

FBI

Law Enforcement Bulletin

July 1987

FILM WITH EACH ARTICLE

CAUTION

AIDS
CASE I

Autoclaving
for Biohazardous
Materials

Self Venting/Sealed

106429
106434



Handling Infected Evidence **DATA BASE COPY**

FILM WITH EACH ARTICLE

Contents

July 1987, Volume 56, Number 7

kr

- Forensic Science
106429
- Point of View
106430
- Crime Problems
106431
- Cooperation
106432
- Investigative
Techniques
106433
- Legal Digest
106434
- 1 Collecting and Handling Evidence Infected with Human Disease-Causing Organisms
By Paul D. Bigbee
- 6 You're a Newly Appointed Chief of Police!
By William D. Franks
- 9 Children As Burn Victims
By Jack R. Shepherd
- 15 Military Assistance And Surplus Government Property To Law Enforcement Agencies
By C. Fredric Anderson,
- 20 Benevolent Interrogation
By John E. Hess, Jr., and Stephen D. Gladis
- 24 Fourth Amendment Rights of Law Enforcement Employees Against Searches of Their Workspace
By Daniel L. Schofield
- 31 Wanted by the FBI

FBI

Law Enforcement Bulletin

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

John E. Otto, Acting Director

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through June 6, 1988.

Published by the Office of
Congressional and Public Affairs

Editor—Thomas J. Deakin
Assistant Editor—Kathryn E. Sulewski
Art Director—Kevin J. Mulholland
Production Manager—Mark A. Zettler
Reprints—

The Cover:

FBI Laboratory employee sterilizes evidence contaminated with the AIDS virus prior to examination. (See article p. 1.)

The FBI Law Enforcement Bulletin (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 10th and Pennsylvania Ave., N.W., Washington, DC 20535. Second-class postage paid at Washington, DC. Postmaster: Send address changes to Federal Bureau of Investigation, FBI Law Enforcement Bulletin, Washington, DC 20535.



Military Assistance and Surplus Government Property to Law Enforcement Agencies

"State surplus property agencies ... have available a vast variety of Government surplus property for donation to State and local law enforcement activities."

Surplus Government property has been made available to non-Federal public agencies since 1949. This provision was extended to all non-Federal, State, and local public agencies in October 1977, with the requirement that the items be used for public purposes. In addition, since 1981, routine military assistance has been offered to civilian law enforcement agencies.

Nevertheless, many local and State police departments around the country have been unaware of these Federal assistance programs, as well as the procedures required to obtain personal property through them. Taking advantage of such benefits can greatly improve the efficiency and economy of many police agencies.

As a result of the 1986 Department of Defense Authorization Act, the Department of Justice (DOJ), in consultation with the Department of Defense (DOD) and the General Services Administration (GSA), implemented a program designed to inform civilian law enforcement officials throughout the country regarding information, training, technical assistance, equipment, and facilities available to police. The program takes advantage of existing "in-place" procedures used by both DOD and GSA.

MILITARY ASSISTANCE

There are a number of select areas of military assistance potentially available to civilian law enforcement agencies. These include the collection of information; use of firing ranges, storage areas, hangars, airfields, riot control equipment, night vision devices, and radar equipment; training in dog handling; aerial surveillance and reconnaissance; use of bomb detection teams, ground surveillance radar, and ground sensor operations; special forces-type training; towing of drug vessels; anti-personnel intrusion detection; and breathalyzers.

Since the enactment of the original statutes that now comprise the Posse Comitatus Act¹ over 100 years ago, military participation in civilian law enforcement activities has been limited. This historic tradition prohibiting direct military involvement is aimed at separating the powers of the military from those of civilian law enforcement. However, in 1981, this restriction was amended, providing for certain forms of military cooperation with civilian law enforcement officials.²

BY

C. FREDRIC ANDERSON, J.D.

*Special Agent
Criminal Investigative Division
Federal Bureau of Investigation
Washington, DC*

AUTHOR'S NOTE: Appreciation is extended to Cmdr. Roger Bertsch of the Pentagon's Task Force on Drug Enforcement, Office of Force Management and Personnel, and Stanley M. Duda, Director of Property Management Division, General Services Administration, for their contributions to this article.



Special Agent Anderson

More specifically, civilian law enforcement officials may now obtain:

- 1) Information collected during the normal course of military operations relevant to a violation of any Federal or State law within the jurisdiction of such officials;³
- 2) The use of loaned equipment, base facilities, and research facilities of the military for law enforcement purposes;⁴ and
- 3) Training in the operation and maintenance of loaned equipment, as well as providing advice relevant to these purposes.⁵

Following enactment of these provisions, the DOD established mechanisms to fulfill its responsibilities. Guidelines were established,⁶ and the primary responsibility for coordinating the effort was assigned to the Assistant Secretary of Defense, Force Management and Personnel.

Procedures For Military Assistance

The Pentagon's Task Force on Drug Enforcement, institutionalized on January 5, 1987, as the Deputy Assistant Secretary of Defense (Drug Policy and Enforcement) in the Office of the Assistant Secretary of Defense (Force Management and Personnel), has established two procedures for civilian law enforcement authorities to obtain military assistance. The first method is for the State and local law enforcement officials to make a request for assistance to one of the regional centers of the Vice President's National Narcotics Border Interdiction System (NNBIS). Each NNBIS region has a regional coordinator from either the U.S. Customs Service or U.S. Coast Guard. The NNBIS has four primary tasks:

- 1) Maximize DOD and the military

services involvement in support of drug interdiction without adversely affecting combat readiness;

- 2) Increase national intelligence community support to drug interdiction;
- 3) Mesh international interdiction efforts with United States agency efforts; and
- 4) Enhance interagency coordination and cooperation.

The NNBIS charter as a coordinating system makes it the most appropriate mechanism to obtain military assistance. Currently, 43 DOD personnel are assigned to the 7 regional centers. Their function is to perform liaison duties between DOD and Federal, State, and local civilian agencies. They are well-versed on the availability of equipment and facilities from the military bases and research facilities in their respective regions. Table 1 provides the location and telephone number of each NNBIS regional center.

The second method for obtaining military assistance is to make a request directly to a local or nearby military base or facility. While each military command is willing to provide assistance, one should bear in mind that while a specific base or facility may be convenient, it may be limited in its ability to provide the desired support due to its particular mission and resources. Such "direct" requests should be made as follows:

- Requests to an Army command should be made to the Provost Marshal;
- Requests to a Navy or Marine Corps command should be

"Requests for the use of military equipment do not involve any transfer of ownership, but are on a loan/lease basis."

Table 1

NNBIS Regional Centers

	Commercial	FTS
New York (Northeast)	(212) 466-2176	688-2176
Miami (Southeast)	(305) 536-4065	350-4065
Chicago (Northern Border)	(312) 353-9253	886-9253
New Orleans (Gulf)	(504) 589-4986	682-4986
Houston (Southwest Border)	(713) 953-9830	526-9830
Long Beach (Pacific)	(213) 514-6382	795-6382
Honolulu (Western Pacific)	(808) 514-2091	551-2091

made to the Naval Security and Investigative Command or Base Security; and

—Requests to an Air Force command should be made to the Commander of the Security Police.

Each of these local entities will be familiar with Department of Defense Directive 5525.5, as well as their own implementing directives which set forth guidelines for cooperation with civilian law enforcement officials.⁷ These military contacts should be able to authorize most requests or forward them to the Pentagon for approval.

Restrictions on Military Assistance

It is important to note that while the DOD has been given legislative permission to provide assistance to local law enforcement there are two significant restrictions—support provided must be within the framework of existing law and cannot be provided if such assistance would adversely affect national security or military preparedness. Military personnel are prohibited from any direct participation or assistance to civilian law enforcement activities. The following forms of direct assistance are specifically prohibited: Interdiction of a vehicle, vessel, aircraft, or other similar

activity; a search or seizure; an arrest, apprehension, stop and frisk, or similar activity; and the use of military personnel for surveillance or pursuit of individuals, or as undercover agents, informants, investigators, or interrogators. In short, military assistance is prohibited in situations in which there is a reasonable likelihood of a law enforcement confrontation. While there are a few exceptions to this restriction (such as civil disturbances, disasters, and protection of the President), these exceptions rarely involve activities that are pursued by local or State law enforcement agencies.⁸

Training provided to civilian law enforcement agencies usually involves the operation and maintenance of equipment made available to their agencies. Regulations do not permit large-scale or elaborate training or regularly held sessions. The training is limited to situations when the use of non-military personnel would be unfeasible or impractical from a cost or time perspective.

Considerations

Requests for the use of military equipment do not involve any transfer of ownership, but are on a loan/lease basis. In a few situations, the DOD may

require reimbursement as a condition to lending assistance, especially for consumables, such as batteries and fuel or for damaged or lost equipment. Law enforcement agencies should take into consideration the sometimes potentially expensive consequences of replacing military equipment that is damaged or lost.

While approval for most requests for the use of equipment or facilities can be made by local military commanders, major items such as weapons, ammunition, "combat vehicles," and the use of military personnel require Pentagon authorization.

Requests for assistance should allow adequate time for consideration. Requests should be generic; the military will provide the best equipment for the job. While it is possible to service a request rapidly, sufficient time should be allowed for the military to provide the best support. Two weeks is a good minimum lead time for a routine request, while a month should suffice for a major request requiring Pentagon approval. However, in a genuine emergency, the military can expedite the evaluation and approval process.

SURPLUS GOVERNMENT PROPERTY

The General Services Administration (GSA) of the Federal Government has been offering surplus Federal property to non-Federal organizations since 1949. The basic authority for these donation programs is the Federal Property and Administrative Services Act of 1949 and its amendments. This and related statutes authorize GSA to transfer surplus property for donation to non-Federal public agencies and other specifically designated recipients.

Table 2 State Agencies For Surplus Property

Alabama P.O. Box 210487 Montgomery, AL 36121-0487 (205) 277-5866	Guam P.O. Box 884 Agana, GU 96910 (671) 472-2271	Massachusetts Room 1010 1 Ashburton Place Boston, MA 02108 (617) 727-5774	New York Bldg. 18-State Office Building Campus Albany, NY 12226 (518) 457-3264	South Dakota 20 Colorado Avenue, SW Huron, SD 57350 (605) 353-7150
Alaska 2400 Viking Drive Anchorage, AK 99501 (907) 279-0596	Hawaii 729 Kakoi Street Honolulu, HI 96819 (808) 548-6946	Michigan P.O. Box 30026 Lansing, MI 48909 (517) 335-9105	North Carolina P.O. box 26567 Raleigh, NC 27611 (919) 733-3885	Tennessee 6500 Centennial Boulevard Nashville, TN 37209 (615) 741-1711
Arizona 312 South 15th Avenue Phoenix, AZ 85007 (602) 255-5701	Idaho P.O. Box 7414 Boise, ID 83707 (208) 334-3477	Minnesota 5420 Highway 8, Arden Hills New Brighton, MN 55112 (612) 633-1644	North Dakota 1812 Lee Avenue Bismarck, ND 58501 (701) 224-2273	Texas P.O. Box 8120 Wainwright Station San Antonio, TX 78208-0120 (512) 224-2381
Arkansas 8700 Remount Road North Little Rock, AR 72118 (501) 835-3111	Illinois 3550 Great Northern Avenue Rural Route 4 Springfield, IL 62707 (217) 793-1813	Mississippi Box 5778 Whitfield Road Jackson, MS 39208 (601) 939-2050	Northern Mariana Islands Saipan, CM 96950 Telephone No. 9768	Utah 522 South 700 West Salt Lake City, UT 84104 (801) 533-5885
California 140 Commerce Circle Sacramento, CA 95815 (916) 924-4838	Indiana 601 Kentucky Avenue Indianapolis, IN 46225 (317) 232-1384	Missouri P.O. Drawer 1310 Jefferson City, MO 65102 (314) 751-3415	Ohio 226 North Fifth Street Columbus, OH 43215 (614) 466-4485	Vermont 87½ Barre Street Montpelier, VT 05602 (802) 828-3394
Colorado 4700 Leetsdale Drive Denver, CO 80222-1397 (303) 388-5953	Iowa State Capitol Complex Des Moines, IA 50319 (515) 281-5391	Montana 930 Lyndale Avenue Capitol Station Helena, MT 59620 (406) 444-4514	Oklahoma P.O. Box 11355 Cimarron Station Oklahoma City, OK 73111 (405) 521-2135	Virginia 1910 Darbytown Road Richmond, VA 23231 (804) 786-7268
Connecticut P.O. Box 170 Wethersfield, CT 06109 (203) 566-7190	Kansas Rural Route 4, Box 36A Topeka, KS 66607 (913) 296-2351	Nebraska 2700 Van Dorn Street P.O. Box 94661 Lincoln, NE 68509 (402) 471-2677	Oregon 1655 Salem Industrial Drive, N.E. Salem, OR 97310 (503) 378-4714	Virgin Islands P.O. Box 1437 St. Thomas, VI 00801 (809) 774-0414
Delaware P.O. Box 299 Delaware City, DE 19706 (302) 834-4512	Kentucky 514 Barrett Avenue Frankfort, KY 40601 (502) 564-4836	Nevada Blasdel Bldg., Room 104 Capitol Complex Carson City, NV 89710 (702) 885-4094	Pennsylvania P.O. Box 1365 Harrisburg, PA 17105 (717) 787-5940	Washington P.O. Box 1529 Auburn, WA 98071-1529 (206) 931-3931
District of Columbia No. 5, DC Village Lane, SW Washington, DC 20032 (202) 767-7830	Louisiana Box 44351, Capitol Station Baton Rouge, LA 70804 (504) 342-7860	New Hampshire 12 Hills Avenue Concord, NH 03301 (603) 271-2602	Puerto Rico Stop 6½ P.O. Box 4112 San Juan, PR 00905 (809) 723-4685	West Virginia 2700 Charles Avenue Dunbar, WV 25064 (304) 768-7303
Florida 560 Larson Building Tallahassee, FL 32301 (904) 488-3524	Maine State Office Building Station 95 Augusta, ME 04333 (207) 289-3521	New Jersey 82 Executive Avenue Edison, NJ 08817 (201) 287-9256	Rhode Island 301 Promenade Street Providence, RI 02908 (401) 277-2113	Wisconsin P.O. Box 1585 Madison, WI 53701 (608) 266-8024
Georgia 1050 Murphy Avenue, SW Building 1A Atlanta, GA 30310 (404) 656-2681	Maryland P.O. Box 122 Jessup, MD 20794 (301) 596-1080	New Mexico 1990 Siringo Road Santa Fe, NM 87502 (505) 827-9420	South Carolina 1441 Boston Avenue West Columbia, SC 29169 (803) 734-4335	Wyoming 2045 Westland Road Cheyenne, WY 82002-0060 (307) 777-7669

State surplus property agencies have been established by each State, the District of Columbia, Puerto Rico, Virgin Islands, the Northern Mariana Islands, and Guam to distribute property designated as surplus by the Federal Government. These agencies have available a vast variety of Government surplus property for donation to State

and local law enforcement activities. The surplus property can afford unlimited possibilities for law enforcement units to acquire needed property at a minimal cost.

Procedures For Obtaining Surplus Government Property

Information concerning the availability of surplus property can be ob-

tained by contacting the respective State agency. (See table 2.) These agencies advise applicants of eligibility requirements and procedures to be followed in acquiring Federal surplus property and of the conditions and restrictions placed on the property.

"The General Services Administration ... has been offering surplus Federal property to non-Federal organizations since 1949."

Table 3

GSA Regional Offices

For additional information on acquiring Federal surplus property in the GSA region serving your area contact:

Director
Federal Supply Service Bureau
General Services Administration
Region _____

National Capital Region

(Washington, DC, and nearby Maryland and Virginia)
7th and D Sts., SW
Washington, DC 20407
(202) 472-5000

Region 2

(New Jersey, New York, Puerto Rico, and Virgin Islands)
26 Federal Plaza
New York, NY 10278
(212) 264-3930

Region 4

(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee)
75 Spring Street, SW
Atlanta, GA 30303
(404) 331-2949

Region 6

(Iowa, Kansas, Missouri, and Nebraska)
9001 State Line Road
Kansas City, MO 64114
(816) 523-7050

Region 8

(Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming)
Bldg. 41-Denver Fed. Ctr.
Denver, CO 80225
(303) 236-7547

Region 10

Alaska, Idaho, Oregon, and Washington)
GSA Center
Auburn, WA 98002
(206) 931-7563

Region 1

(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont)
Boston Federal Office Building
10 Causeway Street, 9th floor
Boston, MA 02222
(617) 565-7300

Region 3

(Delaware, Maryland, and Virginia (except Washington DC, metropolitan area), Pennsylvania and West Virginia)
Ninth and Market Sts.
Philadelphia, PA 19107
(215) 597-7000

Region 5

(Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin)
230 S. Dearborn Street
Chicago, IL 60604
(312) 353-5504

Region 7

(Arkansas, Louisiana, New Mexico, Oklahoma, and Texas)
819 Taylor Street
Fort Worth, TX 76102
(817) 334-4824

Region 9

(Arizona, California, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, and Nevada)
525 Market Street
San Francisco, CA 94105
(415) 974-9234

State agencies obtain property by screening for it at military bases and other Government installations within their territories, and screening efforts vary significantly. While screening is done by State agency personnel, individual agencies may request to be allowed to screen for property. Screening by prospective recipients has a distinct advantage in that items can be viewed at their respective locations and decisions made whether they are suitable for use before expenses are incurred for shipping the items to recipients' locations.

If particular items desired by a department are not available, each State agency may transmit individual requests to regional GSA offices (see table 3), so that a nationwide search can be made in an attempt to locate equipment. If the equipment is not located as a result of the search, a "wish list" is maintained, and the requester will be notified by the State agency when suitable items are available.

Footnotes

¹18 U.S.C. sec. 1385, entitled "Use of Army and Air Force as Posse Comitatus"; previously cited as 10 U.S.C. sec. 15.

²10 U.S.C. sec. 371-378 (Public Law 97-86, effective 12/1/81).

³10 U.S.C. sec. 371.

⁴10 U.S.C. sec. 372.

⁵10 U.S.C. sec. 373(a).

⁶Department of Defense Directive 5525.5 (revised 1/15/86), entitled "DOD Cooperation with Civilian Law Enforcement Officials."

⁷The military services implementing directives referred to are as follows: Army regulation 500-51, entitled "Support to Civilian Law Enforcement"; Secretary of the Navy Instruction 5820.7A, entitled "Cooperation with Civilian Law Enforcement Officials"; Air Force Regulation 55-35, entitled "Operations Support to Civilian Law Enforcement Officials."

⁸For a more complete listing of the types of permissible direct assistance to civilian law enforcement, see enclosure 4 of the Department of Defense Directive 5525.5.

The process for obtaining surplus property varies from State to State. Most agencies operate on a self-sustaining basis by assessing recipients a modest service charge to cover handling, transportation, and administrative expenses. In all cases, requesting

agencies must establish eligibility. This requires the completion of certain forms by the requesting police agency, which are submitted to the appropriate State agency and retained as a matter of record.