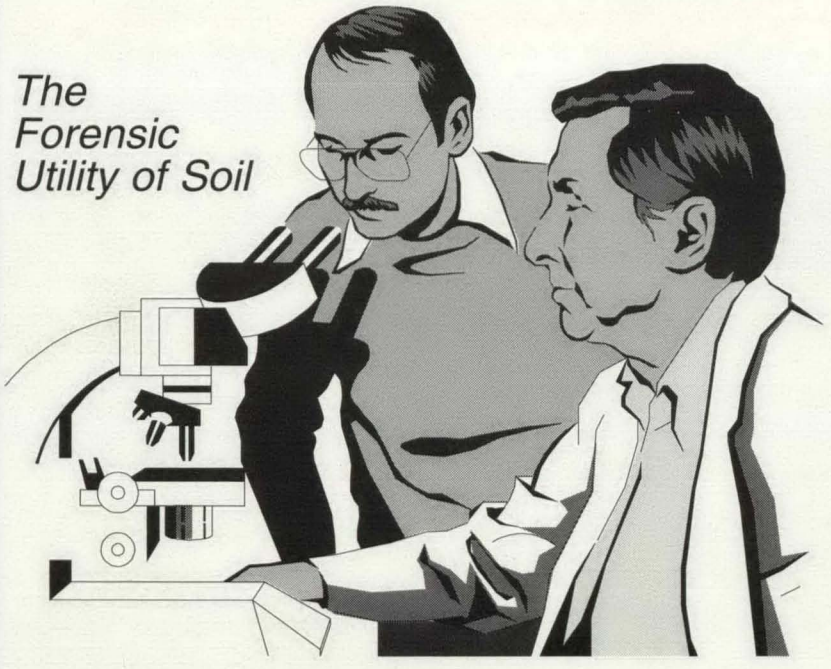
The *Law Enforcement* staff is always on the lookout for dynamic, law enforcement-related photos for possible publication in the magazine. We are interested in photos that visually depict the many aspects of the law enforcement profession and illustrate the numerous tasks law enforcement personnel perform.

We can use either black-and-white glossy or color prints or slides, although we prefer prints (5x7 or 8x10). Appropriate credit will be given to contributing photographers when their work appears in the magazine. We suggest that you send duplicate, not original, prints as we do not accept responsibility for prints that may be damaged or lost. Send your photographs to:

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

Focus on Forensics

The Forensic Utility of Soil



By Bruce Wayne Hall, M.A.S.

From 1990 to 1992, investigators with the New York City Police Department (NYPD) conducted a joint investigation with the FBI, the Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco and Firearms into an organized crime family. An element of the investigation involved the shallow burial of five murder victims on Staten Island. NYPD investigators forwarded digging tools seized as evidence during the investigation, as well as soil samples, to the FBI Laboratory for examination to determine whether the implements were used to bury the victims.

Investigators packaged two shovels and a pick separately, ensuring that brown paper bags sealed with evidence tape protected the blade and head portion of each tool. They also selected known soil samples from each of the five graves, based on noticeable color changes in the soil profile. (Differences in soil composition and texture generally manifest themselves through changes in soil color.) Investigators packaged these soil samples in labeled 35 millimeter (mm) film canisters. Additionally, they drafted a dimensional crime scene sketch that depicted grave locations and relevant landmarks.

The map assisted personnel from the FBI Laboratory in providing additional investigative assistance. While on site, Laboratory personnel collected additional soil samples taken randomly at distances ranging from 100 yards to approximately one-half mile from the gravesites. The personnel also collected "alibi" samples—specimens that could confirm alternate and legitimate sources of the soil. These came from two residences where the shovels and pick could have been used for gardening or other purposes.

Prior examination of the tools revealed a small amount of soil (one-half of a film canister) from one of the shovels suitable for comparison. Soil samples recovered from the other shovel and the pick were contaminated by oil and rust, thereby limiting their forensic value.

Based on color, texture, and composition, Laboratory examiners determined that the soil recovered from the shovel shared characteristics with the soil taken from the burial sites. Conversely, gross dissimilarities existed between the soil on the shovel and that collected at the residences, effectively eliminating those areas as possible sources of the soil. During two separate trials, expert testimony regarding the soil samples contributed to the conviction of two principal members of the organized crime family.

FORENSIC VALUE OF SOIL

This case demonstrates the potential forensic value of soil when investigators properly collect, preserve, and package evidence before forwarding it for laboratory examination. Sometimes, attempts to exploit the forensic benefit of soil analysis meet with limited success, due to improper evidence collection

and documentation. To ensure the best possible results, investigators are reminded to appreciate the nature of soil and follow certain guidelines when collecting, documenting, and forwarding soil samples, tools, and related items to the FBI Laboratory for examination.

The Nature of Soil

Soil can generally be considered the natural accumulation of weathering rocks, minerals, and decomposing plants. The formation of soil represents a dynamic process, influenced by a number of factors, including climate, geologic parent material, relief, biological activity, and time. Soil may develop in place *(in situ)* or after being deposited by wind, water, animals, or human activity.

> **"...proper documentation of an adequate number of samples greatly increases the likelihood of associating soils that share a common origin."**

Additionally, and of particular forensic significance, soil may contain materials produced by humans, such as brick fragments, roof shingle stones, paint chips, glass, and other items. Because these materials improve characterization, they may strengthen the association between specimens.

Soil varies laterally—that is, across the land surface—from place to place. These changes may be abrupt, occurring within a few meters, or gradual, over tens of meters. Soil also varies vertically, as a function of depth. Changes in soil relating to either of these dimensions are sensitive to the influences of nature and human activity.

Collection Guidelines

The nature of soil makes it imperative that investigators properly document the exact location from which they collect soil samples. Hand-drawn or detailed commercial maps best illustrate specimen collection sites, as well as their spatial relationships.

Questioned samples taken from the ground surface, such as those taken from the tread pattern of a shoe, should be compared to known specimens collected from like places. Further, because time governs the factors that affect soil formation, timeliness in evidence collection is important.

To ensure that examiners possess an adequate representation of soil variability, investigators should collect a sufficient number of known soil specimens at crime scenes and from surrounding areas. Establishing the uniqueness of the soil at a particular location to the exclusion of others greatly strengthens the association between specimens.

Of course, the available amount of suitable soil can limit the significance of the comparison. While in most cases, investigators cannot control the amount of *questioned* soil available for comparison, they do have substantial control over the number of *known* specimens collected.

In most cases, a 35mm film canister of soil from each location is sufficient for comparison. The nature of the crime scene and the investigation generally dictate the number of samples needed.

All samples should be packaged dry, sealed, and properly labeled. Investigators must allow moist soil samples to air dry overnight at room temperature before packaging. Overlooking this step has resulted in the receipt of some rather exotic "terrariums" within samples. Plant nutritional demands can also alter soil characteristics, and consequently, undermine the effort involved and the value of the soil comparison.

In addition, investigators should not overlook the collection of alibi soil samples. They should collect these alibi samples from any area that suspects could claim as the source of the questioned soil. A suspect may contend, for example, that soil recovered from the shovel used to dig a victim's grave actually came from a garden. As with the New York case, if forensic examiners can identify dissimilarities between the soil found on a shovel and that of the suspect's garden or yard, they can eliminate the garden or yard as possible sources.

FORENSIC SOIL EXAMINATION

When soil samples and related items are forwarded to the FBI Laboratory, qualified examiners conduct a forensic soil examination. This

examination compares two or more specimens to determine if the soil can be linked by demonstrating a common origin.

Laboratory personnel perform the examination by comparing the color, texture, and composition of the soil samples. Because these characteristics result from locality-dependent factors and are sensitive to a variety of influences, differences in the characteristics tend to disassociate two soil samples. Therefore, proper documentation of an adequate number of samples greatly increases the likelihood of associating soils that share a common origin. This, in turn, can provide crucial forensic evidence to associate—or disassociate—suspects with particular crime scenes.

CONCLUSION

While forensic soil examinations can yield important information concerning crimes, successful results depend on proper evidence collection and handling by case investigators. By understanding the vulnerability of earthen materials to contamination, and by following appropriate packaging procedures, investigators can preserve the potential forensic value of soil-related evidence. ✦

Special Agent Hall is a forensic mineralogist in the FBI Laboratory, Washington, DC.

Crime Data

Law Enforcement Officers Slain

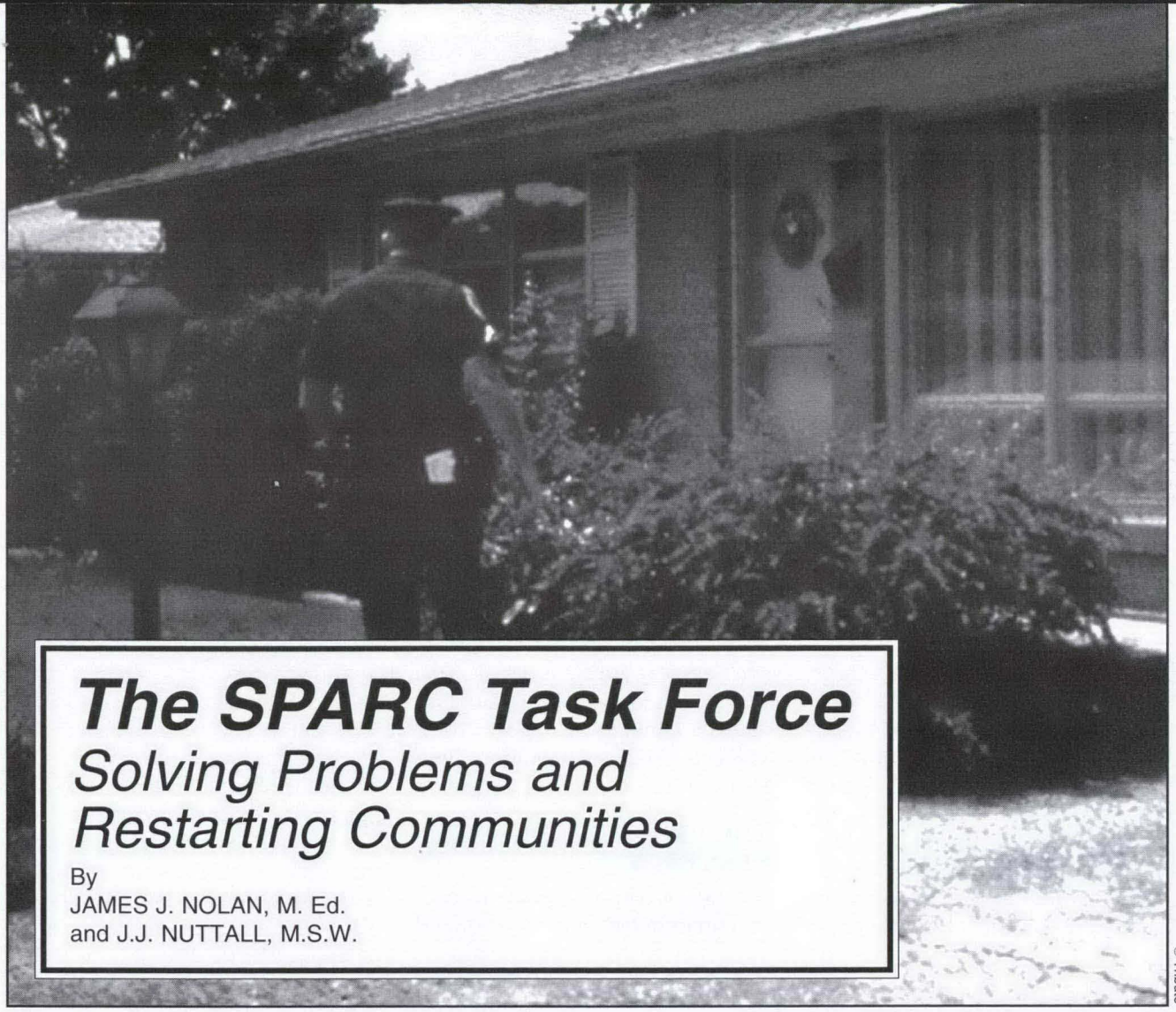
During 1992, 59 law enforcement officers were killed feloniously in the line of duty, according to preliminary figures released by the FBI's Uniform Crime Reporting Program. This represents the lowest annual total of officer deaths recorded in the past 20 years.

As in previous years, firearms continued to be the weapon most used in the slayings. During 1992, handguns were used in 40 of the murders, rifles in 9, and shotguns in 2. In addition, one officer was killed with a knife, one was killed by a bomb explosion, two were beaten with blunt objects, and four were intentionally struck by vehicles.

Twenty-five officers were slain during arrest situations, including 9 while preventing robberies or apprehending robbery suspects, 5 while apprehending burglary suspects, 3 while involved in drug-related situations, and 8 while attempting arrests for other crimes. Eleven officers were answering disturbance calls when slain, 9 were enforcing traffic calls, 7 were investigating suspicious persons or circumstances, 4 were ambushed, 2 were handling mentally deranged persons, and 1 was handling a prisoner.

Nineteen officers were wearing body armor at the time of their deaths, and 3 were slain with their own weapons. Law enforcement agencies have cleared 54 of the 59 slayings.

Geographically, the Southern States recorded 27 officer slayings; the Western States, 13; the Northeastern States, 8; the Midwestern States, 6, and Puerto Rico, 5. An additional 63 officers lost their lives due to accidents that occurred while performing their duties. ✦



The SPARC Task Force

Solving Problems and Restarting Communities

By
JAMES J. NOLAN, M. Ed.
and J.J. NUTTALL, M.S.W.

Community policing has recently gained prominence in the United States. While one might think that this often-used phrase has a clear-cut definition, it is, in reality, fast-becoming the law enforcement buzzword for the 1990s. In fact, community policing has different meanings for different people. How it is defined, perceived, and implemented depends on many things, such as the type of jurisdiction; the environment; the culture, including institutional and social roles and norms; and the demographics and socioeconomic conditions of the area.

Despite this ambiguity, all successful community policing efforts incorporate several core principles. They include empowering communities to solve their own problems, creating a process for addressing complex community safety problems, developing comprehensive solutions, and implementing these solutions through a coordination of services.

The Wilmington, Delaware, Police Department proved that these principles work when it applied them to a situation encountered in the community that had both law enforcement and social considerations. This article discusses how the department successfully combined these concepts with an interdisciplinary task force in order to solve a complex and chronic community safety problem.

THE PROBLEM

Residents of a Wilmington community frequently complained to police about a home in their neighborhood. Officers made service calls to this address for a variety of reasons, including drug sales, disorderly conduct, gambling violations, assaults, domestic disputes, and health and fire code violations. In fact, police records showed that officers responded to this particular

address 50 times during a single month.

Thirty-five people—all family members—lived in the dilapidated, owner-occupied, three-story, city row home. The bathroom and kitchen were virtually inoperable. Residents had no food, refrigeration, or bathing facilities. Dirty clothes were piled almost to the ceiling. Eight beds accommodated all 35 residents, many of whom were school-aged children.

Various State social service agencies made many attempts to encourage the occupants to improve their living conditions. The city's Department of Licenses and Inspections declared the house unfit. The fire department cited the owners of the residence with numerous fire code violations. The State's Division of Child Protective Services was intermittently involved with the family, as was the Department of Health and Human Services. Officers from the police department's drug unit made cocaine buys from the house and raided it—finding crack cocaine, heroin, and drug paraphernalia during the search.

Despite these *individual* attempts to resolve the problem, it worsened, further upsetting area residents. Clearly, the police department and the city needed to commit to solving this dilemma collectively.

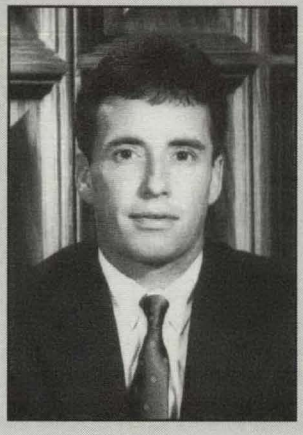
Finally, all agencies coordinated their efforts to address the problem. By forming a task force, the agencies helped both the family and the community. They also developed a strategy to address future issues of this type.

THE PROBLEM-SOLVING STRATEGY

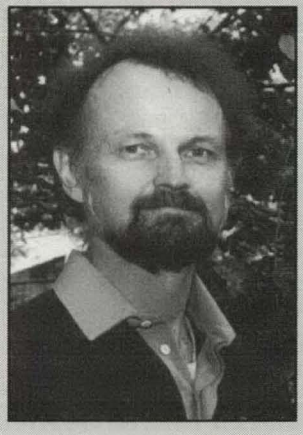
A vast range of problems occur in communities and subsequently come to the attention of police. The majority of problems are relatively minor ones reported to an officer by a citizen. The officer then solves the problem personally or refers the citizen to the appropriate government agency.

Some problems are more complex and require more planning and collaboration between police, government agencies, and citizens in order to develop effective solutions. Ideally, these problems are discussed at community meetings held within the affected neighborhood.

The most complex problems encountered by police officers require a maximum coordination of effort to resolve. A task force consisting of department/agency heads committed to developing comprehensive solutions to complex neighborhood issues can best address these problems. The case encountered by the Wilmington Police Department required exactly this type of solution, and thus, the Solving Problems and Restarting Communities (SPARC) Task Force was created.



Lieutenant Nolan serves as project director for the community policing component of the Wilmington, Delaware, Police Department's Weed & Seed Program.



Mr. Nuttall heads Community Based Services for the State of Delaware's Division of Youth Rehabilitative Services in Wilmington, Delaware.

THE SPARC TASK FORCE

In July 1992, the Wilmington Police Department began formulating a process to address complex community safety problems. What evolved over a period of several months—and is actually still evolving—is an interdepartment/agency task force named SPARC.

The SPARC Task Force consists of one representative and one alternate from each city department. Each member must possess the authority to make decisions and

to commit the resources of the department they represent. In addition, for efficiency, SPARC divides its responsibilities between community policing officers, who play a primary role in the problem-solving process, and task force members.

The task force, which meets monthly, strives to develop comprehensive, holistic solutions for the city's most complex problems. To do this, the task force applies what is known as the SARA Model.

The SARA Model

SARA is a four-step, problem-solving model used to examine and respond to community problems systematically.[1] It includes scanning, analysis, response, and assessment.

Scanning

In the scanning phase, community policing officers first identify and frame the problem(s) that the task force will address. The officers formulate potential task force problems based on their own individual experience on the street, as well as observations or information provided by other police officers, city departments, or organized neighborhood groups.

Issues of concern can also result from the identification of clusters of similar problems. These problems may be grouped by location, type of complaint, time of day, or time of year. For example, police officers responding to a certain location each shift—even if the types of complaints are different—would cluster these complaints together to form one problem area. After formulating the problem, the officers conduct their analysis.

Analysis

During the analysis phase, community policing officers conduct a thorough, preliminary background study of the problem. This study includes such elements as prior calls for service via 911, the location's history, background interviews with neighbors, arrest histories of suspects, and so on. The analysis—like an investigation—incorporates information from a variety of criminal justice and noncriminal justice sources. As a result of this analysis, officers can create more effective responses that concentrate on developing complete, rather than piecemeal, solutions to problems.

> ***"The task force... strives to develop comprehensive, holistic solutions for the city's most complex problems."***

Response

After defining (scanning) and analyzing the problem, the community policing officers present the case at the monthly SPARC Task Force meeting. The task force then develops an action plan based on information accumulated in the analysis. Responses are comprehensive in scope and address all aspects of the problem, including a strategy to implement the response.

Assessment

After implementing the response, community policing officers conclude the process by conducting an assessment to determine whether it was resolved either totally or in part. Due to the complexity and recurrence of certain problems, the task force may work on a single problem for several months, while reporting back monthly on the "work in progress."

To determine whether an issue was resolved, officers research the number of calls for service reported through 911. A substantial reduction in the number of calls would be a measure of success.

In addition, community feedback indicates the effectiveness of a response. While officers may perceive that a problem has been solved, the community may disagree. Therefore, a quality control survey, including such questions as, "From your perspective, is the problem completely solved?" and "What more would you like to see accomplished regarding this problem?" can help officers to determine whether the problem was solved to the community's satisfaction. These surveys measure the success of a program in terms of quality, rather than quantity, as is normally the case in police environments.

SPARC In Action

After reviewing the previously described case, Wilmington's SPARC Task Force decided to take immediate action to remove the family from the house, something that the city had unsuccessfully attempted for more than a year. Because cooperation from the family

would facilitate the move, the task force developed what they referred to as "the hammer," a not-so-subtle form of encouragement. That is, the task force threatened intensified legal action against the owner for the previously cited violations, if the conditions were not resolved immediately.

As a result, the fire chief issued a letter demanding that the family vacate immediately because of imminent risk to the family and the neighborhood if the house caught fire. In addition, the licenses and inspections department sent criminal citations.

Finally, the task force offered to help the family. The task force decided that a smaller working group made up of representatives from city departments, State agencies, and private, community-based organizations that already had a stake in the successful resolution of this problem seemed best suited to work with the family. This group worked to find alternative housing and immediate services needed by the family during this transition period.

During the first few weeks of the project, the family divided itself into seven smaller units and worked with the task force group and a private, community-based organization to find temporary, and in some cases, permanent housing. The State's Division of Child Protective Services and Health & Social Services began working more closely with the remaining family members to obtain the services they needed. The city's Department of Public Works, the Department of Licenses & Inspections, and the police helped the family to clean out the house and secure the windows and doors with boards. The city's Department of Real Estate and Housing is currently renovating the house with funding, materials, and labor provided by private, nonprofit, community-based organizations.

The SARA Model
Task Force Member Responsibilities

Step	Task	Primary Responsibility	Secondary Responsibility
Scanning	Identify and Formulate Problem(s)	Community Policing Officers	SPARC Task Force Members
Analysis	Conduct Background Investigation	Community Policing Officers	SPARC Task Force Members
Response	Develop Action Plan	SPARC Task Force Members	Community Policing Officers
Assessment	Evaluate Program Success	Community Policing Officers	SPARC Task Force Members

Results

After this action, calls for police service at the residence fell from 50 a month to 0. The neighbors have expressed appreciation for the comprehensive process and results. Criminal activity no longer occurs at the residence. Further, the city helped the family by providing housing and services, instead of arresting them. Equally important, the family and the community now perceive the police as helpers, not just punitive enforcers.

Indeed, throughout this process, the police and other agency employees viewed the family neither as poor souls who needed help nor as criminals who were committing crimes. Rather, they regarded the

family members as equals on whom the rest of the team depended to do their share in getting the jobs done. In this way, the family met the objectives that they participated in setting. They also learned how to use community resources to assist them in the future, if necessary.

A key factor in the success of this scenario was the commitment, cooperation, and coordination of all city departments and participating agencies in developing and implementing a comprehensive strategy to solve this problem. Many of the agencies had worked separately with this family for years without success. However, by working together, they enhanced their effectiveness and actually solved the problem.

CONCLUSION

The SPARC Task Force continues to meet on a monthly basis. In addition to continuing the comprehensive efforts on behalf of this family, the task force has identified other complex and chronic social/law enforcement problems deemed suitable for this holistic strategy.

Instead of responding reactively to individual community complaints, community policing officers apply the principles of problem-oriented policing to the issues they face every day. This proactive approach benefits not only law enforcement and other service agencies but also the citizens they serve. ✦

Endnote

[1] W. Spelman and J.E. Eck, "Problem-Oriented Policing," *National Institute of Justice, Research in Brief*, Washington, DC, 1987.

Author Guidelines

Manuscript Specifications

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

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

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 will generally not be given to an article that has been published previously or that is being considered for publication by another magazine. Articles that are used to advertise a product or a service will be rejected.

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.

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Point of View

Police and the Media

By Penny Parrish, M.Ed.

He outweighed me by more than 100 pounds, and when he saw me, his face turned brick red with anger, despite the below-zero windchill on this winter night. He was a sergeant with the Minneapolis, Minnesota, Police Department, and I was an intern with the department. But, I was also a member of the media, and he hated the media. Together, we responded to an officer-involved shooting.

It is very rare when a working journalist, especially a media manager running the newsroom at a local TV station, is allowed to participate in an internship program with a police department. But, I was also working on my degree in law enforcement, and to get from the textbooks to the real world, I needed some practical training and experience.

During my meeting with the police chief regarding the internship, I told him the purpose of my education and the reason for my request. I explained that the media do not really understand the law enforcement profession, and that by working with the department, I hoped to gain some knowledge and understanding of policing that I could take back to the newsroom. After setting some firm rules regarding data privacy and confidentiality, the chief granted my request.

Since then, I have talked with dozens of law enforcement personnel and members of the press about media issues and have learned that each group has a separate agenda. Too often, the press calls the shots, putting law enforcement on the defensive. But, I also realize that law enforcement could improve its relations with the media by merely focusing its efforts on a few important areas. Specifically, I believe that media training for first-line officers, the media's portrayal of police work to the public, and the attitudes of officers toward the media are just some of the areas that need to be addressed by police administrators.

Media Training

Departments should train all first-line personnel on media relations and not direct such training solely toward managers. It is the street officers and investigators at the crime scene or disturbance who must deal with the cameras, microphones, and tape recorders. They are the ones who should learn how to handle photographers who believe that the yellow tape applies to everyone but them. These officers need to know how to intervene when they see a reporter interviewing a witness before they have the chance to do so. And, they should be able to deal with live TV shots.

Ms. Parrish is a law enforcement consultant on media issues in Bloomington, Minnesota.

Even if a department has a public information officer, the pictures that appear in print or the sounds and images on the evening news often feature street officers. A misguided remark or action will undoubtedly appear in the story, and the department may have to go on the defensive to explain it. Unless first-line personnel are media-wise, they could become the story themselves.

Media Portrayal of Policing

The community judges law enforcement personnel by what appears in the media. Very few citizens have direct contact with police officers. So, they make decisions on the police department's effectiveness based on what they read, see, or hear.

For these reasons, departments should develop a proactive approach to the media. Departments should get the good story out by calling press conferences in a timely and informative manner. One way to do this is to determine media deadlines and then provide useful information for their reports.

Television, radio, and the print media provide a forum for a department's accomplishments and

policies. Law enforcement managers should appear before the public frequently to show direct involvement in the fight against crime. In other words, they should make the media react to them.

Attitudes

The antimedia bias expressed by law enforcement officers is often born out of ignorance about journalists and their work. Modifying the attitudes of department personnel toward the media should begin with recruits at the training academy and continue through inservice training. Until officers are educated about the effect the media can have on the department, the power of the media works against the police rather than for it.

In the same vein, inservice training for law enforcement personnel can help to dispel rumors and set standards for communication between the department and the media. Administrators can extend this exchange of information to journalism schools by working with professors to bring in officers as guest lecturers.

> **"Law enforcement officers and the media need to talk, and listen, to each other."**

Camera Omnipresence

Officers should operate under the premise that cameras are everywhere. In the past, everyone was on the lookout for the bulky news camera. Now, with the smaller versions on the market, cameras can be in the hands of private citizens or hidden in various containers by enterprising investigative reporters.

Any and every action taken by an officer can end up on the 10 o'clock news or on the front page of the newspaper. Cameras are part of the ultimate "watchdog" role of the media, but they can also be the ultimate catastrophe for a police department.

Advice to Managers

More than ever before, law enforcement departments are operating under more criticism and public scrutiny. This level of examination will continue to grow with advances in broadcast technology. Managers can either throw up their hands in exasperation or take steps to deal with it.

If managers decide on the latter course of action, they must begin by opening up a dialogue between the police department and the media. The media has the power to portray law enforcement officers in either a good or bad light to the people in the community. Unfortunately, the "bad" stories tend to stay in people's minds, which is why departments need to explain what policing is like in this day and age.

Administrators can start by comparing reality and fantasy. America has a fascination with the police, which is obvious by the countless hours and high ratings of television shows based on law enforcement. The majority show "good cops" engaged in heroic acts. The same holds true for movies. It's time for the public to learn about the good cops in your department. Police administrators need to use the media to get the message out.

Granted, the adversarial relationship between law enforcement and the media will probably never disappear. Officers who have been "burned" by a reporter will never forget it. Reporters who have been "shafted" by an officer will always remember. I know that memories of my encounter with the sergeant will remain with me forever. I witnessed firsthand intense dislike toward the media. But, I also realize that nothing positive can come from resentments that are allowed to fester on either side.

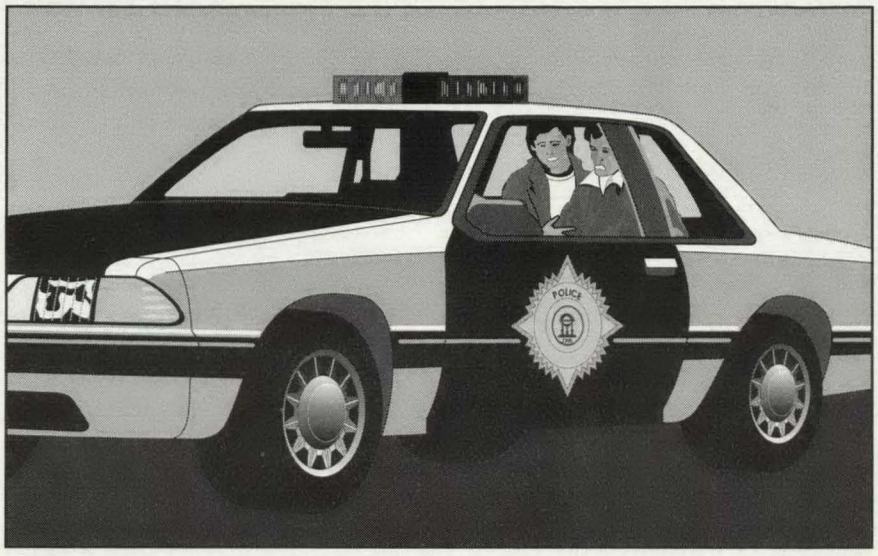
I urge police administrators to meet with journalists immediately after a story unfavorable to the department airs or appears in print. A healthy discussion might lead to more fair or favorable coverage in the future.

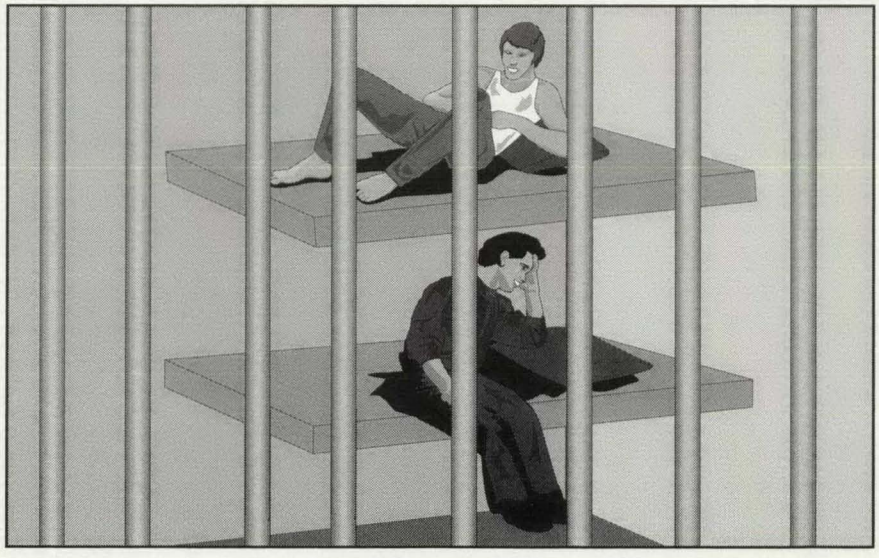
Law enforcement officers and the media need to talk, and listen, to each other. Urging officers to spend a day with a news crew or inviting media managers to participate in a ride-along, without the cameras, might open the lines of communication and foster a free exchange of information. Both sides will probably end up somewhat amazed at how the other side operates. A mutual understanding and respect for each other's profession can go a long way. ✦

Surreptitious Recording of Suspects' Conversations

By
KIMBERLY A.
CRAWFORD, J.D.

"Talkative people say many things in company which they deplore when alone."[1]
—Antonio de Guevara





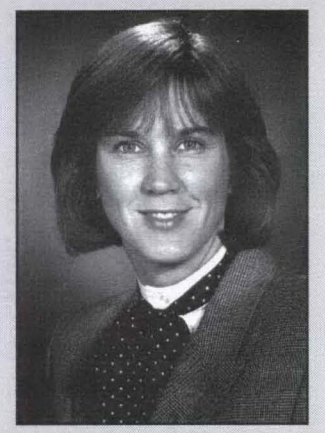
Whether in a prison cell, interrogation room, or the back seat of a police car, suspects left seemingly unattended with a co-conspirator, friend, or total stranger often seize the opportunity to discuss or lament their current predicament. Very often, incriminating statements are made. Law enforcement officers who put themselves in a position to hear and record suspects' conversations, either by planting a listening device or by posing as a co-conspirator, friend, or stranger, are apt to obtain very valuable incriminating evidence.

Of course, in any subsequent prosecution, the government is likely to be confronted with a vehement constitutional and statutory attack to the admissibility of such damaging evidence. Specifically, the defense is likely to argue that the surreptitious recording of the suspects' conversations violated rights guaranteed by the fourth, fifth, and sixth amendments to the U.S. Constitution, as well as certain protections afforded individuals under Title III of the Omnibus Crime Control and Safe Streets Act[2] (hereinafter title III).

This article discusses the validity of these constitutional and statutory challenges. It then provides a review of court decisions that have dealt with the admissibility of such

surreptitiously recorded conversations and related issues.

> ***"...a challenge to the admissibility of surreptitiously recorded conversations...would have to establish that the conversations in question were the product of unlawful custodial interrogation."***



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

FIFTH AMENDMENT—SELF-INCRIMINATION CLAUSE CHALLENGE

To be successful, a challenge to the admissibility of surreptitiously recorded conversations based on the fifth amendment self-incrimination clause would have to establish that the conversations in question were the product of unlawful custodial interrogation. Because statements made to individuals not known to the defendant as government actors do not normally amount to interrogation for purposes of the fifth amendment, this challenge is destined to fail.

The fifth amendment to the U.S. Constitution provides in part that "no person...shall be compelled in any criminal case to be a witness against himself...."[3] Over 2 decades ago, the U.S. Supreme Court in *Miranda* v. *Arizona*[4] held that custodial interrogation of an individual creates a psychologically compelling atmosphere that works against this fifth amendment protection.[5] In other words, the Court in *Miranda* believed that an individual in custody undergoing police interrogation would feel compelled to respond to police questioning. This compulsion, which is a byproduct of most custodial interrogation, directly conflicts with every individual's fifth amendment protection against self-incrimination.

Accordingly, the Court developed the now-familiar *Miranda* warnings as a means to reduce the compulsion attendant in custodial interrogation. The *Miranda* rule requires that these warnings be given to individuals in custody prior to the initiation of interrogation. This rule, however, is not absolute.[6]

Stanley v. *Wainwright*[7] is one of the original cases to deal with a fifth amendment challenge to the admissibility of surreptitiously recorded suspect conversations. In *Stanley*, two robbery suspects were arrested and placed in the back seat of a police car. Unbeknownst to the suspects, one of the arresting officers had activated a tape recorder on the front seat of the car before leaving the suspects unattended for a short period of time. During that time, the suspects engaged in a conversation that later proved to be extremely incriminating.

On appeal, the defense argued that the recording violated the rule in *Miranda,* because the suspects were in custody at the time the recording was made and placing of the suspects alone in the vehicle with the activated recorder was interrogation for purposes of *Miranda.* The Court of Appeals for the Fifth Circuit, however, summarily dismissed this argument and found that the statements were spontaneously made and not the product of interrogation.

The Supreme Court later validated the rationale in *Stanley* with its decision in *Illinois* v. *Perkins*.[8] Although *Perkins* did not deal specifically with the issue of surreptitious recordings, the Court's analysis of *Miranda* is applicable to situations in which suspects' conversations with either private individuals or undercover government actors are recorded.

In *Perkins*, police placed an informant and an undercover officer in a cell block with Lloyd Perkins, a suspected murderer incarcerated on an unrelated charge of aggravated assault. While planning a prison break, the undercover officer asked Perkins whether he had ever "done" anyone. In response, Perkins described at length the details of a murder-for-hire he had committed.

When Perkins was subsequently charged with the murder, he argued successfully to have the

statements that he made in prison suppressed, because no *Miranda* warnings had been given prior to his conversation with the informant and undercover officer. On review, however, the Supreme Court reversed the order of suppression.

Rejecting Perkins' argument, the Supreme Court recognized that there are limitations to the rule announced in *Miranda*. The Court expressly declined to accept the notion that "*Miranda* warnings are required whenever a suspect is in custody in a technical sense and converses with someone who happens to be a government agent."[9] Rather, the Court concluded that not every custodial interrogation creates the psychologically compelling atmosphere that *Miranda* was designed to protect against. When the compulsion is lacking, so is the need for *Miranda* warnings.

The Court in *Perkins* found the facts at issue to be a clear example of a custodial interrogation that created no compulsion. Pointing out that compulsion is "determined from the perspective of the suspect,"[10] the Court noted that Perkins had no reason to believe that either the informant or the undercover officer had any official power over him, and therefore, he had no reason to feel any compulsion. On the contrary, Perkins bragged about his role in the murder in an effort to impress those he believed to be his fellow inmates. *Miranda* was not designed to protect individuals from themselves.

Applying this rationale to the surreptitious recording of suspects' conversations while they are in the back seat of a police car, a prison cell, or an interrogation room, it is clear that *Miranda* warnings are unnecessary if the suspect is conversing with someone who either is, or is presumed by the suspect to be, a private individual. Because suspects in this situation would have no reason to believe that the person to whom they are speaking has any official power over them, they have no reason to feel the compulsion that *Miranda* was designed to protect against.

SIXTH AMENDMENT—RIGHT-TO-COUNSEL CHALLENGE

Because of its limited application, a successful challenge to the admissibility of surreptitiously recorded suspect conversations based on the sixth amendment right to counsel will require the convergence of certain factors. Specifically, the defense must be able to establish that the suspect's right to counsel had attached and that the government took deliberate steps to elicit information from the suspect about a crime with which the suspect had been previously charged.

Right to Counsel Attaches at Critical Stage

The sixth amendment to the U.S. Constitution guarantees that "[i]n all criminal prosecutions, the accused shall...have the Assistance of Counsel for his defense."[11] The U.S. Supreme Court has interpreted the sixth amendment as guaranteeing not merely the right to counsel but, more importantly, the right to the *effective assistance* of counsel.[12] To be effective, an attorney must be permitted to form a relationship with the accused some time prior to trial,[13] and the government cannot needlessly interfere with that relationship.[14]

Although the right to counsel would be meaningless if the suspect and attorney were not permitted to form a relationship some time prior to trial, the Supreme Court has held that it is not necessary to allow this relationship to form simply because the individual becomes a suspect in a case.[15] Instead, the Court has found that the sixth amendment guarantee of the effective assistance of counsel is satisfied if the attorney and suspect are permitted to form their relationship once the prosecution has reached a critical stage.[16] The Court has defined the critical stage as the filing of formal charges (i.e., an indictment or information) or the initiation of adversarial judicial proceedings.[17]

Thus, a necessary first step in a successful sixth amendment challenge to the admissibility of a surreptitiously recorded conversation is to establish that the right to counsel had attached at the time of the

recording. If the suspect was neither formally charged nor subjected to adversarial judicial proceedings at the time the recorded conversation took place, the sixth amendment challenge will fail.

Deliberate Elicitation by the Government

If successful in establishing that the suspect's right to counsel had attached at the time a surreptitious recording took place, the defense will also have to prove that the conversation in question was the result of deliberate elicitation on the part of the government. The Supreme Court has determined that simply placing suspects in situations where they are likely to incriminate themselves does not, in and of itself, constitute a sixth amendment violation.[18] Rather, there must be some deliberate attempt on the part of the government to elicit information from the suspect.[19] It is the act of deliberate elicitation that creates the sixth amendment violation.

In *Kuhlmann* v. *Wilson*,[20] the Supreme Court held that placing an informant in a cell with a formally charged suspect in an effort to gain incriminating statements did not amount to deliberate elicitation on the part of the government. In doing so, the Court made the following statement:

> " 'Since the Sixth Amendment is not violated whenever—by luck or happenstance—the State obtains incriminating statements from the accused after the right to counsel has attached,' a defendant does not make out a violation of that right simply by showing that an informant, either through prior arrangement or voluntarily, reported his incriminating statements to the police. Rather, the defendant must demonstrate that the police and their informant took some action, *beyond merely listening*, that was designed deliberately to elicit incriminating remarks."[21] (emphasis added)

As a result of the Supreme Court's decision in *Kuhlmann*, the mere placing of a recorder in a prison cell, interrogation room, or police vehicle will not constitute deliberate elicitation by the government. Instead, to raise a successful sixth amendment challenge, the defense has to show that someone acting on behalf of the government went beyond the role of a mere passive listener (often referred to by the courts as a "listening post") and actively pursued incriminating statements from the suspect.

> ***"...not every custodial interrogation creates the psychologically compelling atmosphere that Miranda was designed to protect against."***

Right to Counsel is Crime-Specific

Even if it can be established that the government deliberately elicited and recorded incriminating conversations from a suspect after the right to counsel had attached, a sixth amendment challenge to the admissibility of those recordings will not succeed if the conversations in question pertained to crimes with which the suspect had not yet been charged at the time of the recording. Because the sixth amendment is crime-specific, a suspect only has the right to the assistance of counsel with respect to the crimes formally charged against him.[22] Consequently, the surreptitious recording of a conversation with a formally charged suspect that pertains to some unrelated, uncharged offense, will not violate the sixth amendment, regardless of whether there is deliberate elicitation on the part of the government.

FOURTH AMENDMENT—RIGHT-TO-PRIVACY CHALLENGE

Another constitutional attack waged against the admissibility of surreptitiously recorded conversations is the claim that monitoring and recording these conversations violates the suspects' fourth amendment right of privacy. However, if the recorded conversations take place in government space, whether it be a prison cell, interrogation room, or back seat of a police car, the fourth amendment challenge is bound to fail unless law enforcement officers give suspects specific assurances that their conversations will be private.

The fourth amendment to the U.S. Constitution guarantees the right of the people to be secure from unreasonable searches and seizures.[23] As it is used in the fourth amendment, the term "search" includes any governmental action that

intrudes into an area where there is an expectation of privacy that is both subjectively and objectively reasonable.[24] To be objectively reasonable, an expectation of privacy must be one that society as a whole is willing to recognize and protect.[25]

Thus, to be successful, a fourth amendment challenge to the surreptitious recording of suspects' conversations would have to establish that the suspects expected their conversations to be private and that society as a whole recognizes those expectations as reasonable. Although sometimes willing to accept suspects' assertions that they believed their conversations were private,[26] courts generally reject the notion that the suspects' beliefs were objectively reasonable.

For example, in *Ahmad A.* v. *Superior Court*,[27] the California Court of Appeals confronted a fourth amendment challenge to the admissibility of a surreptitiously recorded conversation between the defendant and his mother. The defendant, a juvenile arrested for murder, asked to speak with his mother when advised of his constitutional rights. The defendant and his mother were thereafter permitted to converse in an interrogation room with the door closed. During the surreptitiously recorded conversation that ensued, defendant admitted his part in the murder.

Reviewing the defendant's subsequent fourth amendment challenge, the California court noted that at the time the mother and her son were permitted to meet in the interrogation room, "no representations or inquiries were made as to privacy or confidentiality."[28] Finding the age-old truism "Walls have ears" to be applicable, the court held that any subjective expectation that the defendant had regarding the privacy of his conversation was not objectively reasonable.

Several Federal and State courts have adhered to the rationale announced in *Ahmad A.* and have concluded that any expectation of privacy a suspect may foster in a conversation occurring in government space is objectively unreasonable.[29] While some courts predicate their conclusion on an arrest having taken place, thereby reducing the suspects' expectations of privacy,[30] other courts have taken the position that the lack of an expectation of privacy in government space is not dependent on an arrest.[31]

> **"...the sixth amendment guarantee...is satisfied if the attorney and suspect are permitted to form their relationship once the prosecution has reached a critical stage."**

This latter position is demonstrated by the holding of the U.S. Court of Appeals for the 11th Circuit in *United States* v. *McKinnon*.[32] In *McKinnon*, law enforcement officers stopped the vehicle in which the defendant was riding for failing to abide traffic laws. Once stopped, the driver of the vehicle was asked to submit to a sobriety test. After successfully completing the test, officers asked the driver whether they could search his vehicle for drugs. Upon receiving consent, the officers invited the driver and defendant to sit in the back seat of the police car until the search was completed.

Accepting the officers' invitation, defendant and the driver sat in the police car and engaged in an incriminating conversation that was surreptitiously recorded. Cocaine was found during the search of the vehicle, and both the defendant and driver were subsequently arrested. Following their arrest, the defendant and driver were again placed, seemingly unattended, in the back seat of the police car, where they once again engaged in an incriminating conversation.

Conceding the admissibility of the post-arrest statements, the defendant argued that prior to arrest, he had an expectation of privacy in his conversation that was violated by the surreptitious recording. The court, however, found "no persuasive distinction between pre-arrest and post-arrest situation"[33] and refused to suppress the recordings. In support of its decision, the court in *McKinnon* cited several cases in which surreptitious recordings of conversations were found to be admissible against visitors and guests of arrestees and other individuals not under formal arrest at the time of the recorded conversations.[34]

Specific Assurances

Although courts generally find no reasonable expectation of privacy in suspects' conversations occurring in government space, specific assurances offered by officers that

such conversations will be private may generate a valid fourth amendment claim. As previously noted, in the case of *Ahmad A.*, the court was particularly impressed by the fact that "no representations or inquiries were made as to privacy or confidentiality."[35]

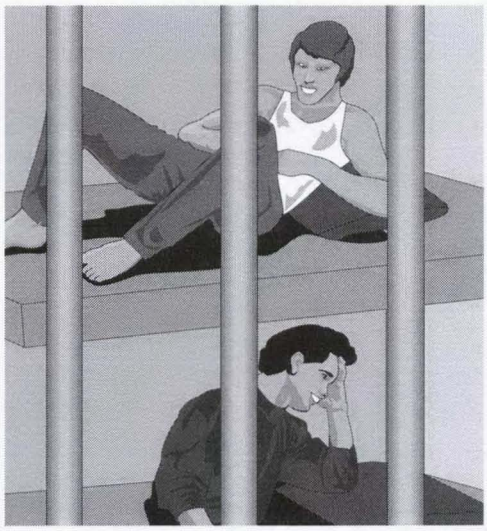
A reasonable inference to be drawn from this case is that the resulting expectations would have been reasonable, had there been some representations or inquiries regarding privacy that were met with assurances. This inference is supported by the case of *People* v. *Hammons*,[36] in which a California court found that law enforcement officers' actions had fostered the suspects' expectations of privacy, and therefore, the expectations were reasonable.[37]

Consequently, when placing suspects together with co-conspirators, friends, or strangers for the purpose of surreptitiously recording a conversation, law enforcement officers should be careful not to give the suspects any specific assurances that their conversations will be private. To do so would likely create a reasonable expectation of privacy in their subsequent conversations that would be protected by the fourth amendment.

TITLE III—STATUTORY CHALLENGE

The only statutory attack based on Federal law likely to be raised regarding the surreptitious recording of suspects' conversations is that the recording violates Title III of the Omnibus Crime Control and Safe Streets Act.[38] Because title III protects only oral conversations in which there is a reasonable expectation of privacy, such challenges are resolved by reference to fourth amendment analysis.

To be protected under title III, oral communications must be "uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation."[39] In other words, the statute only affords protection to



oral conversations uttered under conditions indicating that there was a reasonable expectation of privacy. Consequently, the warrantless surreptitious recording of suspects' oral conversations does not violate title III where the suspects lack a fourth amendment expectation of privacy in those conversations.[40]

CONCLUSION

The surreptitious recording of suspects' conversations is an effective investigative technique that, if done properly, can withstand both constitutional and statutory challenges. Law enforcement officers contemplating the use of this technique should keep the following points in mind:

1) Because the technique does not amount to "interrogation" for purposes of *Miranda*, it is not necessary to advise suspects of their constitutional rights and obtain a waiver prior to using this technique.

2) To avoid a sixth amendment problem, this technique should not be used following the filing of formal charges or the initial appearance in court, unless the conversation does not involve a government actor, the conversation involves a government actor who has assumed the role of a "listening post, or the conversation pertains to a crime other than the one with which the suspect has been charged.

3) To avoid both fourth amendment and title III concerns, suspects should not be given any specific assurances that their conversations are private.

In addition, State and local law enforcement officers should consult with their legal advisors prior to using this investigative technique. This will ensure compliance with State statutes or local policies that may be more restrictive than the Federal law discussed in this article. ✦

Endnotes

[1] Antonio de Guevara: *Marco Aurielio y Faustina II.*

[2] 18 U.S.C. §§ 2510 *et seq.* Defendants may also claim that the surreptitious recording of their conversations violated State eavesdropping

statutes. Although many State eavesdropping statutes closely follow title III, law enforcement officers should consult their State statute before using this technique, because some State laws are more restrictive than title III.

[3] U.S. Const. amend. V.

[4] 394 U.S. 436 (1966).

[5] *Id.* at 467.

[6] *See, e.g., Berkemer* v. *McCarty*, 468 U.S. 420 (1984), wherein the Supreme Court held *Miranda* inapplicable to traffic stops. *See also, New York* v. *Quarles*, 467 U.S. 649 (1984), which recognizes a public safety exception to *Miranda*.

[7] 604 F.2d 379 (5th Cir. 1979), *cert. denied,* 100 S.Ct. 3019.

[8] 110 S.Ct. 2394 (1990).

[9] *Id.* at 2397.

[10] *Id.* In *Perkins*, the Supreme Court used the words coercion and compulsion interchangeably.

[11] U.S. Const. amend. VI.

[12] *Cuyler* v. *Sullivan*, 100 S.Ct. 1708 (1980).

[13] *United States* v. *Wade*, 338 U.S. 218 (1967).

[14] In *Weatherford* v. *Bursey*, 429 U.S. 545 (1977), the Supreme Court held that some interference with the right to counsel may be justified.

[15] *United States* v. *Gouveia*, 104 S.Ct. 2292 (1984).

[16] *Massiah* v. *United States*, 377 U.S. 201 (1964).

[17] *Id.*

[18] *Kuhlmann* v. *Wilson*, 106 S.Ct. 2616 (1986).

[19] *Id.*

[20] *Id.*

[21] *Id.* at 2630.

[22] *Hoffa* v. *United States*, 377 U.S. 201 (1964).

[23] U.S. Const. amend. IV.

[24] *Katz* v. *United States*, 389 U.S. 347 (1967).

[25] *Oliver* v. *United States*, 104 S.Ct. 1735 (1984).

[26] Most courts reject this notion as well. In *United States* v. *Harrelson*, 754 F.2d 1153 (5th Cir. 1985), *cert. denied,* 106 S.Ct. 277 (1985), the Court found that "one who expects privacy under the circumstances of a prison visit is, if not actually foolish, exceptionally naive." *Id.* at 1169.

[27] 263 Cal. Rptr. 747 (Cal.App. 2 Dist. 1989), *cert. denied,* 11 S.Ct. 102 (1991).

[28] *Id.* at 751.

[29] *See, e.g., United States* v. *McKinnon*, 985 F.2d 525 (11th Cir. 1993) *cert. pending,* (filed 1/7/93 No. 92-8963); *United States* v. *Harrelson,* 754 F.2d 1153 (5th Cir. 1985), *cert. denied,* 106 S.Ct. 277 (1985); *United States* v. *Sallee,* (unreported)(1991 WL 352613 N.D. Ill. 1991); *State* v. *McAdams*, 559 So.2d 601 (Fla.App. 5th Dist. 1990); *People* v. *Marland*, 355 N.W. 2d 378 (Mich. App. 1984).

[30] *See, e.g., Brown* v. *State*, 349 So.2d 1196 (Fla.App. 4th Dist. 1977), *cert. denied*, 98 S.Ct. 1271 (1978).

[31] *See, e.g., United States* v. *McKinnon*, 985 F.2d 525 (11th Cir. 1993), *cert. pending*, (filed 1/7/93 No. 92-8963); and *State* v. *Hussey*, 469 So.2d 346 (La.Ct.App. 2d Cir. 1985) reconsideration denied 477 So.2d 700 (La. 1985).

[32] 985 F.2d 525 (11th Cir. 1993).

[33] *Id.* at 528.

[34] *Id.*

[35] 263 Cal Rptr. 747 (Cal.App. 2 Dist. 1989), *cert. denied*, 111 S.Ct. 102 (1991).

[36] 5 Cal.Rptr.2d 317 (Cal.App. 1st Dist. 1991).

[37] *See also, State* v. *Calhoun*, 479 So.2d 241 (Fla.App. 4th Dist. 1985).

[38] 18 U.S.C. §§ 2510 *et seq.*

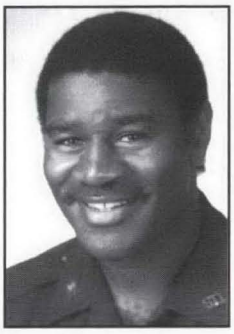
[39] 18 U.S.C. § 2510(2).

[40] *See, e.g., United States* v. *Harrelson*, 754 F.2d 1153 (1985), *cert. denied,* 106 S.Ct. 277 (1986).

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.



Deputy Luther Woods of the Perry County, Illinois, Sheriff's Department was one of several officers from multiple agencies who responded to a child abduction call. A distraught father had abducted his 15-month-old daughter and led officers on a high-speed chase that ended in an apartment complex parking lot. While holding a shotgun to the toddler's head, the subject entered one of the apartments and barricaded himself. During the tense 2-hour standoff that ensued, Deputy Woods established telephone contact with the subject and calmed him. He ultimately convinced the subject to turn the child over to authorities and to surrender without further incident.

Deputy Woods

While on patrol during the early morning hours, Officer Barry L. Lindsey of the Conrail Police Department (Detroit, Michigan, district) observed flames and smoke coming from a residence. After notifying emergency units, Officer Lindsey responded to the home and assisted the two occupants—one of whom was an 88-year-old Alzheimer's victim—out of the house before the roof collapsed. However, Officer Lindsey then observed that the flames spread to an adjacent house. He ran into the residence, awakened the family of five, and escorted them to safety. Due to extended exposure, Officer Lindsey was treated on the scene for smoke inhalation.

Officer Lindsey

While directing traffic after an event at a local civic center, Sgt. William F. Taylor of the Florida State University Department of Public Safety, Tallahassee, Florida, observed a vehicle come to a stop in close proximity to him. A passenger in the rear seat of the automobile then aimed a semiautomatic pistol in the sergeant's direction. Realizing the danger to innocent bystanders if he drew his own weapon, Sergeant Taylor charged the subject and succeeded in disarming and arresting him before he could harm anyone.

Sergeant Taylor

Patch Call

The patch from the Village of Angel Fire, New Mexico, Police Department depicts the red and orange glow sometimes seen at the tip of the local mountain, Agua Fria Peak. This glow, for which the village was named, was first sighted in the autumn of 1780 by three Moache Ute Indians.

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Patch Call

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