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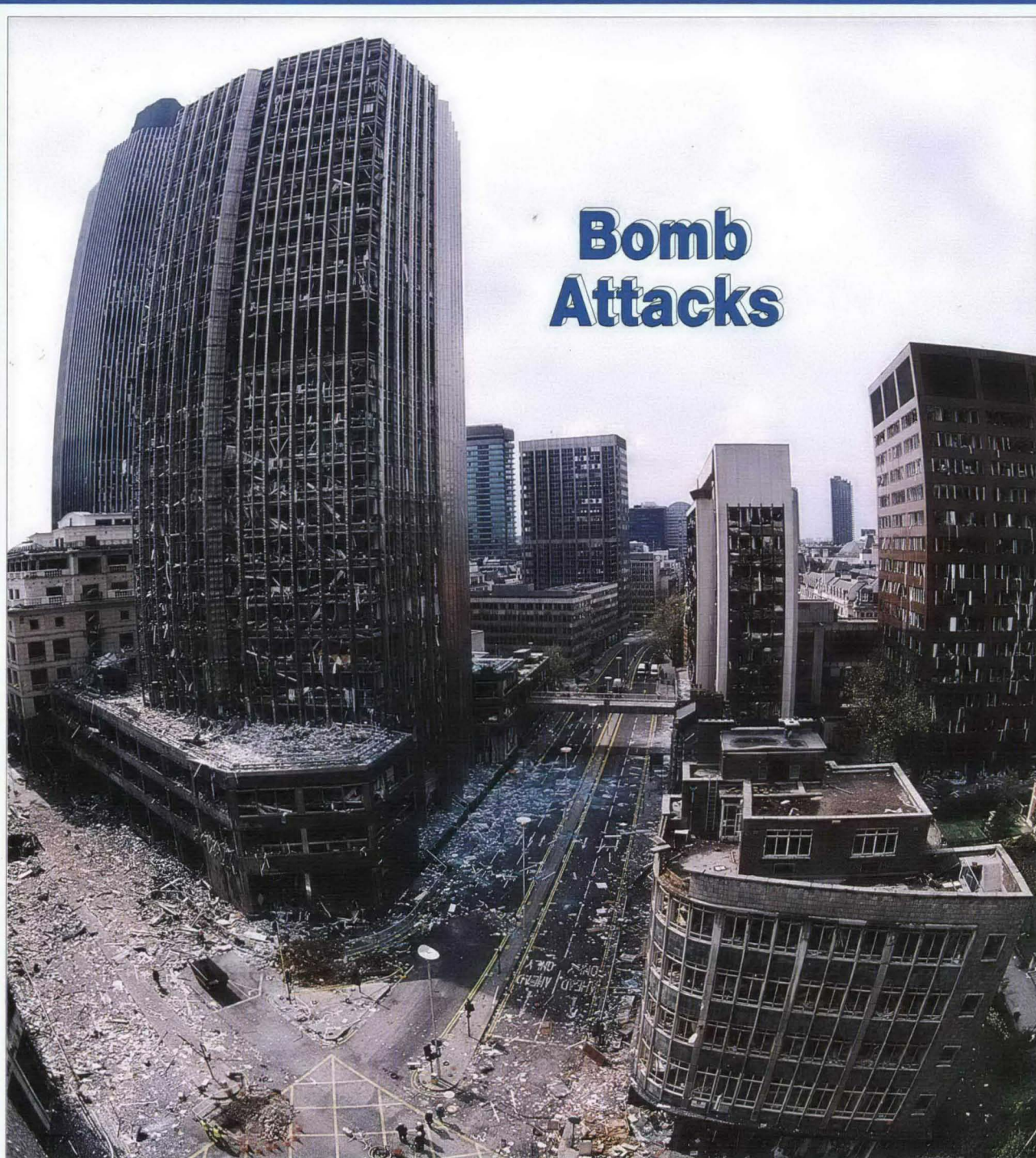


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FBI Law Enforcement

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Bomb Attacks





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Louis J. Freeh
Director

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FBI Law Enforcement Bulletin

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The GREAT Program

Gang Resistance Education and Training

By
KIM R. HUMPHREY
and PETER R. BAKER



From coast to coast, gangs spread their message of violence. Communities that once boasted a relatively peaceful lifestyle now literally see the handwriting on the walls. Community leaders and citizens around the Nation are reaching out with questions, seeking help from crime control experts. They are, in reality, demanding an end to the violence that threatens not only their well-being but also the future of their children.

What are the answers to the violence that endangers families, schools, neighborhoods, and communities? While many police

departments experience temporary success by establishing task forces, gang members generally regroup and develop better ways to avoid recognition and apprehension. In many cases, agencies simply chase their gang problem into neighboring communities. When these neighbors develop task forces, the gang violence spreads to yet another venue. Youth gangs do not represent a new problem, but the mobilization and networking abilities exhibited by these gangs intensify their menace.

Law enforcement officers who confront gang activity understand that no "magic bullet" exists to rid

communities of the problem. No single weapon will break the cycle of youth violence and gang participation. However, in Phoenix, Arizona, a cooperative effort between the police department, area schools, and the Bureau of Alcohol, Tobacco and Firearms (BATF), known as the Gang Resistance Education and Training (GREAT) Program, shows promising results.

Through this program, uniformed officers direct a structured antigang message to students. They teach them various life skills in an effort to combat violence, prejudice, victimization, and negative attitudes toward law enforcement. In

short, the GREAT Program is a contingency plan to impact the future.

The GREAT Program

Based on the premise that the best defense is a good offense, the GREAT Program targets elementary and middle school students. Its



Lieutenant Humphrey, a former coordinator of the GREAT Program, now serves as a shift commander in the Phoenix, Arizona, Police Department.



Officer Baker serves with the Community Relations Bureau of the Phoenix, Arizona, Police Department.

proactive, antigang message encourages youths to develop their own solutions to problems and promotes positive alternatives to the revenge-driven violence that gangs foster and perpetuate. The curriculum is structured so that lessons build upon one another; the overall goal is to provide students with real tools to resist the lure and trap of gangs.

During the pilot year (1991), the police department solicited select school districts to implement GREAT. Since then, additional school districts have requested the program.

Currently, GREAT is directed to four specific grade levels through two distinct programs. The elementary school curriculum was developed specifically for third and fourth grade classes; the middle school curriculum targets students in the seventh and eighth grades.

In addition, a separate middle school curriculum is used during a summer component of the program. GREAT summer participants not only receive educational classes to reinforce their school-year experience but they also participate in numerous recreational activities and community projects. On summer days, these youths can be found painting over graffiti, working with food-share programs, and assisting in any number of community-oriented events.

Eight GREAT Lessons

The GREAT Program's ultimate goal is to keep youths out of gangs and off the streets. Toward this end, the program provides a broad-based message that

encourages youths to become responsible members of their communities. Officers teach the students how to set goals, resist gang pressures, understand the positive effects of cultural diversity, and resolve conflict without violence.

In the middle school program, the central feature of the curriculum revolves around the eight GREAT lessons:

- Lesson 1 introduces students to the program and to their GREAT officer
- Lesson 2 familiarizes students with crimes, victims, victims' rights, and the impact of crime in their neighborhoods
- Lesson 3 teaches students about cultural diversity and how failure to accept cultural differences can lead to prejudice and other negative ramifications
- Lesson 4 focuses on conflict resolution to create an atmosphere of understanding that enables all parties to better address problems and work on solutions together (This lesson is divided into two parts.)
- Lesson 5 equips students to meet their basic needs in ways other than by joining gangs
- Lesson 6 explains the correlation between gang involvement and drugs and their destructive effects on neighborhoods
- Lesson 7 encourages students to understand the diverse responsibilities of people within their community

- Lesson 8 stresses the need for establishing goals in life and suggests ways to set and meet these personal goals.

To bring the concepts in these lessons to life, officers employ various methods, including demonstrations, role-plays, and practical application exercises.

Officer Training

Phoenix police officers must volunteer to become GREAT instructors. Depending on their previous experience levels, selected officers undergo specific training to ensure that they will meet their responsibilities effectively. Instruction includes:

- 40 hours of training for officers with previous classroom teaching experience in which they employed a comprehensive curriculum
- 80 hours of training for officers with little or no public speaking and/or teaching experience. Instruction spans from basic public speaking skills to instruction methodologies.

Once certified, officers work closely with local teachers to deliver the GREAT message. GREAT management training, the final optional level of instruction, provides supervisory skills to those officers who are already certified GREAT instructors and who desire to become team leaders.

Cooperation

The development of GREAT was a model of cooperation. In December 1991, supported by special congressional funding, BATF

sponsored the Phoenix Police Department in developing and implementing a pilot gang prevention project. During the pilot year, the police department solicited school districts in which to test the program. Officers from the department's Community Relations Bureau then worked closely with local educators and their schools to develop the GREAT curriculum.

“

By directing a strong antigang message to elementary school students, officers can make children aware of the true dangers of gangs before they are pressured to join one.

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This spirit of cooperation produced immediate positive results. Quickly, educators in embattled schools saw the credibility and potential of using police officers to confront the growing gang problem. GREAT received widespread acceptance from the students and praise from teachers, parents, and administrators for its positive approach. A preliminary evaluation conducted by the Arizona State University Prevention Resource Center showed tremendous potential for GREAT and wide acceptance of its approach.

Spreading the GREAT Message

By the summer of 1992, additional Phoenix school districts were added, and agencies outside Phoenix began to express interest in developing similar programs. These requests for assistance led BATF to commit additional resources so that the GREAT initiative could be expanded outside the pilot area.

Subsequently, in October 1992, the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, became a partner, assisting in the extension of the program to other agencies and providing valuable logistical support to the national GREAT effort. This led to the formation of a national policy board and training committee, which provides a vehicle for the national expansion effort.

The GREAT training program provides a “how to” manual for agencies to develop similar but customized programs that will work in their respective communities. This flexibility allows agencies, regardless of budget, to implement a positive community program that addresses the gang problem year-round.

To date, over 751 officers in 250 agencies representing 39 States and the District of Columbia have been certified to teach the GREAT Program.¹ Over 105,000 students nationwide received GREAT instruction during the 1993-94 school year.²

Conclusion

For over 100 years, schools have played a vital role in the socialization of American children. The GREAT Program builds upon this tradition by teaching

youths how to become productive members of their communities and positive forces in their neighborhoods.

Because gangs target school-age youths, an effective prevention strategy also should target the same age groups. By directing a strong antigang message to elementary school students, officers can make

children aware of the true dangers of gangs before they are pressured to join one. In the middle school program, officers provide youths with the skills necessary to resist gangs and to make reasoned, intelligent choices. In doing so, the GREAT Program offers an effective approach to keeping youths out of gangs. ♦

Endnotes

¹ Based on a telephone survey of police departments.

² For more information about the GREAT Program, contact the Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50148, Washington, DC 20091-0418, or the Phoenix Police Department, Community Relations Bureau, 620 West Washington Street, Phoenix, Arizona 85003.

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

Query Letters: The editor suggests that authors submit a detailed one- to two-page outline before writing an article. This is

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Focus on Drug Enforcement



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Drug Enforcement in Small Departments

By Timothy Davis

According to the National Crime Prevention Council, drug dealers are leaving urban regions at a rapid pace and moving their trade into rural areas.¹ With fewer police officers covering vast distances, drug dealers view these localities as more vulnerable to their illegal activities.²

As illicit drugs spill over into the less-populated sections of America, administrators of small law enforcement agencies must find solutions quickly to the new problems confronting them. Working with limited resources, these administrators must develop innovative ways to deter drug dealers and make their jurisdictions less attractive to them.

The Edgefield, South Carolina, Police Department, which employs only 10 sworn officers, created a special team to combat drug problems within its

jurisdiction. Through public support and outside assistance, this team has helped to reduce drug-related crime.

DRUG TEAMS

Careful selection of the drug team is the most important element of a successful program. Rural drug teams should include one full-time investigator to serve as team commander, as well as patrol officers, who act as part-time investigators. Administrators should select only those officers who exhibit a dedication to the drug enforcement effort to serve on the team.

Commanders should begin immediately to foster an atmosphere of teamwork and camaraderie within the department. This goes beyond the customary pep talks. Team members should train together on raid practices, firearms, search procedures, and other drug-related issues. In addition, team commanders need to establish clear lines of command to ensure the effectiveness of the unit.

Unit Commanders

Unit commanders perform most functions on rural drug teams. They handle all facets of the cases until the final disposition.

For example, when patrol officers develop information on specific suspects, unit commanders must decide whether to conduct a raid. If the decision to conduct a raid is made, unit commanders must formulate a plan, instruct team members on their specific responsibilities, and supervise the raid.

Unit commanders continue to work all investigations until the case is either closed or goes to court. After completing investigations, they must work closely with prosecutors to ensure that all guilty parties are prosecuted to the full extent of the law. This often includes testifying in court.

Finally, unit commanders must meet with the media concerning publicized cases. It is their responsibility to answer all questions concerning the cases and how investigations are conducted.

Patrol Officers

Patrol officers also play a crucial role on rural drug teams. These officers often develop critical information on drug suspects through regular patrol duties. This unusual circumstance exists because it is difficult to use certain investigative techniques—such as intelligence-gathering and undercover operatives—in rural areas, where local citizens know practically everyone in the area and often do not trust outsiders. In small departments, where resources do not exist to field a fully staffed drug unit, assigning patrol officers to assist the team investigator makes effective use of available personnel resources.

For example, patrol officers often recognize local drug dealers and the vehicles they drive, allowing the officers to incorporate the surveillance of drug dealers into their patrol duties. In addition, while on patrol, the officers can note the daily patterns of the suspects and gain a sense of how they might be conducting business.

Case Example

A recent case involved an individual who approached a patrol officer and volunteered to make a drug buy for the Edgefield Police Department. The team commander met with the individual and created a criminal informant (CI) file on him. The team commander and a patrol officer then conducted surveillance as the informant purchased drugs in a known crack house.

The CI later introduced the suspect to an undercover police officer from another jurisdiction. The undercover officer also purchased drugs from the suspect.

The information collected allowed the drug team to raid the crack house and arrest the suspect. He was sentenced to prison for distribution of crack cocaine.

However, in order to maximize the effectiveness of the patrol function, a high-visibility patrol plan should also exist. This type of plan ensures that marked patrol units frequently cruise through areas known for drugs and high crime. In addition, periodic saturation patrols and driver's license checkpoints can place a strong police presence in these areas.

PUBLIC SUPPORT

Drugs and the problems they cause tear at the fabric of rural communities not accustomed to victimization. As a result, drug raids or sweeps typically bring an immediate, positive result throughout the entire jurisdiction in terms of public support.

Active public support can be crucial to the success of drug enforcement in rural areas. As small jurisdictions begin to implement antidrug programs, citizens are more likely to come forward with information that may eventually lead to the arrest and conviction of drug suspects. In addition, citizen tips may open new avenues for investigations that come to a halt because of a lack of leads.

OUTSIDE ASSISTANCE

The availability of outside assistance can also be critical to successful drug enforcement in rural areas. To aid one another, small departments can join together on a regional basis to combat drug trafficking. In a cooperative effort such as this, team members of all involved departments work together on a daily basis, sharing both information and personnel. This approach allows for a larger drug team and broadens the span of enforcement.

Another effective example of cooperation involves task force agreements. Departments that use this enforcement strategy sign cooperative agreements with larger law enforcement agencies in the area that allow them to request assistance on a case-by-case basis. Task force agreements also allow for the sharing of surveillance equipment and the use of officers from other agencies to act as undercover operatives or to assist during drug raids. The success of these agreements prompts many prosecutors' offices to draft agreements that unite all law enforcement agencies within their judicial circuits.

VEHICLES

Full-time investigators should have a police take-home vehicle. Because rural drug investigators remain on call around the clock, they may receive calls at any time to question suspects, speak to informants, provide assistance to patrol officers on drug matters, or assist at drug crime scenes. In addition, full-time investigators often make out-of-town trips to deliver evidence for lab analysis or to pursue leads.

It is also important for investigators to have a place to store records, field test kits, evidence bags, and cameras. In many cases, departmental vehicles serve as temporary offices for investigators.

CONCLUSION

Drug trafficking, once believed to be primarily an urban dilemma, now taxes the resources of small agencies throughout the Nation. Experts expect this

trend to continue, especially as urban drug dealers migrate to rural areas.³ As a result, all jurisdictions, regardless of size, must formulate and implement drug enforcement programs.

Small police departments that build effective drug teams can work closely with other local law enforcement agencies to maximize their resources, while having a positive impact on the drug problem in their communities. Drug enforcement requires planning and organization. The time for action is now. ♦

Endnotes

¹ Donna Shulz, "City Comes to Country As Pushers Seek Safer Drug Markets and Fewer Cops," *Columbia, South Carolina, State Newspaper*, November 1992.

² Ibid.

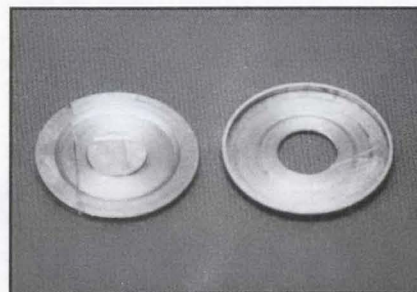
³ Ibid.

Sergeant Davis serves with the Edgefield, South Carolina, Police Department.

Bulletin Alert

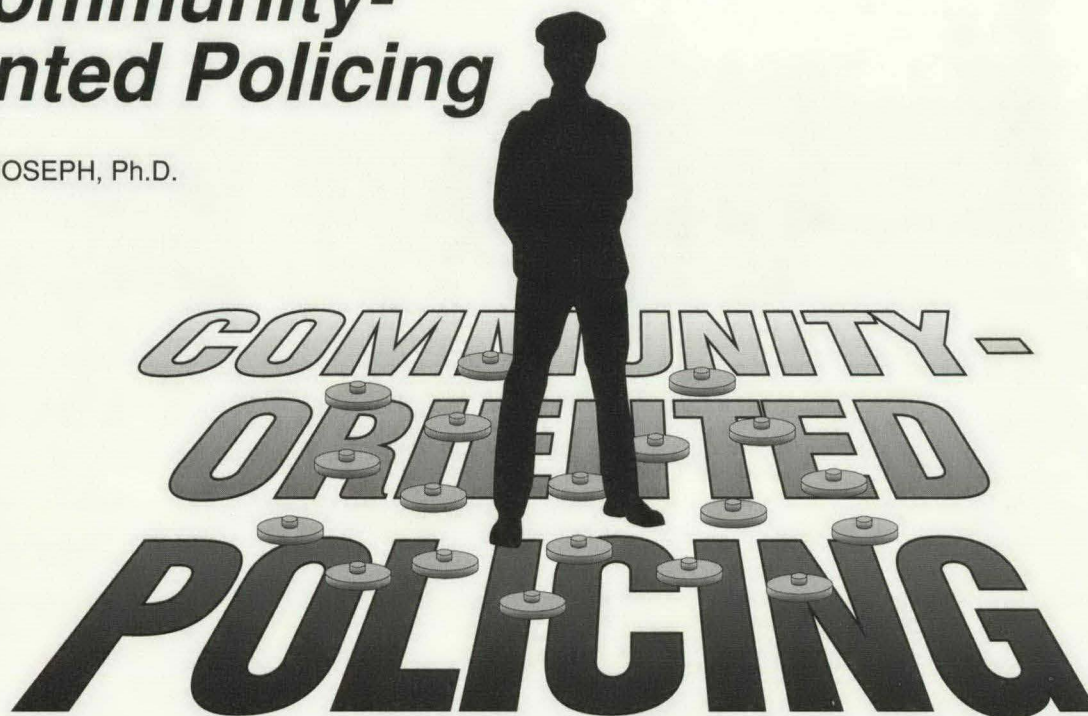
Hollow Quarter

Officers of the New Mexico State University (Las Cruces) Police Department were notified of this altered coin by an individual who had received it in change after a purchase. The quarter had been altered to create a hollow space in the center, accessed by a hinge on the face of the coin. The hollow interior can be used to conceal small amounts of drugs.



Walking the Minefields of Community-Oriented Policing

By
THOMAS M. JOSEPH, Ph.D.



C rime has become one of the most persistent problems facing the United States. During the past 30 years, communities around the Nation have witnessed a dramatic rise in crime rates. In fact, the rate of *violent* crime in the United States is worse than in any other industrialized Nation.¹

Criminal activity nationwide is so vast that it is difficult to correlate statistically to any other social factor. For instance, while the American population has grown 41 percent since 1961, the rate of violent crimes has risen over 500 percent and total crimes have increased by more than 300 percent.²

Even more ominous, despite a steady decline in birth rates since the mid-1960s, youths represent the fastest-growing segment of the expanding criminal population. Data indicate a four-fold increase in juvenile arrests from 1965 to 1990, involving not only disadvantaged minority youths from urban areas but also youths of all races, social classes, and lifestyles.³

For citizens, such developments yield an ironic reaction. They fear becoming victims of criminal activity, while at the same time, they build a greater tolerance to crime and its effects on society.

For law enforcement, the conspicuous rise in crime has led to a

reevaluation of everything from weapons to policing strategies. As the 1990s progress, a growing number of agencies will embark on the path to community-oriented policing (COP) as a way to address the causes, rather than merely the effects, of crime. As administrators pursue this undertaking, however, they should understand that the road ahead harbors many potential obstacles. To avoid disaster, administrators should maintain a proper perspective concerning crime, the administration of justice, and the potential of law enforcement to impact criminal activity. In short, they must learn to walk the minefields of community-oriented policing.

PUTTING CRIME IN PERSPECTIVE

From a strictly functional perspective, crime can be viewed as inevitable due to individual differences in character manifested through behavior. A society without crime is inconceivable.

Crime becomes a social problem when criminal behavior violates important values and harms or threatens property, individuals, and social institutions. Likewise, crime becomes a problem when the law and the agencies of justice prove maladapted to the interests of society at large. Equally troubling problems emerge if legal strategies for "rebalancing" the situation fail to protect the community or correct the criminal. It appears that many citizens believe this latter scenario currently confronts the Nation.

LAW ENFORCEMENT'S RESPONSE

Despite the decentralized nature of American law enforcement, some creative and innovative approaches to crime fighting have developed in recent years. In addition to technological advances, programs in the human development arena have been brought into the war against crime. One such development, as old as metropolitan policing itself, is crime prevention.

The more modern version of crime prevention can be described as anticipating, recognizing, and appraising the risks of crime while initiating some action to remove or reduce these risks.⁴ Within this framework, citizens and law enforcement traditionally make a cooperative effort to reduce the

threat, as well as the impact, of crime. More recently, this philosophy has been incorporated into problem-oriented and community-oriented policing. In each case, the philosophy is based on the idea that law enforcement officers and private citizens can work together to help solve problems perceived to be related to crime and the fear of crime, as well as the social and physical disorder of urban decay.

This philosophy assumes that police agencies, acting as instruments of the government, can be effective in developing more productive relationships with law-abiding citizens in the community by giving these citizens a greater voice in setting local police priorities. Accordingly, this approach provides citizens an opportunity to improve the quality of life in their communities by shifting the focus of law enforcement from one of responding to calls for service to solving community problems as they relate to crime.⁵

The primary objective of this approach is to obtain citizen input

"...there should be an effort to evaluate carefully what this 'new' orientation advocates."



Detective Joseph serves with the Kirkwood, Missouri, Police Department

and participation. In part, its appeal rests with the voluntary cooperation and involvement of community groups. Additionally, this orientation acknowledges that law enforcement cannot actually succeed without sharing responsibility with the community to combat crime effectively. In essence, this philosophy has been presented as an underlying foundation for how police officers should think and act.⁶

The popularity of this approach cannot be denied. In the face of collapsing social institutions—the failure of primary and secondary schools to educate, the deterioration of the traditional family structure, the lack of affordable housing and health services, and the shortage of residential care for the mentally ill—community-oriented policing is viewed as the foundation by which law enforcement can contend with the resulting debris. Of course, this approach presumes that police can make a difference by attacking the root causes of crime as opposed to merely responding to recurring problems.

THE MINEFIELDS

Although the arguments put forth by the proponents of the community-oriented approach appear logical and very appealing at a time when the Nation faces an alarming growth in violent criminal behavior, police administrators should exercise caution. Given that some hail community-oriented policing as a commonsense answer to rampant crime, there should be an effort to evaluate carefully what this "new" orientation advocates. It appears that the law enforcement community has made a commitment to the ideals encompassed in community-oriented policing. The real question remains: Can the police meet this commitment and make a real difference?

The answer actually will be determined in future evaluations of the efforts of individual departments. However, there exist some realistic implications of the COP philosophy that require immediate consideration. As with crime prevention programs in general, community-oriented policing has a number of potential weaknesses.

Approach

The first potential weakness rests in the specific approach adopted. In many agencies that adopt the COP approach to crime, COP becomes an underlying foundation of the law enforcement effort as opposed to merely a strategy that can be applied to real-world situations within the community. But, by making COP an underlying foundation, departments risk subordinating all prevention efforts to a single philosophy—that police organizations are

responsible for solving the social problems traditionally linked to crime. Should this philosophy prevail and follow the same path as many previous crime prevention programs, COP could become a program of symbolism instead of substance.

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...the greatest potential problem posed by the COP philosophy...is the question of evaluation and accountability.

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In the past, police administrators often talked very forcefully in support of crime prevention only to fail, for whatever reason, to establish realistic, goal-oriented management practices. These administrators fell short of fully integrating these units into the overall structure of agencies because crime prevention staffs worked outside the agency's operational hierarchy. The results created the perception, especially among operational units, that crime prevention was not "real police work."

Due to the structure of crime prevention operations, officers in those units were seen as a front-line public relations buffer. Accordingly, officers in these units often received assignments that had little to do with crime prevention, such as public or media relations, and other

tasks deemed desirable by agency administrators. Left unchecked, this can lead to crime prevention units not being integrated with traditional patrol and investigative activities—in other words, segregated from the department.

The risk is that a community-oriented policing effort could become simply another specialized function within the department—distinct from other agency activities.⁷ Such an approach almost undoubtedly would doom an agency's community-oriented policing efforts.

Evaluation

Without question, the greatest potential problem posed by the COP philosophy, like that posed by traditional crime prevention efforts, is the question of evaluation and accountability. What methods and measures will be used to determine success or failure? And, will such strategies be politically motivated or public safety-oriented?

In reality, the issue of methods and measures will take place on two different and distinct levels. The first level is that of the department; the second, that of the individual officer.

On the department level, evaluation efforts must be comprehensive. To that end, administrators should obtain citizen and officer perceptions, as well as data, concerning crime rates. Depending on an agency's size and the expertise available for such analysis, administrators may deem it more realistic to assign the responsibility of evaluation to an outside organization rather than to a component within

the agency. Generally, outside evaluation lends credibility and standardization to an analysis.

The second level of evaluation, that of officer performance, does not lend itself to the more "packaged" approach possible with departmental analysis. Because COP programs remain somewhat open to empirical question, the issue of how to evaluate officer performance becomes an important consideration.⁸ If community-oriented policing is to become the way police officers perform their duties, performance evaluations become crucial to the overall equation and strategy.

Traditionally, officer performance has been evaluated through easily quantifiable measures, such as the number of suspects arrested, tickets and warnings issued, calls handled, and cases cleared, as well as the evaluation of desirable traits. Realistically, such measures no longer may be of value to a department that incorporates the COP approach. An agency that trains and expects officers to perform as community-oriented police officers should develop performance instruments that measure crime prevention activities, as well as problem-solving initiatives. Without such measuring systems, merit and rewards become moot.

Training and Tactics

Two other important issues—training and tactics—must be reviewed with any commitment to a COP philosophy. Obviously, if community-

oriented policing is adopted as the way officers perform their duties, proper training becomes a crucial factor to success. Officers must be adequately trained in community policing methods.

In San Diego, California, for example, police officers undergo 8 hours of inservice training with reference to the problem-oriented approach. Officers receive instruction on how to identify a problem, analyze it, and with the assistance of the community, design a solution. While some disagreement exists at this time as to the level of formal and inservice training necessary, the general consensus implies that training should not be shorted.

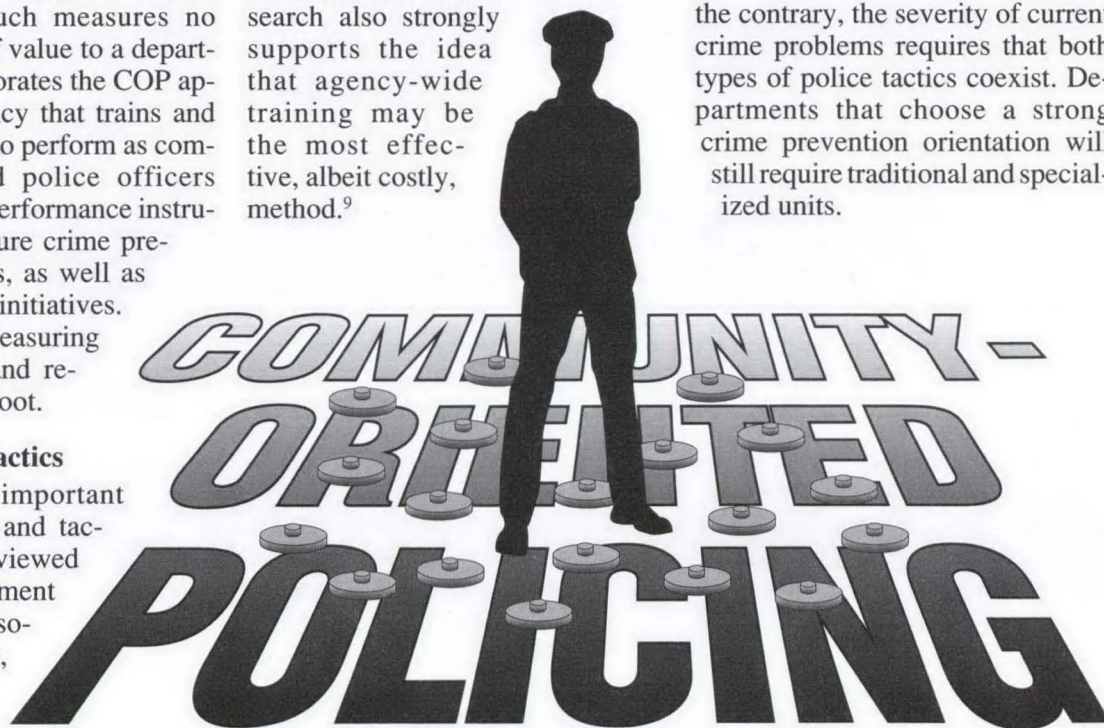
To this extent, the St. Louis, Missouri, Police Department provides such training on a department-wide basis. Research also strongly supports the idea that agency-wide training may be the most effective, albeit costly, method.⁹

In terms of tactics, proponents of COP may suggest that this approach changes only the *practices* of law enforcement, not the objectives. Frequently, the debate over the COP design is placed within the context of a conservative versus liberal approach.¹⁰

Perceptions of COP

As is often the case, new methods of policing may quickly be labeled as "soft on crime." Unfortunately, this has been no less true for COP efforts. Further, because COP focuses on community problems, municipalities risk creating the perception that individuals should not be held accountable for their behavior.

To be an effective strategy then, community policing must not be presented to citizens as a choice between "hard" or "soft" policing. On the contrary, the severity of current crime problems requires that both types of police tactics coexist. Departments that choose a strong crime prevention orientation will still require traditional and specialized units.



Administrators, supervisors, and line officers must clearly understand that community-oriented policing should not be viewed as a substitute for centralized police efforts. COP, at any level, should be viewed only as a means to a goal, not the goal. In the final analysis, the major objectives of police organizations remain those of public safety and security.

THE FUTURE

The ideal of crime prevention is founded on reasonable and valid foundations and should remain a guiding orientation for law enforcement agencies. Community-oriented policing offers a natural path by which crime prevention can be taken into the next century.

However, in order for these programs to be effective, police administrators must recognize that such programs can be beneficial only if they become part of the operational practices of individual agencies. Likewise, the techniques and strategies of the COP philosophy should be integrated into the daily operations of all street officers. If pursued properly, this orientation should help to create the desired partnership between the police and the community.

Still, an additional word of caution is necessary. The most perilous dangers posed by community-oriented policing reside in the same quagmire that has often engulfed other government attempts to deal with major social problems, especially conditions related to criminal behavior. The first rule of order with government attempts to confront a social problem should be

that they do no harm. Government programs often do unintended damage to segments of the population that the programs were designed to assist.

All programs, including COP, contain built-in flaws. Therefore, before instituting any program, regardless of the governmental level, administrators must answer some basic, but easily overlooked, questions. What kind of behavior will

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this program encourage? Does the program promote individual responsibility or dependency? Will this program provide effective assistance to public order, or will it simply divert funding to additional levels of bureaucracy?

Finally, administrators must decide whether community-oriented policing functions represent an activity with which their department should be involved. Only by addressing these concerns can administrators fully prepare themselves, their agencies, and their communities for community-oriented policing.

CONCLUSION

Whether community-oriented policing delivers and helps to rebuild the Nation's infrastructure of social order remains a question yet unanswered. However, police administrators should remember that enhancing safety and order represent the first responsibility of any law enforcement agency. To promise communities unconditionally that police officers can solve the social problems associated with crime—the very problems that more grandiose and more fully funded programs have failed to resolve—is to mislead citizens in a most serious way. ♦

Endnotes

¹ William J. Bennett, *The Index of Leading Cultural Indicators*, Washington, DC: Empower America, The Heritage Foundation and Free Congress Foundation, March 1993, 2.

² See *Crime in the U.S.*, Federal Bureau of Investigation, Washington, DC, for years 1960 through 1991, and U.S. Department of Justice, Bureau of Justice Statistics, "Lifetime Likelihood of Victimization," Washington, DC, March 1987.

³ *Crime in the U.S.*, Federal Bureau of Investigation, Washington, DC, 1991.

⁴ *Understanding Crime Prevention*, National Crime Prevention Institute (Boston: Butterworths, 1986), 2.

⁵ Robert Trojanowicz and Bonnie Bucqueroux, *Community Policing: A Contemporary Perspective* (Cincinnati, Ohio: Anderson, 1990), 5.

⁶ Herman Goldstein, *Problem-Oriented Policing* (New York: McGraw-Hill, 1990).

⁷ Jerome Skolnick and David Bayley, *Community Policing: Issues and Practices Around the World* (Washington, DC: National Institute of Justice, May 1988).

⁸ While numerous case studies have been conducted, longitudinal analysis remains a concern.

⁹ *National Institute of Justice Journal*, U.S. Department of Justice, 1992.

¹⁰ Supra note 6, 90.



Bomb Attacks in City Centers

By TIMOTHY HILLIER

Massive explosions in London, New York, and other major cities worldwide clearly demonstrate that important financial districts have become prestigious targets for terrorist organizations, regardless of their motives. In addition to causing significant loss of life, these bombs can severely disrupt trade and economic transactions. Further, modern satellite communications broadcast grisly bomb scene images around the world within minutes, adding to the lure of this type of target for groups seeking media publicity.

The primary law enforcement objective must be to keep such

incidents from occurring. However, as vividly revealed in London and New York, a democratic society with freedom of movement makes prevention difficult, at best. Therefore, police departments must be prepared to deal with the aftermath of bomb detonations in highly concentrated business districts to reduce deaths and injuries, to preserve the crime scene, to investigate the crime successfully, and to help local businesses recover quickly from the damage.

While the device detonated in New York's World Trade Center caused substantial problems, the injuries and damage undoubtedly would have been far worse and

spread over a wider area if a similar or larger device had exploded in the street at the same time of day. Yet, the inevitable tightening of security within buildings will make the street bomb more likely in the future.

Within the past 2 years, two massive bombs rocked the streets of London's financial district. Terrorists used a truck to deliver the April 10, 1992, bomb that exploded in front of the Baltic Exchange. Just over a year later and only 200 yards away, a similar truck bomb exploded in front of Bishopsgate on April 24, 1993. Both devices contained homemade explosives consisting of ammonium nitrate



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“Police...should educate business owners and building managers and help them to develop individual contingency plans.”

fertilizer and sugar ignited by a commercial or military explosive, such as Semtex. Just as effective as military explosives, home-made explosives require more to get the same result. The bomb in Bishopsgate is estimated to have weighed between 2 and 4 tons.

Two aspects of the London explosions stand out: The scale of the damage, especially the amount of glass broken over such an extensive area—more than 400 meters (437 yards) in each direction—and the unpredictability of the blasts. The City of London Police learned lessons by dealing with these detonations that can help other cities prepare for such attacks. This article discusses how law enforcement can develop contingency plans for bomb incidents and prepare the business community for such a possibility.

DESIGNING A CONTINGENCY PLAN

When creating a contingency plan, police departments should

take into account evacuation plans, pre- and post-bomb cordons, other emergency services, and changing bomb scene objectives. A thorough, well-rehearsed plan for coping with the aftermath of a detonation can help cities to reduce the devastating effects of a bomb, ensure maximum public safety, and return rapidly to normality.

Deciding Whether to Evacuate

When dealing with bombs in the street, London police previously had advised evacuation of the area in the face of a realistic bomb threat. However, significant problems prompted a revision of this advice. Difficulty in locating the bomb, the possibility of secondary devices (designed to attack police and placed where the terrorist believes police will rendezvous), unreliability of warnings (if given), unpredictability of detonation time, and the dangers of flying glass and debris make it prudent to include the option of not evacuating onto the street. After all, what is the point of

evacuating people onto the street only to expose them to substantial injuries from flying glass, shrapnel, and falling masonry?

Instead, evacuation to previously identified safe areas within buildings away from glass, such as in basements, should be considered. This option proved itself when the Bishopsgate device was detonated, and persons near the explosion evacuated to a subbasement. Although shaken, occupants of the building sustained no serious injuries. In addition, experience has shown that a total collapse of buildings is unlikely, even for those structures close to the device.

Clearly, though, a direct threat to a building itself or a device planted within a building, as opposed to on the street, requires evacuation. It must be emphasized that only qualified structural engineers can give advice about safe areas. Not every building will have a suitable area, either in terms of safety or sufficient capacity, so evacuation planners should designate additional or alternate sites, if possible.

Pre-Bomb Cordons

Plans should be designed for both pre- and post-bomb cordons because the requirements differ. Pre-bomb plans assume the luxury of prior knowledge of the device, either through its discovery or a warning. Because warnings can be unreliable, extreme caution should be exercised. For example, London police received a warning about the Baltic Exchange bomb, but the tipster incorrectly placed it one-quarter of a mile from its actual location.

In the London Police Department's experience, large car bombs in the street require a minimum cordon of 400 meters (437 yards), or more than the length of four football fields. An explosion can cause injuries and damage even beyond this distance, so everyone should exercise caution near the perimeter. Considering this scale in the center of any city, the enormous difficulties encountered with pre-bomb cordons become apparent.

Occupants of the danger zone should be warned immediately so they may seek a safer location. Yet, to effectively warn the vast number of people in a large business area poses an insurmountable problem to police because people are bound to be missed. However, improvements in the warning mechanisms that require minimum input from police to reach the maximum area can help. The City of London Police has implemented two new warning systems—one high-tech and one surprisingly traditional.

First, the city established a dedicated pager system to warn people simultaneously throughout the city. Building managers or security officers can rent pagers that receive messages from police about suspected bombs. The messages indicate the device's location and size, if known, so that the recipients know whether their building is at risk and what precautionary measures to take.

Second, officers on the beat carry whistles again. Radios had replaced whistles some time ago, but when police tried to shout warnings to pedestrians, everyone ignored

them. The loud, piercing sound of whistles, however, attracts attention and reaches farther, enabling more people to hear the warning.

Post-Bomb Cordons

The chaotic aftermath of a bomb presents a different set of considerations. Damage from bomb explosions usually covers a vast area, necessitating both inner and outer cordons.

The outer cordon marks the farthest extent of the damage and serves safety and security purposes. After the blast, tons of glass fall and continue to fall, often from great heights, presenting the most hazardous effect of the explosion. For example, at the Baltic Exchange bomb

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The whole thrust of the response must be multiagency coordination....

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site, workers cleared 500 tons (1 million pounds) of glass shards and debris from the street. Glass and fragmentation cause most of the injuries, and therefore, should be foremost in the minds of those responsible for preparing contingency plans.

Several other factors impact the placement of the outer cordon. In addition to the street-level destruction, damage occurs to underground

railway systems, electric and gas lines, sewer and water pipes, and telecommunications systems, either as a result of the initial blast or the subsequent ground shock. Vibrations from subway trains and from aircraft passing nearby can dislodge debris, adding to the hazards of the bomb scene, as could weather conditions. In terms of security, many offices, shops, banks, jewelers, etc., are blown open and become easily accessible to thieves.

The inner cordon marks the most severely damaged area and the crime scene. Officers must determine the extent of the crime scene as quickly as possible so that it can be preserved properly. As soon as it is considered safe, police must search this area thoroughly to recover bomb and vehicle parts and as much other evidence as possible. Of course, detectives may find some parts of the bomb outside of the crime scene area as well.

Emergency Services Coordination

The whole thrust of the response must be multiagency coordination, with all components (police, fire fighters, rescue workers, public works officials, and structural engineers) working in unison toward one goal—restoring normality. In the United Kingdom, the initial response to all such incidents, from train wrecks to bomb explosions, is the same, although the demands on the agencies will vary according to the different scenarios.

For every incident, the police control and coordinate the response, from initially ensuring public safety

Elements of an Explosion

Blast

Air being propelled at tremendous force and speed creates an over-pressure traveling outward in all directions away from the source for great distances.

Augmented Pressure

The pressure wave, reflected and channeled by the design of buildings and layout of streets. This causes the pressure effect to last longer and can increase structural damage.

Fragmentation

Any item that is part of or near to the bomb when it explodes becomes a projectile. The larger the explosive charge, the farther the fragments will travel. Fragments normally travel in a straight line but, like a bullet, can also be deflected.

Secondary Fragmentation

This occurs as the blast over-pressure hits and breaks structures, e.g., windows, doors, collapse of false ceilings, office equipment, etc.

Partial Vacuum

Return to normal pressure. At this stage, windows not destroyed by the initial blast may be sucked out.

Ground Shock

The transmission through the ground of the blast wave pressure. This causes problems with gas, water, electricity, sewers, telecommunications, etc., and may also cause structural damage to the foundations of buildings and subway systems.

(The density and height of buildings, the width of streets, the size of the device, the time of day the device is detonated, and whether a warning has been received exacerbate the effects of the explosion.)

through the final stages of investigation. Not trained or equipped to fight fires, deal with casualties, or advise on structural safety, the police must assist those who perform these duties. Regular meetings of all agencies working at the scene ensure that everyone works in unison.

Bomb scenes in the city immediately become hard-hat areas because of the damaged buildings. As a safety measure, all emergency services need to work under the advice of the local authority structural engineer, in coordination with the police. Use of heavy equipment to clear streets and shore up buildings should not occur until approved by local authority engineers. If these individuals are not readily available, recovery from the incident most likely will take much longer.

Fire and rescue teams must be able to access the area immediately. Therefore, although not a first priority, police must handle the traffic situation quickly, establishing alternate routes to ensure that emergency services can get to and from the scene and the hospitals.

As the dust settles, tremendous pressure comes from business owners to return to their premises as soon as possible. Indeed, in the zone between the inner and outer cordons, i.e., outside of the crime scene but inside the damaged area, the main aim should be for the dislocated tenants to resume responsibility for their own office space. To limit chaos at the scene, officials must plan carefully for the tenants' return and work closely with other services, taking into consideration safety and crime scene demands.

Changing Objectives

Primary concerns are to rescue casualties, to set up cordons, to evacuate everyone from within the inner and outer cordons, to preserve the inner cordon as a crime scene, and to institute traffic diversions. Yet, these objectives change as the incident gradually comes under control.

The emphasis shifts to making buildings safe and clearing the streets, minimizing cordons, minimizing traffic diversions, and returning tenants to their premises. As the objectives are achieved, the requirements for emergency services at the scene will be reduced. The area can be handed over gradually to city administrators to organize the structural recovery and to service the needs of the community for alternative accommodations, interim communications systems, etc. Contingency plans should prepare for the changing concerns in order to help make the transition safely and efficiently.

PREPARE THE BUSINESS COMMUNITY

While local authorities must be prepared to respond to bomb incidents, so should businesses that could be affected. Police, in conjunction with local authorities, should educate business owners and building managers and help them to develop individual contingency plans. Establishments located in potential target areas should prepare and practice contingency plans to deal with both pre-bomb and post-bomb incidents. Businesses should be made aware that film on windows and properly designed net curtains

provide added protection and may reduce injuries.

Many emergency requirements apply to incidents other than bombs, such as fires, but it is critical to stress the differences as well. For example, there must be no confusion that fire procedures will always require evacuation, whereas bomb plans might not. Major problems will be encountered in moving the large number of people who occupy modern buildings, and these difficulties should be taken into account during the development of contingency plans.

The need to practice planned responses to bomb incidents cannot be overemphasized.

Organizations (including emergency services providers) also need to consider the potential effect on their businesses if they are unable to use their premises for 1 or 2 days, a week, or maybe never. For example, contingency plans and computerized systems need to be stored or to have a backup at least one-half mile away. Security arrangements, identification of key personnel, telephone requirements, interim office space needs, and arrangements for contractors to make repairs and replace shattered windows all should be considered ahead of time to facilitate quick response to an

explosion. By educating and working with the business community before a bombing takes place, police departments can help to make the response to such an incident run more smoothly, reducing casualties and minimizing the time required to restore order.

PRACTICE, PRACTICE, PRACTICE

The need to practice planned responses to bomb incidents cannot be overemphasized. In addition to the citywide plan, each of the emergency services must have its own contingency plan, which must be practiced, coordinated, and kept up-to-date.

These plans should include alternatives in the event that buildings housing the emergency services themselves (e.g., fire stations, police precincts, and hospitals) are damaged or destroyed. Just as businesses should prepare for being unable to use their premises, so should emergency response teams. Routine evaluation and revision of the city's contingency plan, as well as coordinated practice drills, should be scheduled.

CONCLUSION

All major incidents are demanding and stressful for both organizations and the individuals. This particularly applies to bombs, because they represent a deliberate effort to kill, maim, and cause the maximum damage, disruption, and cost. With appropriate planning and training, casualties can be reduced, and the main priority—restoring normality—can be achieved more efficiently and quickly. ♦

Sound Off

Protecting the Crime Scene

By D.H. Garrison, Jr.

Ask crime scene technicians to name the biggest problem that they encounter on the job and you will consistently hear the same response—crime scene contamination by curious officers, detectives, and supervisors. Whether called evidence technicians, identification bureau officers, or laboratory specialists, either civilian or sworn, most personnel responsible for the processing of crime scene evidence find the same problems repeated by the same “offenders.”¹ The unintentional contamination of crime scenes appears to be a problem that will not go away without written departmental policies reinforced by a strong foundation in training.

Just Like Television

Very early in their careers, most law enforcement officers realize that the police work they see depicted on television and in the movies bears little resemblance to their jobs. It is something of an anomaly, therefore, that many of these same officers seem to believe that crime scene work should be performed as it is on the screen—murder scenes filled with loitering blue uniforms and multitudes of detectives hovering over bodies, with crime scene personnel appearing just long enough to snap an occasional picture or to dust a piece of furniture for fingerprints. Officers who work under this misconception do not seem to understand that a crime scene is no place for a crowd.

Lost Evidence, Lost Opportunities

Widespread trampling of crime scenes can prove very damaging to investigations. Often, it results in several of the more sensitive forensic techniques—such as trace analysis, bloodspatter interpretation, and DNA comparison—not being used to their fullest potential. Crime scene technicians know the futility of collecting hair or fiber samples after a roomful of officers have shed all over the scene. Footwear and tire track evidence is rarely recognized as valuable in

departments where officers routinely wander unimpeded through crime scenes.² On occasion, this can seriously hamper investigations.

Not long ago, a sheriff's department was forced to conduct a mass fingerprinting of its detective unit after a particularly sensational homicide crime scene became overrun with curious personnel. Considerable time and effort went into eliminating officers' fingerprints from the pool of legitimate prints. In another case involving a different agency, a set of crime scene photographs showed supervisory personnel standing on a blood-soaked carpet.

When the integrity of fingerprints and shoeprints is jeopardized, it is time for agencies to rethink their approach to crime scene work. While departments have tried artificial means of scene protection—such as having visitors sign release forms agreeing to provide elimination fingerprints, hair samples, and semen specimens, or establishing two-perimeter crime scenes (the inner perimeter reserved for *real* forensic work)—these responses are mere salves for a problem that demands more meaningful attention.³

Setting an Example

The role of detectives and supervisors in protecting crime scenes cannot be overstressed. These individuals ultimately are responsible for an investigation. Investigators who conscientiously limit the

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number of visitors to a crime scene ultimately may save themselves a great deal of legwork.

The simplest and most productive way for supervisors and detectives to discourage crime scene contamination is to set a good example by their own behavior. If a lieutenant walks around a crime scene at will, opening drawers and rifling through closets, what could be the harm in other officers doing the same? If a detective sergeant fails to implement a sign-in log for scene visitors, what is there to limit "drop in" visits by curious patrol officers? It is in the best interests of case investigators to set a good example and to make sure others follow it.

To further enhance the protection of evidence, police administrators should draft and enforce a written policy regarding crime scene protection and preservation. The policy not only must be clear but also must carry the same weight as any other departmental rule. Police administrators should not tolerate curiosity as an excuse for unchecked visits to the scene of a crime. Administrators, perhaps in conjunction with the local prosecutor's office, should write and enforce the rules, and like supervisors and investigators, set an example by their own behavior.⁴

Prosecutors who have lost cases due to crime scene contamination could be an invaluable source of ideas in the formation of policy. Likewise, administrators should take advantage of the technical knowledge of laboratory and crime scene specialists when formulating the department's policy.

Written Policy

The primary responsibilities of initial responders to a crime are to preserve life and to control suspects and witnesses. Then, shifting their focus somewhat, responding officers must take steps to preserve the integrity of the scene's physical boundaries. While this may not be a problem for those officers who were once taught the importance of protecting crime

scenes, others—including supervisors, media relations personnel, and administrators—sometimes have trouble leaving well enough alone at a crime scene.⁵

A department's written policy should provide a uniform procedure to restrict unnecessary access to crime scenes. A crime scene policy should contain the following elements:

- The officer assigned to the crime scene's main entry must log in *all* visitors, including name, rank, stated purpose, and arrival and departure times. Absolutely no undocumented visitors should be allowed in the crime scene area
- Every officer at the scene must complete a standard report describing their involvement and their specific actions while at the scene
- All visitors must make available any requested exemplar (hair, blood, shoeprints, fingerprints, etc.) for elimination purposes
- The highest ranking officer entering a crime scene must assume responsibility for all subsequent visitors to the scene. This final element means that any supervisory officer who visits the scene to "have a look around" must stay at the site until either the crime scene technicians finish their work or a higher ranking officer arrives. Needless to say, this

simple requirement goes a long way to discourage pointless tourism.

An officer attempting to secure a crime scene who finds the post regularly overrun by curious commanders must have the means to protect the scene, enforce department rules, and deal with superior officers. This is often a difficult balancing act. A clearly-written, well-enforced policy helps to level the playing field.

Addressing Future Problems

In addition to a clearly defined written policy, departments should also address the problem of crime scene contamination by instructing new officers to

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The simplest and most productive way for supervisors and detectives to discourage crime scene contamination is to set a good example by their own behavior.

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follow approved practices. This is best accomplished during basic academy instruction by having crime scene specialists discuss the department's policy and the importance of protecting forensic evidence. As more officers become trained in proper practices, the risk of future crime scene contamination steadily diminishes.

Conclusion

Crime scenes often yield forensic evidence that leads to the apprehension of dangerous criminals. Perhaps just as often, though, potentially valuable evidence is destroyed or rendered useless by careless behavior at the crime scene. Clearly written directives and training for new officers in this area will help agencies to resolve the problem. However, the ultimate responsibility rests with administrators, supervisors, and detectives to reinforce positive conduct by setting a good example for other officers to follow. ♦

Endnotes

¹ R. Saferstein, *Criminalistics: An Introduction to Forensic Science*, 2d ed. (Englewood Cliffs, New Jersey: Prentice-Hall, 1981), 31-32.

² W. Bodziak, *Footwear Impression Evidence* (New York: Elsevier, 1990), 16-17.

³ L. Eliopoulos, *Death Investigator's Handbook: A Field Guide to Crime Scene Processing, Forensic Evaluations, and Investigative Techniques* (Boulder, Colorado: Paladin, 1993), 2.

⁴ V. Geberth, *Practical Homicide Investigation* (New York: Elsevier, 1983), 21.

⁵ J. Peterson, S. Mihajlovic, and M. Gilliland, *Forensic Evidence and the Police: The Effects of Scientific Evidence on Criminal Investigations*, National Institute of Justice Research Report, Washington, DC, U.S. Government Printing Office, 1984, 46.

Sound Off provides a forum for criminal justice professionals to express alternative views on accepted practices or to address emerging, and perhaps controversial, issues. *Law Enforcement* provides this platform to stimulate thought within the law enforcement community and to encourage administrators to consider new ways of addressing such issues. However, ideas expressed in **Sound Off** are strictly those of the author; their appearance in *Law Enforcement* should not be considered an endorsement by the FBI.

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Reflections on Police Privatization

By DENNIS O'LEARY, J.D.



Across the Nation, budget-conscious communities explore the privatization of governmental operations as a way to contain costs while continuing to provide citizens with traditional municipal services. Some services, such as garbage collection,

are routinely provided both as private functions and as functions of the government. Increasingly, however, communities are beginning to privatize services that were once *exclusively* within the realm of the public sector. Examples include food preparation in public schools,

collection of delinquent parking violation penalties, and even vouchers for public education.

Recently, the Borough of Sussex, New Jersey, experimented with privatizing another service traditionally administered only by the public sector—the police department. In doing so, this small municipality of 2,500 residents became what may be the first modern American community to privatize its municipal law enforcement.

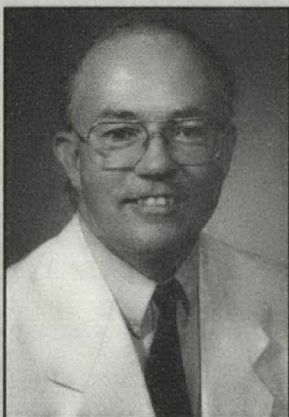
As the Sussex County Prosecutor, I witnessed firsthand the borough's experiment with private policing. Its experiences, both positive and negative, offer valuable lessons to community and law enforcement leaders around the Nation.

THE SUSSEX EXPERIMENT

The Borough

Like many small communities in the Northeast, Sussex Borough has experienced a general economic decline during the past several decades. Founded before the advent of automobiles, its Main Street district offers very limited parking. As a result, people in the surrounding areas do the majority of their shopping at suburban malls rather than at local stores. Many merchants have found it difficult to survive this "Main Street syndrome," and the resulting vacant storefronts have proven to be something of a blight on the area. In addition, two once-fashionable hotels in the borough have degenerated into rooming houses that have, on occasion, attracted a criminal element.

Because Sussex Borough is a small, fully developed municipality, little opportunity exists to



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expand its tax base. In fact, during the past several years, the borough has experienced a decline in real-estate-based tax assessments that has brought the community to the brink of insolvency.

Disbanding the Police Department

For a number of years, the borough's governing body strongly considered closing the police department. Even though the four-member force patrolled only on a part-time basis and possessed almost no modern equipment, the borough found it increasingly difficult to afford.

The issue was, of course, a highly political one. Many residents feared that without a regular police presence, the criminal element in the Main Street area would overtake the business district. However, in early 1992, in the wake of a drug scandal that culminated in the indictment of the chief and another department officer, the borough's law enforcement operations were taken over by the Sussex County

Prosecutor's Office for a period of several months.

With assistance from the county sheriff, we were able to provide borough residents with a law enforcement presence that they had heretofore not known. This was due, in large part, to the expanded personnel and resources available.

Still, because my statutory mission does not include providing local police coverage, I informed the borough's political leaders that the long-term issue of police coverage would be up to them. For primarily economic reasons, the borough elected to abolish the police department and to rely upon the State police for law enforcement services.

However, it soon became readily apparent that due to limited resources and slow response times, this option would not represent a satisfactory permanent solution. The criminal element in the Main Street district and lawless flavor of the area posed enough of a problem that the residents demanded that the mayor and council enhance police protection within the borough.

Choosing Private Security

Having disbanded its police force for lack of funding, the borough now faced an impasse. Residents sought a more constant uniformed presence than the State police could provide. At the same time, political leaders considered a police department an expense the municipality could no longer afford.

The borough's leaders devised a unique response to this dilemma. They developed a plan to hire a private security company to provide a more constant uniformed presence within the borough. Specifications were drafted, a bid was submitted by a private security company, and a contract was signed between the firm and the borough.

While the security company's initial mission simply was to supplement the State police, it soon became clear that its true mission was to function as a fully independent municipal police department. From the outset, my office received reports of motor vehicles being stopped, summonses being issued, and persons being detained and arrested.

My concern was heightened when reports surfaced that the security guards had mishandled several incidents. In one case, they returned a knife to an individual suspected of assault. Information also came to light revealing that a number of the guards had minor criminal records, primarily for assault.

Partly for these reasons, the borough's experiment in private policing turned out to be a fairly short one. An injunction was obtained by the New Jersey attorney general's office on the basis that the Sussex

Borough could not create a private police department without complying with existing State statutes relating to the creation of a police force. While this effectively resolved the issue as it related to Sussex Borough, the privatization of police services is an idea that undoubtedly will be studied closely by other communities in the future. As the residents of Sussex Borough learned, police privatization is a complex issue with a number of compelling arguments both for it and against it.

PRIVATIZATION OF POLICE SERVICES

Not surprisingly, the Sussex experiment with privatization generated a great deal of interest from representatives of two distinct segments of government. Administrators of small municipal governments experiencing financial difficulties similar to those of Sussex Borough saw the experiment as an opportunity to save considerable sums of money without denying citizens a needed service. On the opposite end of the spectrum, the Police Benevolent Association and many law enforcement unions saw the Sussex experiment as a direct threat to their livelihood. While both sides professed their concerns in terms of good government and effective law enforcement, money clearly represented an underlying issue.

I personally opposed the action undertaken by Sussex Borough. However, my concern stemmed not so much from the concept itself as it did from the lack of safeguards provided in terms of accountability and qualifications.

Accountability

The statutes in New Jersey authorizing municipalities to provide police services are similar to those in other States. Once a police department is established, it operates more or less autonomously from the municipality's administration. The chain of command does not go through the mayor and political structure of the municipality, but rather directly to the county prosecutor and the attorney general, and ultimately to the courts. This arrangement was designed to "depoliticize" the administration of law enforcement, a laudable and desirable goal.

“...political leaders considered a police department an expense the municipality could no longer afford.”

The arrangement established in Sussex Borough completely circumvented this delicate balance. The private security company directly reported, and was technically responsible, only to the entity that awarded its contract. History is replete with instances in which police departments were used for dubious purposes by political bosses. This is not to say such a situation developed, or would have developed, in Sussex Borough. However, were such arrangements duplicated in

other municipalities, the potential for corruption and abuse certainly would grow accordingly.

Qualifications

As county prosecutor, I was concerned also with the issue of qualifications. As in every State, an entire statutory framework exists in New Jersey relating to hiring qualifications for municipal police officers. Candidates undergo psychiatric testing prior to being offered employment, as well as intensive training on dealing with people in difficult situations, criminal law (including search and seizure), physical fitness, marksmanship, and various other matters relating to law enforcement work.

The training received by the private security guards was limited at best. In fact, the only real training the guards received focused on the use of guns. By contrast, firearms training generally represents a relatively minor component of the instruction provided to public sector law enforcement officers.

It is reasonable to assume that municipalities offering positions of authority, which include the carrying of a firearm, at relatively low salaries, will attract a wide spectrum of applicants. Some will be attracted to the job out of a sense of public commitment. Others will be motivated by other, less desirable factors.

Therefore, to ensure the integrity of any municipal law enforcement force, a psychological screening process is not only desirable but essential. However, this is only a first step. Training in areas such as search and seizure must keep personnel abreast of constant changes

in the law. Even with intensive training, police officers, as well as attorneys and judges, make periodic mistakes in these areas.

The security guards in Sussex Borough received *no* training in these areas. The security firm explained this deficiency by claiming that, as private citizens, the guards were not bound to comply with the fourth, fifth, or sixth amendments (rights of defendants).

I vigorously disagree. While private citizens are not obliged to afford such rights to other private citizens, a convincing argument could be made that the security guards did not act merely as private citizens. They were, after all, duly hired agents of a municipality.

Nonetheless, the guards were seriously unprepared for their responsibilities. In short, the hiring of a private security firm in lieu of a municipal police department not only circumvented a longstanding statutory framework, it also constituted a giant step backward in terms of law enforcement professionalism.

CAN PRIVATIZATION WORK?

Is it possible to have a professional, qualified, responsible police department that operates fully within the private sector? As I have indicated, my objections to the Sussex Borough experiment centered on qualifications and accountability. Both areas could be addressed adequately by simply amending laws and regulations to provide accountability along a similar chain of command as those of public police agencies. In addition,

legislatures could mandate that in order to win a bid for municipal policing, private security companies must meet the same screening and training criteria as public police departments.

Could private security someday replace public policing? There seems to be a national trend among

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legislatures to grant greater police powers to private security. It is conceivable that the legal obstacles to private security firms assuming “public” policing powers could be overcome. In fact, from a legal perspective, this transition could be accomplished with little difficulty.

Whether municipalities embrace the concept depends on a number of factors. Communities should consider these factors carefully before embarking on the road to privatization.

CONSIDERATIONS

Like many private waste removal companies, large security firms could supply police coverage for several contiguous municipalities, and thereby affect economies of scale. Such an arrangement not only would keep costs down but also would provide greater promotional opportunities for law enforce-

ment officers, because they would be working for a larger enterprise. In addition, the degree of professionalism theoretically would improve over small police departments that possess limited training resources and equipment.

The financial savings to municipalities could be dramatic. In the short-lived Sussex experiment, the borough realized a savings of over 50 percent. While I suspect that a portion of this amount resulted from a “loss leader” by the security firm in its effort to win the borough’s initial bid, I believe that a practical savings of 25 to 30 percent could be realistic for many jurisdictions.

Clearly, however, such arrangements would not be without considerable drawbacks. The large amount of money private security companies would have to invest to hire and train qualified personnel would be reflected in any realistic bid. Further, while competition may serve to keep costs to municipalities down initially, once a security company becomes entrenched in a particular area, its proximity to nearby jurisdictions would allow it a distinct advantage to underbid other firms. The resulting monopoly could significantly erode any long-term savings that the municipalities anticipate.

Aside from costs, however, other important considerations remain. Under private security agreements, municipalities would possess considerably less control over their police force than afforded by the traditional public policing model. While public police departments enjoy some degree of autonomy, police chiefs often are appointed by

municipal governing bodies. These bodies generally review and approve police budgets, as well.

But, more subtle "controls" also forge a link between a municipality and its police department. In many communities, for example, when the police department promotes a patrol officer to sergeant, a ceremony takes place before the town council meeting. Generally, despite periodic "rocky moments," a warm and friendly relationship exists between the governing body and the police department of a small town.

Municipalities that enter into private security arrangements suddenly would find themselves dealing with corporate America. The warm and friendly relationship as it once existed between local government and the police force would change forever. Because large private security firms could conceivably hire employees from anywhere and relocate them, municipal government officials and citizens may find themselves no longer dealing with police officers who are also friends, and in some cases, relatives. While this certainly could be seen on one level as a positive outcome, the fact remains that small town residents appreciate being afforded certain informal courtesies by their police department. They enjoy being known by name and feel secure being protected by members of their own community. To a large degree, the "personal touch" afforded by local public departments would become a casualty of police privatization.

Further, in the interest of efficiency and scheduling, private security guards in large firms might be

assigned from municipality to municipality. This would allow little opportunity for guards to develop allegiance to any one community, let alone to individual residents or municipal officials. The unique advantages of local police coverage—intervening when an otherwise well-behaved youth becomes associated with the wrong crowd, checking on elderly residents, noticing a suspicious new person in town—would be missing.



In the final analysis, it may be these intangibles that form the basis for debate in municipalities considering the privatization issue. Communities must decide whether forsaking these intangibles is worth any monetary savings realized by privatizing the police function.

In the interest of accuracy, however, communities should keep the issue of police privatization in perspective. Private policing does not represent a radical new concept. Indeed, the idea of government-administered, or public, law enforcement is of relatively recent

origin—occurring in most parts of the world within the past 100 years. Prior to the advent of public policing, groups of citizens wishing law enforcement protection organized it privately, without direct government intervention. During the formative years of the American frontier, citizen posses and private railroad guards provided essential law enforcement services. In many ways, the privatization of policing simply represents a new take on an American tradition.

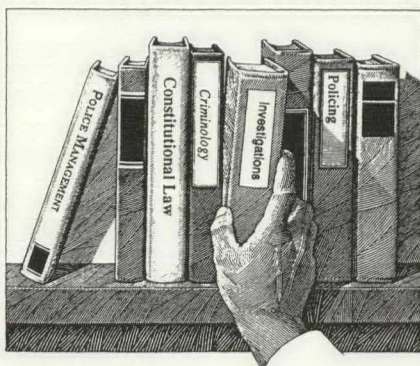
CONCLUSION

Is it legally possible to create a private police department? Probably. But, more important questions remain. Would such an arrangement work? And would the savings be worth the effort? The Sussex Borough experiment may have been too brief to fully answer these questions. But, they will undoubtedly be asked by economically challenged communities around the Nation.

Although private policing may offer significant initial cost benefits to small municipalities, the savings would probably diminish as large security firms formed regional monopolies. Municipalities then may find that they lost far more than they gained.

Because many of the functions that local police departments perform relate to providing services to their communities in addition to mere code enforcement, ill-planned privatization could bring about unanticipated change. Communities should consider carefully the effects of all these changes when weighing the benefits of private, versus public, policing. ♦

Book Review



Crime Analysis: From First Report to Final Arrest by Steven Gottlieb, Sheldon Arenberg, and Raj Singh, Alpha Publishing, Montclair, California, 1994, (908) 981-6940.

The ability of municipal law enforcement agencies to contain crime in the future may well be determined by their capacity to change standard operating procedures today. The tools—technology (computers) and know-how (research)—already are abundantly available. But, profound questions remain. Do law enforcement executives possess sufficient awareness of *why* they should change? Do they have the will and the fortitude to oppose the status quo?

Some do, as evidenced by the movement toward community-oriented policing (COP). But, if analysis of neighborhood crime problems is at the heart of this concept, most analysis tends to be poorly understood and seldom discussed in any meaningful way. Despite efforts to the contrary, it is impossible for departments to implement COP,

or its variants, successfully without understanding or employing some form of crime analysis.

The authors of this book devote considerable attention to the relationship between true community-oriented policing and the analysis of crime. They also address a more mundane, but no less important, practice in desperate need of rejuvenation—the fundamental procedures through which agencies calculate patrol workloads. Determining how many officers should do what, as well as where, when, how, and why they do it, represents the apex of crime analysis. Discussion of these issues makes up the sum and substance of *Crime Analysis*.

In fact, the book's discussion is so comprehensive that it eliminates many of the excuses that traditionalist police executives have used to defend their failure to innovate. In creating the first practical "how to" guide to crime analysis, the authors render obsolete the rationalization that has allowed departments to cling to the status quo in lieu of embracing real analytical methods.

Crime Analysis is a coherent compendium for progressive administrators who would challenge the status quo in order to more effectively address the crime problems that face their communities. This book will serve to enlighten, but through its comprehensive treatment of an often-obsure subject, it may also provide a sound basis for leading law enforcement out of the darkness of the past.

Reviewed by
SA William Tafoya, Ph.D.
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San Francisco, California

Entering Premises to Arrest

The Threshold Question

By JOHN C. HALL, J.D.



"The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail—its roof may shake—the wind may blow through it—the storm may enter—the rain may enter—but the King of England cannot enter—all his force dares not cross the threshold of the ruined tenement."

—Statement by British statesman, William Pitt (Lord Chatham), to the House of Commons in 1763.

"In terms that apply equally to seizures of property and to seizures of persons, the Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not reasonably be crossed without a warrant."

—Payton v. New York, 445 U.S. 573, 590 (1980).

These two statements reflect the historical importance of the private dwelling in Anglo-American culture and law. Deeply entrenched in the concepts of the English common law, and explicitly memorialized in the fourth amendment to the U.S. Constitution, the concept has lost none of its vigor today. While granting police considerable latitude in taking warrantless action against suspected criminals when they are located in areas outside the residence, the U.S. Supreme Court has continued to afford the highest levels of fourth amendment protection to those privacy interests normally associated with one's home.



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

“...police officers run grave risks if, in their zeal to arrest their suspect, they ignore the potential legal consequences associated with entries into private dwellings.”

Illustrative of this point is the Court's relatively recent application of a warrant requirement to police entries into private premises for the purpose of effecting arrests inside. In 1976, in *Watson v. United States*,¹ the Court declined to impose a warrant requirement for felony arrests that occur in public places, holding that the validity of such arrests hinges on the existence of probable cause and not on whether the officers have an opportunity to acquire an arrest warrant.

Just 4 years later, in *Payton v. New York*,² the Court held that if the arrest involves an entry into the suspect's private residence, an arrest warrant is necessary—absent an emergency or consent—to justify that entry. The following year, in *United States v. Steagald*,³ the Court held that absent an emergency or consent, a *search warrant* is necessary to enter a third party's premises to make an arrest.

Both *Payton* and *Steagald* focus on the legality of the *entry* into a residence as the basis for fourth

amendment concerns, as distinct from the lawful authority to arrest the suspects, and make it clear that the legal authority to arrest a person does not, by itself, justify an intrusion into a private dwelling to do so. The significance of this distinction between police authority to arrest and police authority to enter premises to arrest was further highlighted by the Court's decision in *New York v. Harris*.⁴

In *Harris*, officers made a warrantless entry into the subject's residence to arrest him. Following his arrest, and after he had waived his *Miranda* rights, the suspect made incriminating statements. A later interrogation at the police station resulted in additional incriminating statements.

The defendant filed motions to suppress both statements as the products of an unlawful arrest. However, the Supreme Court limited suppression to those statements made in the residence, reasoning that these statements alone were the product of a fourth amendment

violation, i.e., an *unlawful entry* of the premises. The defendant's later statements at the station were admissible because the arrest itself was supported by probable cause.

The practical consequence of the *Payton-Steagald* rule is that while an arrest supported by probable cause is constitutional, a warrantless entry into a residence to effect the arrest may not be. As the *Harris* case illustrates, the obvious remedy for an unconstitutional entry into a private dwelling is suppression of evidence acquired against any person whose constitutional rights were infringed by the unlawful entry.

In addition to the suppression of evidence, an aggrieved party may also have redress through a lawsuit alleging a violation of constitutional rights. The point is that police officers run grave risks if, in their zeal to arrest their suspect, they ignore the potential legal consequences associated with entries into private dwellings.

Because judicial concern over police *entries* into private dwellings spawned these rules, it is critical to determine when an entry occurs. The Court's admonition that the “threshold may not be crossed” provides the starting point for the inquiry and suggests that an “entry” occurs when police “cross the threshold” of a dwelling. It is essential, however, to ascertain what is commonly meant by the term “threshold” and what constitutes crossing it.

THE THRESHOLD

The dictionary defines “threshold” as: “A sill of timber or stone forming the bottom of a doorway

and crossed in entering a house or room; the entrance to a house, building, or room.”⁵ The Supreme Court apparently had a similar definition in mind in *United States v. Santana*,⁶ when it concluded that a suspect who was *standing in her doorway* as officers approached to arrest her was, for constitutional purposes, in a “public place.” One officer testified that she was “standing directly in the doorway—one step forward would have put her outside, one step backward would have put her in the vestibule of her residence.”⁷

Because an arrest at that location would not involve a “crossing of the threshold,” the Court concluded that it would have been justified without a warrant. Accordingly, because the arrest would have been lawful if made in the doorway, the police were justified under the doctrine of “hot pursuit” to follow the suspect when she retreated into her house and complete the arrest inside.

From the holding in *Santana*, it can be concluded that *the doorway* is the “entrance to the house” to which the Supreme Court was referring in *Payton*. Because all police intrusions onto private property do not implicate the same fourth amendment interests as does an entry into a private residence,⁸ the courts have permitted warrantless arrests in the yard of a residence,⁹ on the porch,¹⁰ or even in the hallway of an apartment building.¹¹

As these cases demonstrate, no *actual* entry into a residence occurs if the suspect is on, or outside, the threshold at the time of the arrest. However, two significant problems

have emerged as the lower courts have attempted to interpret and apply the Supreme Court decisions in *Payton* and *Steagald*. First, it is not always clear when an *actual* crossing of the threshold has occurred. Second, some courts have held that a crossing of the threshold was not necessary and that in some circumstances the police “constructively” entered a residence even though no physical entry into the dwelling occurred. The distinction between the *actual* entry and the *constructive* entry is discussed and illustrated below.

“
...while an arrest supported by probable cause is constitutional, a warrantless entry into a residence to effect the arrest may not be.
”

ACTUAL ENTRIES— CROSSING THE THRESHOLD

It is not disputed that an actual, physical entry into private premises to effect an arrest is the kind of police activity the *Payton-Steagald* rule was designed to control. In both of those cases, law enforcement officers physically crossed the threshold—i.e., walked through the door—and entered a private residence. But a number of questions arise if the police do not actually step across the threshold.

For example, a suspect may be standing just inside the doorway at the time of arrest, so that the officers do no more than reach across the threshold. Or the suspect may choose to respond to the arrest announcement by inviting the officers inside or by stepping outside the residence. Unlike the cases where police officers unquestionably enter the residence by crossing the threshold, doorway arrests present the police and the courts with a number of variables.

On the Threshold

Predictably, after the decisions in *Payton* and *Steagald*, cases arose where officers made warrantless arrests of unwary suspects who responded to a knock at the door. In many cases, courts have simply analogized the facts to those in the *Santana* case and held that no entry occurred during these “doorway” arrests because the defendant was in a “public place” while standing *in* the doorway of the house.¹² In these cases, the courts either concluded or assumed that the officers did not have to cross the threshold to effect the arrests.

Typical of this approach is *United States v. Carrion*,¹³ where Federal agents gained the assistance of a hotel housekeeper to effect the arrest of one of the guests. When the housekeeper knocked on the hotel room door and announced “Housekeeping,” the suspect opened the door to discover agents with pointed guns announcing that he was under arrest. The agents then entered the room, conducted a protective sweep for other individuals, and discovered evidence.

In response to the defendant's motion to suppress the evidence on the theory that the warrantless arrest "in his hotel room" was unconstitutional, the court held:

"...the arrest was effected before the agents entered [defendant's] hotel room...[His] arrest occurred as he stood in the doorway of his hotel room and was first confronted by [the agents], who were standing in the hallway."¹⁴

The court in *Carrion* did not make an intense inquiry into the defendant's precise location at the moment of his arrest, simply concluding that he "stood in the doorway."

Inside the Threshold

If the facts of the case more clearly indicate that the suspect was located *inside* the threshold at the time of the arrest, some courts have concluded that a police entry occurred. Furthermore, some courts have taken a strict view of *Payton* and considered any intrusion across the threshold—no matter how incidental—as constituting an entry.

In *State v. Johnson*,¹⁵ the court held that an entry occurred when an officer placed his foot partially in the doorway to keep the suspect from slamming the door. The court stated that "even though [the officer's] position in the doorway

was from just the 'toenails' to the 'balls of the feet,'" it was the type of entry that the Supreme Court had warned against in *Payton*.¹⁶ Most courts have chosen not to be as strict in applying the *Payton* standard, perhaps either because the facts regarding the precise locations of officers and suspects are frequently difficult to ascertain or because judges are influenced by the Supreme Court's admonition that

crossing of the threshold as fourth amendment concern and avoids what one commentator characterized as the "plumb bob" approach to analyzing the entry question.¹⁸

CONSTRUCTIVE ENTRIES

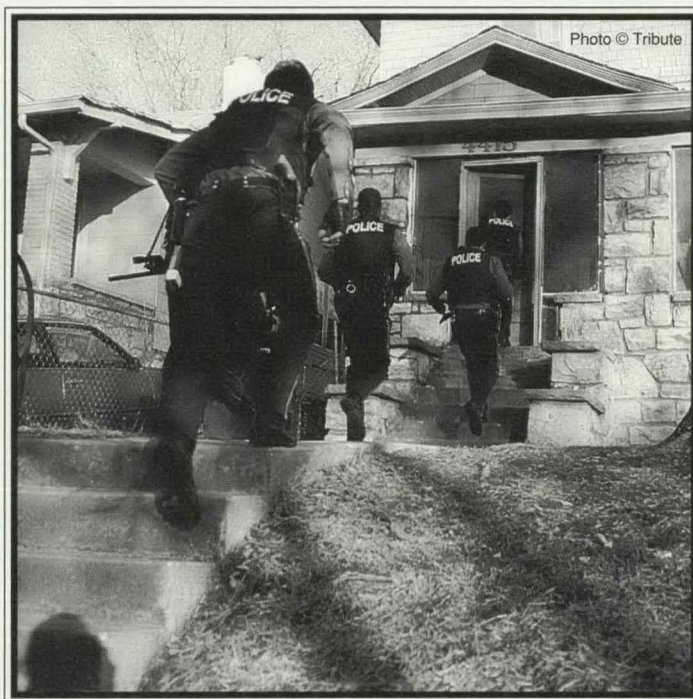
The notion of a "constructive entry" has emerged in cases where the facts cannot reasonably support the conclusion that a physical entry into private premises has occurred.

For example, the police may knock on a suspect's door, demand entry, and then announce that he is under arrest when he appears "in the doorway"; or the police may surround a suspect's residence and demand that he surrender. While no actual entry into a private residence has occurred in either case, some courts construe such police actions as tantamount to a physical crossing of the threshold.

The primary impetus for this view seems to be a concern that the police will seek to accomplish warrantless arrests by simply co-

ercing or otherwise luring suspects into areas where no actual entry into private premises is implicated. Courts that adopt this view hold that if the arrestee did not voluntarily put himself in a "public place," then a constructive entry occurred.

An illustrative case is *United States v. Morgan*.¹⁹ Law enforcement officers surrounded a



fourth amendment issues cannot be readily resolved by resort to "meta-physical subtleties."¹⁷

Accordingly, if no more is involved than reaching across the threshold to grab the suspect, most courts have found that no entry occurred. This view seems most consistent with the language of *Payton* that describes the

suspect's residence and ordered him and the other occupants to come outside. Although the suspect complied with the commands and was taken into custody outside the house, the court held that "the arrest of [the suspect] occurred *while he was present inside a private home*."²⁰ (Emphasis added). The court explained:

"Although there was no direct police entry into the...home prior to [the suspect's] arrest, the constructive entry accomplished the same thing...."²¹

The court based this conclusion on the principle that "...it is the location of the arrested person, and not the arresting agents, that determines whether an arrest occurs within a home."²²

Other courts distinguish cases where the police simply knock on the door and await the suspect's response from those where the police knock on the door and demand the suspect's presence. For example, in *McKinney v. George*,²³ the suspect opened his door when police knocked and submitted to them when told he was under arrest. The court held that no fourth amendment violation had occurred and observed:

"[The officers] did not cross the threshold of [the suspect's] apartment. When he opened the door to their knock they told him to come along with them and he did so. If he had refused and they had come in and taken him we might have a different case."²⁴

A contrary result was reached in *United States v. Edmonson*,²⁵ where the suspect responded to a

knock on his door by looking through the peephole when an FBI agent yelled, "FBI. Open the door!". The suspect opened the door and allowed the agents to enter and place him under arrest. The court held that the suspect did not voluntarily place himself in a position where a warrantless arrest would be permissible.²⁶

While this rationale has gained some support among the courts, it seems inconsistent with both the

"
...[the] Court has continued to afford the highest levels of fourth amendment protection to those privacy interests normally associated with one's home.
"

explicit language in *Payton* and recent Supreme Court decisions that define fourth amendment seizures of persons. To the extent it rests on the assumption that the Supreme Court's concerns in *Payton* related to the location of the suspect at the time of arrest, it is difficult to square with the clear language of the Court that focused on the warrantless crossing of the residential threshold.

A court's discontent with the police tactic of ordering the suspect to come out of the house is easier to share if the purpose of the *Payton* and *Steagald* decisions was to create a warrant requirement for

arrests that is comparable to the warrant requirement for searches. However, as previously noted, the Supreme Court has not only rejected a general requirement for warrants to effect arrests but also has emphasized that it is not the arrest of the person but the entry into the private domain of the home that demands the higher level of fourth amendment protection.

If it is a correct assumption that the location of the suspect inside a residence at the time of arrest is sufficient to trigger the *Payton-Steagald* rules, it does not necessarily follow that an arrest has occurred just because the police have demanded surrender and the suspect has complied. Recent Supreme Court cases in which the "seizures" of persons have been at issue raise significant questions regarding the correctness of the constructive entry approach.

For example, in *Brower v. County of Inyo*, the Court described a fourth amendment seizure of a person as occurring "...only when there is a governmental termination of freedom of movement through means intentionally applied."²⁷ Subsequently, in *California v. Hodari D.*,²⁸ the Court held that "an arrest requires *either* physical force...or, where that is absent, *submission* to the assertion of authority"²⁹ and rejected the defense argument that a mere "show of authority" is sufficient.

The "constructive" entry theory seems to depend in large part on the assumption that verbal commands by police, spoken from outside a residence, are tantamount to the physical crossing of the threshold

so that if the suspect complies by surrendering, the seizure may be said to have occurred inside. However, if a "seizure" of the person can occur while the suspect is inside his home and the police are still outside, it is still debateable whether an entry of the type that *Payton* and *Steagald* were designed to control has occurred.

CONCLUSION

The Supreme Court's decisions in *Payton* and *Steagald* represent a logical extension of the traditional requirement for judicial approval before the forces of government can intrude into the private domain of one's dwelling. Absent emergency circumstances or consent, an arrest warrant is required to enter the residence of the suspect to effect the resident's arrest, while a search warrant is necessary to justify an entry into a third party's residence. Because there is no warrant requirement for making felony arrests in public places, law enforcement officers are free to devise arrest plans aimed at avoiding entries into private dwellings, and thereby, avoiding the need to acquire warrants.

In devising such plans, however, officers must be aware that legal risks may yet arise, even though no actual, physical entry into a residence occurs, and should understand that steps can be taken to minimize those risks. For example, one obvious way to avoid an actual entry into a dwelling is to wait until the suspect exits. Because that may not always be a practicable option, there should be relatively little risk of knocking on the suspect's door and awaiting a response. If the suspect opens the door under these circumstances, the cases indicate that there

should be no problem in announcing the arrest. If someone other than the suspect answers the door, there is no legal risk in asking that person to request that the suspect come to the door.

As the cases illustrate, the most risky tactic is to demand that the suspect either come to the door or come outside. Although the law is still unsettled in this area, there is a significant risk that a court will view such action as a "constructive entry" into the residence, even though a physical entry was avoided. ♦

**“
Absent emergency
circumstances or
consent, an arrest
warrant is required to
enter the residence of
the suspect to effect
the resident's arrest....
”**

Endnotes

- ¹ 423 U.S. 411 (1976).
- ² 445 U.S. 573 (1980).
- ³ 451 U.S. 204 (1981).
- ⁴ 495 U.S. 14 (1990).
- ⁵ The New Shorter Oxford English Dictionary, Clarendon Press, Oxford, 1993.
- ⁶ 427 U.S. 38 (1976). See also *United States v. Sewell*, 942 F.2d 1209 (7th Cir.), cert. denied, 112 S. Ct. 1567 (1992).
- ⁷ *Id.*
- ⁸ *Oliver v. United States*, 466 U.S. 170 (1984).
- ⁹ See, e.g., *United States v. Varkonyi*, 645 F.2d 453 (5th Cir. 1981); and *United States v. Bustamante-Saenz*, 894 F.2d 114 (5th Cir. 1990).
- ¹⁰ *Kirkpatrick v. Butler*, 870 F.2d 276 (5th Cir.), cert. denied, 493 U.S. 1051 (1990).

¹¹ See, e.g., *United States v. Barrios-Moriera*, 872 F.2d 12 (2d Cir.), cert. denied, 493 U.S. 953 (1989); and *United States v. Nohara*, 3 F.3d 1239 (9th Cir. 1993).

¹² *Duncan v. Storie*, 869 F.2d 1100 (8th Cir.), cert. denied, 110 S.Ct. 152 (1989); *United States v. Carrion*, 809 F.2d 1120 (5th Cir. 1987); *United States v. Whitten*, 706 F.2d 1000 (9th Cir. 1983), cert. denied, 465 U.S. 1100 (1984); *United States v. Burns*, 624 F.2d 95 (10th Cir.), cert. denied, 449 U.S. 954 (1980).

¹³ 809 F.2d 1120 (5th Cir. 1987).

¹⁴ 809 F.2d, at 1128.

¹⁵ *State v. Johnson*, 501 N.W.2d 876 (Wisc. App. 1993). See also *State v. Holeman*, 693 P.2d 89 (Wash. 1985). (The court held that it depends on where the arrestee is located, and not on the location of the police, and concluded that "police are prohibited from arresting a suspect while the suspect is standing in the doorway of his house" even if "the police never crossed the threshold.")

¹⁶ 501 N.W.2d, at 879.

¹⁷ *Frazier v. Cupp*, 394 U.S. 731 (1969).

¹⁸ LaFave, *Search and Seizure: A Treatise on the Fourth Amendment*, vol. 2, 590 (2d ed. 1987).

¹⁹ 743 F.2d 1158 (6th Cir. 1984), cert. denied, 471 U.S. 1061 (1985); and *United States v. McCraw*, 920 F.2d 224 (4th Cir. 1991).

²⁰ 743 F.2d, at 1166.

²¹ *Id.*

²² See also *United States v. Johnson*, 626 F.2d 753, 757 (9th Cir. 1980), *aff'd*, 457 U.S. 537 (1982).

²³ 726 F.2d 1183 (7th Cir. 1984).

²⁴ 726 F.2d, at 1188.

²⁵ 791 F.2d 1512 (11th Cir. 1986).

²⁶ See, e.g., *United States v. Al Azzawy*, 784 F.2d 890 (9th Cir.), cert. denied, 476 U.S. 1144 (1986); *United States v. Morgan*, 743 F.2d 1158 (6th Cir. 1984), cert. denied, 471 U.S. 1061 (1985); *United States v. Davis*, 785 F.2d 610 (8th Cir. 1986); and *United States v. Johnson*, 626 F.2d 753 (9th Cir. 1980), *aff'd*, 457 U.S. 537 (1982).

²⁷ 486 U.S. 593, at 597 (1989).

²⁸ 499 U.S. 621 (1991).

²⁹ 499 U.S., at 625.

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.

Officers Doug Pann and Brad Shelton of the Rockford, Illinois, Police Department responded to a bank robbery alarm at a local shopping center. As the officers pulled into the bank parking lot, they were confronted immediately by the assailant, who ran from the bank firing a semi-automatic machine pistol at them. The officers pursued the gunman on foot and were joined by Deputy Robert L. Humphries of the Winnebago County, Illinois, Sheriff's Office, who was off duty in the area and responded to shots

being fired. During a lengthy foot pursuit, Officers Pann and Shelton and Deputy Humphries repeatedly exchanged gunfire with the subject and were able to

wound and apprehend him without injury to others. The man was later charged with bank robbery and attempted murder of police officers.



Officer Pann



Officer Shelton



Deputy Humphries

Officer Kevin Childe of the Fountain Valley, California, Police Department was the first officer to respond to the report of an apartment fire. Immediately upon arriving, Officer Childe tried to enter the burning apartment to search for the resident but was unable to proceed because of heavy smoke and fire. Once outside, he and other responding officers observed a disoriented woman sitting in a chair on the balcony. After the woman ignored several commands to jump off the balcony, Officer Childe, with disregard for his own safety, pulled himself up onto the balcony and began urging the woman to jump. As the fire inside lapped against the sliding glass door, Officer Childe forced the woman off the balcony into the arms of awaiting officers. Just as he climbed down, the fire shattered the glass door and fully engulfed the balcony.



Officer Childe

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