



# PLEA



## JOURNAL OF THE PARK LAW ENFORCEMENT ASSOCIATION

### President's Message.....

The NRPA Congress in San Jose has come and gone; another good showing for PLEA with well-attended education sessions, lots of new contacts made and old ones renewed at our exhibit booth and the mid-year Board of Directors meeting. Our trip to San Jose wouldn't have been nearly so rewarding and informative were it not for the hospitality of Captain Norm Lapera and officers of the East Bay Regional Park Police who arranged special tours and equipment demonstrations. And I owe a special thanks to Lieutenant Don Watstein who drove up from Simi Valley and spent several days showing me the area.

The education session on nude recreation, co-sponsored by PLEA and the American Sunbathing Association, received a lot of advance attention and provided information to attendees from several points of view. Anyone who attended under the hope of seeing a talk show-type sensationalized program with naked participants on the dais would have been grossly disappointed, though. Everyone wore business attire appropriate to the occasion. Indeed, most of the nudists and proponents of clothing-optional recreation I met while developing this program are offended by such public displays—especially when appearing nude is prerequisite to appearing on certain of the talk shows.

But what's the big deal about being naked on a beach? Nothing, so far as I could tell. At least not at Bonny Doon Beach near Santa Cruz, California. After the education session, Turner Stokes bought lunch before Dr. Dave Bitters and I set out for the beaches. Turner is the Governmental Affairs chairman for the American Sunbathing Association and was one of the session speakers. Dave is an educator from Kansas City whom the Naturist Society asked to give me a tour of some clothing-optional beaches in the Bay area. Bonny Doon is a protected alcove of sand beneath hundred-foot cliffs where those who wish may divest themselves of clothing and swim, jog, sunbathe, picnic, play Frisbee or just enjoy the dramatic scenery.

There were people of every size, shape and color on the beach that day, but nowhere did I see any sexual activity or lewdness. Just a bunch of naked people having a good time. In fact, overt sexual acts are considered as inappropriate among clothing-optional folks as among "textile" people. The only problem I witnessed was the large number of voyeurs. Most of them perch high on the cliff above and use binoculars or telephoto lenses to peep at and/or photograph the people on the beach. (A beachgoer told me about one of the "gawkers" having fallen from the cliff last summer to the applause of those on the beach.) The really brave gawkers, usually fully clothed and wearing mirrored sunglasses, will walk right onto the beach among the unclad and partly clad, surreptitiously yet obviously staring at those who appeal to them. Staring is considered a serious breach of etiquette, and it was interesting to observe that during conversations among nude beachgoers there was no staring but neither was there any careful avoidance of looking at one another. In other words, conversations took place exactly as they would had the parties been fully clothed. Clothing—or lack of it—was simply not an issue.

When Dave and I arrived at the beach we were both fully clothed, and so attracted the attention of dozens of pairs of eyes determining whether we were "friend or foe". After a few minutes Dave shucked his clothes and everyone immediately ignored us. Then Dave went for a jog and I began feeling increasingly weird in my usually-fashionable but suddenly superfluous boxers.

Of course the question everyone asks on hearing this tale is "Well, did you get naked?" and I tell them to read this column in this issue of the Journal. So here's the answer: I succumbed to peer pressure. There was a lot of peer pressure on the beach that day, so thick you could feel it. Of course, there's a lot of peer pressure in our profession, too. In some quarters, a law enforcement officer frolicking naked on a public beach would be considered "Conduct Unbecoming". So I had to consider what was the best course of action and then act accordingly. There are a few gentle readers who will know what transpired without ever asking. For those who just can't sleep nights for wondering whether ol' Ralph bared his buns to the sun—if you ask me in person at the 1994 Conference and Workshop (a clumsy segue, perhaps, but I know the editor) in Landover, Maryland, I'll give you a straight answer and other fascinating details on the subject.

Newell Rand and the Maryland-National Capital Park Police have pulled out all the stops preparing for our upcoming annual Conference in March. Landover is only minutes from Washington, D.C. and they have a bunch of activities planned in and around the D.C. area to complement the outstanding educational program arranged by Dr. Chuck Nelson. And to top things off, air fares have been unbelievably low lately, giving us the opportunity for perhaps our best attendance ever. When Newell offered to host this year's Conference we were pleased because we would have an on-site host who would take care of business dealings with the hotel and arrange the peripheral accoutrements which can make the difference between success and dismal failure. What we didn't know—but should have guessed—was the extent M-NCPP would go to make the upcoming event one to remember. If you have to beg, borrow or sell used cars to get there—**DON'T MISS THIS ONE!!!**



NATIONAL RECREATION  
AND PARK ASSOCIATION

PLEA IS AFFILIATED WITH THE NATIONAL RECREATION AND PARK ASSOCIATION

# JOURNAL OF THE PARK LAW ENFORCEMENT ASSOCIATION

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### CALL FOR PUBLICATIONS

The Park Law Enforcement Association (P.L.E.A.), an affiliate of the National Recreation and Park Association (N.R.P.A), invites you to submit articles for consideration to *PLEA: the Journal of the Park Law Enforcement Association*. P.L.E.A. was established in 1984 to improve park law enforcement, natural and visitor resource protection services in park, recreation and natural resource areas through professional development, thus ensuring "quality of life" leisure opportunities in local, state, and national park, recreation and natural resource settings. P.L.E.A. serves individuals and organizations interested in the advancement and support of park and natural resource law enforcement services. Membership includes park rangers, forest rangers, park police, park patrols, park security, game wardens, conservation officers, park and recreation board members, administrators, educators and other interested park, recreation and natural resource professionals.

*PLEA* is published quarterly and attempts to provide timely information to the membership concerning the association and articles specifically aimed at the park and natural resource law enforcement audience, with the goal of providing educational information for our membership, facilitating an exchange of ideas, and to generally promote professionalism within the field.

Articles should be from three to ten double-spaced, wide-margined pages and should include a short biographical sketch, listing the author's agency affiliation. Photographs, charts and tables are highly desired. Upon publication, the author will receive a copy of the issue his article is printed in for his/her records. Please submit articles to the Editor for review and consideration. Thank you for your interest in *PLEA*. We look forward to receiving your articles.

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# JOURNAL OF THE PARK LAW ENFORCEMENT ASSOCIATION

## Park Law Enforcement Association

5th Annual  
Law Enforcement  
and  
Visitor Protection  
Workshop

### LAW ENFORCEMENT IN A MULTI-CULTURAL SOCIETY

Hampton Inn  
Landover, Maryland  
March 2-5, 1994

#### HOST AGENCY

Maryland-National Capital Park Police  
Commander Newell S. Rand, Jr.  
Chief, Prince George's Division  
Riverdale, Maryland

#### ACADEMIC SPONSOR

Department of Park and  
Recreation Resources  
Michigan State University  
Chuck Nelson, Coordinator

The theme for the 1994 workshop is recreation law enforcement in a multi-cultural society. Whenever we provide recreation opportunities and law enforcement services to protect people, resources, facilities, and employees, it is imperative to understand our visitors and for enforcement personnel to represent the breadth of the community. Please join your fellow professionals as we explore this important topic.

#### PRESENTERS AND TOPICS

**Dr. Robert Trojanowicz**, Director, National Institute for Community Policing will discuss how to take a community policing orientation to park law enforcement.

**Jim Brady**, Chief of the Division of Ranger Activities, National Park Service, will describe the approach the NPS has taken in recruiting a diverse ranger corps and in policing over 350 properties.

**A. Tony Fisher**, Associate Director, National Organization of Black Law Enforcement Executives, will relate the accomplishments and goals of NOBLE.

**Monica Terrell**, Marketing Coordinator, Parks and Recreation Division, Michigan Department of Natural Resources, will describe the "Day in the Park" program, an effort to welcome urban residents to the resource-based settings of Michigan State Parks.

**Newell S. Rand, Jr.**, Commander, Maryland National Capital Park Police, will illustrate the complexities of policing major park, recreation and spectator sports facilities on the doorstep of the nation's capital.

All attendees are encouraged to participate in a round table discussion concerning the multi-cultural situations they face and their response to them. Each should bring a one page, brief overview of their situation or a discussion of a key local issue. Please provide name, address and phone number on these as they will be distributed to attendees.

Thursday evening the USAir Arena and the Maryland National Capital Park Police are treating attendees to a Washington Bullets game from a sky suite at the USAir Arena in Landover, Maryland. Come and enjoy!

Friday evening the PLEA banquet will feature delicious food and an exciting speaker.

The FIELD TRIP will be Friday afternoon and will cover the major sites in Washington, D.C.

#### WHAT IS THE ENFORCEMENT AND VISITOR PROTECTION WORKSHOP?

It is the annual educational conference of the Park Law Enforcement Association, the professional association for recreation law enforcement. PLEA is affiliated with the National Recreation and Park Association and is dedicated to the advancement of law enforcement in parks and the safety of park personnel and visitors. The workshop is open to anyone with a professional interest in recreation law enforcement.

#### WHEN IS IT?

It will begin the morning of Wednesday, March 2, 1994 with a PLEA Board of Directors' meeting. Registration will be Wednesday evening from 4 to 7 PM with an evening hospitality suite. Educational sessions and the field trip will be Thursday and Friday. Saturday morning will be the PLEA general membership meeting and round table.

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## WHERE IS IT?

The conference will be held in Landover, Maryland, a suburban area outside Washington, D.C. The Hampton Inn will serve as the conference center. This area is served by National Airport and Baltimore-Washington International Airport.

## WHO IS THE HOST?

The Maryland National Capital Park Police (M-NCPP) us the host agency. LT. John W. Howell will be handling conference registrations and can be reached at (301) 459-9099 or FAX (301) 577-2498. Shuttle services for those not renting vehicles will be available through the Prince George's County Division of the M-NCPP. For shuttle, please contact Captain Steven G. Hampton at (301) 249-2030.

## WHO IS THE ACADEMIC SPONSOR?

The Department of Park and Recreation Resources of Michigan State University is the workshop's academic sponsor. Dr. Chuck Nelson is the academic coordinator and he can be reached at (517) 336-3597. Lifelong Education Programs at MSU will be providing CEU's for all attendees who complete the education sessions.

## WHAT IS THE COST?

Registration cost for the workshop is \$205.00 for PLEA members and \$220.00 for non-members. Non-members will automatically be enrolled as a PLEA member for 1994. Checks or money orders must be made out to M-NCPPC.

## WHAT ARE THE LODGING PROCEDURES?

All reservations for lodging should be made directly with the HAMPTON INN at (301) 499-4600 and ask for reservations. Price is \$59 plus tax for a room with two queen beds. The hotel features a heated indoor swimming pool, complimentary continental breakfast and free local phone calls. Non-smoking and handicapped accessible rooms are available. Please identify yourself with PLEA. All major credit cards are accepted and reservations need to be made by February 16, 1994.



# INTERNATIONAL ACCORD SIGNED

On August 1st, Phil Page, chairperson of England's Association of Country Rangers (ACR), Steve Nunn, chairperson of the Scottish Countryside Ranger Association (SCRA), and Rick Gale, president of ANRP, signed an accord creating the International Ranger Federation (IRF) at Loosehill Hall in Peak District, National Park in England.

The accord, the text of which appears to the right, declares the federation's goals, outlines criteria for membership, and establishes IRF's basic organization structure.

During the meeting held before the signing, the participants, including the designated international contracts for each association agreed, among other things, on the following:

- Bob Reid (SCRA), Gordon Miller (ACR), and Bill Halainen (ANPR) will continue as the primary IRF contacts for each association.
- Gordon Miller will serve as IRF's first chairperson, Bob Reid will serve as corresponding secretary, David Darling (SCRA) will serve as treasurer, Bill Halainen will serve as newsletter editor;
- member association, subject to approval by their respective board, will commit one percent of their membership dues to IRF;
- IRF's initial tasks will be to spread the word about the organization and enroll national association as members, and work towards an international meeting in Poland's Tatra Mountains in 1994 or 1995.

Gordon Miller and Bob Reid will be attending the Rendezvous in Spokane in October for the entire week and will talk about both IRF and the meeting in Poland.

## TEXT OF ACCORD

### Statement of Purpose

The ranger associations of the undersigned nations recognize the international unity is critical to the protection of the world's increasingly threatened and inter-linked natural and cultural resources. We have accordingly agreed to unit in an International Ranger Federation (IRF) in order to:

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- further the professional standard of rangers throughout the world.
- advance the aims of IUCN's World Conservation Strategy in all our common efforts;
- share knowledge and resources;
- establish global communication among ranger organizations;
- foster professional exchanges among rangers;
- provide each other with advice and guidance on travel contracts in parks in our respective nations.
- arrange and conduct regular international meetings, and
- undertake joint activities to directly support each other's operations where necessary and feasible.

## Membership

Membership as an affiliate association in IRF is open to all national associations of rangers or wardens who perform the services associated with ranger work, including protection and preservation of wild lands and their resident flora and fauna, operation and preservation of historical and cultural heritages, provisions of recreational opportunities in natural settings, interpretation of natural, historical and cultural themes, and administration of public lands. All members associations will have an equal voice in IRF activities. Associations seeking membership must be endorsed by an association already affiliated with IRF. Provisional, non-voting membership in the IRF is also open to individual rangers from countries who do not yet have national ranger association until such associations can be established.

## Organizations

The presidents and chairpersons of the ranger association of the signatory nations or their designees will serve as the members of the IRF's directorate. The coordinating committee will be comprised of a chairperson, a corresponding secretary and a treasurer.

## Activities

In order to attain our common goals, the signatories to this accord agree to joint formulate an annual action plan which will be prepared by IRF's chairperson and approved by IRF's coordinating committee. Individual associations will be designated to lead in the accomplishments of each action.

## Funding

Individual associations will fund their own participation in the IRF. The chairperson will recommend strategies for financing tasks initiated by the IRF and of benefit to all; the coordinating committee will review and approve recommendations.

## Protocol

Members associations will apprise their respective international affairs offices of significant IRF actions and activities.

## Signatories

As each new association enters into this accord with its counterparts in other nations, its president or chairperson will sign a separate statement of affiliation. Each will be forwarded to the corresponding secretary, who will maintain the original copy and will circulate copies to all members.



## LOOKING FOR ANY HAMS!

I am looking for any Hams (not the pig type) in the Parks or Conservation field. Is there any amateur radio operators out there? I am trying to get a conservation net started. If you are interested please let me know at:

Marc Phelps  
NOMAN,  
RR 1 Box 37B,  
Vinton, Iowa 52349.

If you are into packet, my packet address is NOMAN @ WAORJT.IA.USA.NA. We have been meeting on 40 meters on Sunday nights around 6:30 pm CST on either 7.198 or 7.258. We would like to talk to you!

# Lawyers: Heroes One and All

by Dave Barry

I am sick and tired of all this lawyer-bashing. When I hear somebody say something bad about lawyers, it makes me want to walk up and spit in his face, thereby causing him to shove me, so I can fall down and file a \$17 million personal-injury lawsuit against him.

Because I happen to think lawyers are great. I am darned grateful that I live in a country that has pound for pound, more lawyers than any other country in the world. We NEED a lot of lawyers, to protect all these rights we have as Americans, including - but not limited to - the rights to like, liberty, the pursuit of happiness, job security, decent housing, affordable health care, the capture of happiness, a non-smoking section, a joke-free work environment, a smoking section, cable TV, a team that makes the payoffs, rain-free bungee-jumping, warning labels on everything including spiders, self-esteem and a choice of low-fat deserts.

We have so many rights that we cannot possibly keep track of them all with our primitive non-legal minds. This is why we need all these lawyers out there fighting for us, even when we are not aware of it.

A fine example of this, brought to my attention by alert reader Leon Rothman, is the Case of the Denture Adhesive Menace, as reported in a Miami Herald story by Bruce Taylor Seeman. In case you missed this story, let me review the facts of the case:

From 1985 to 1990, as company named SmithKline Beecham manufactured denture adhesives sold under the names "Orafix Special" and "Brace." SmithKline recalled these products in 1990 after they were found to contain trace amounts of benzene, a carcinogen. SmithKline contends that the products were not harmful. There is no evidence anybody got cancer from using them.

Then a retired Philadelphia auto-supplies dealer named Meyer E. Duboff, who used SmithKline denture products, contacted his lawyer, Jay S. Cohen.

"He called me and said, 'I've been using this stuff for years. Can you check it out?'" Cohen told The Miami Herald.

OK, is everybody following this so far? ONE GUY has called his lawyer. This guy does NOT have cancer. NOBODY has cancer. Nobody is claiming ANYBODY actually got hurt.

So the lawyer told the guy: "Gosh, Meyer, nothing really happened. Why don't you just forget about it?"

NO! Just kidding! That might happen in some backward, under-lawyered nation like Japan, but not here in the U.S.A.! What happened here, of course, was that Cohen and some other lawyers filed a class-action lawsuit against SmithKline on behalf of Duboff and all the other denture adhesive users out there who, because of a tragic lack of legal representation, had not yet notices that they were victims.

And of course SmithKline, to avoid the hassle and publicity and legal expense of a trial, settled out of court. Three groups got money in the settlement: 1. MR. Duboff. He got \$25,000. Fair enough. It was his idea in the first place. 2. THE OTHER DENTURE ADHESIVE VICTIMS. They were notified of their victimhood via newspaper advertisements and direct mailings, paid for by SmithKline. About 650 people sent in proof that they had purchased Orafix special or Brace; each of these people received \$7. Another 28,000 people - who did not have proof of purchase - filled out forms certifying that they had purchased at least one tube of either product; each of these people received a package of discount coupons for SmithKline products. 3. THE LAWYERS FOR THE PLAINTIFF. If you are a fan of Justice, American Style, you will be very excited when I tell you what the lawyers got, in expenses and legal fees. They got \$954,934.57. "It's a lot of money," said Cohen. "But there's also a lot of money that goes into these cases."

I am sure there is! A lot of money! Also a lot of hard work! It cannot be easy, taking a case wherein it appears, to the naked untrained layperson eye, that nobody has suffered any observable harm, and, using legal skills, turning it into a financial transaction that involves thousands of people and a million dollars! Plus coupons!

So the lawyers certainly deserved this money, although I'm certain that, for them, the really important thing was simply the satisfaction of knowing that all those victims are now finally able, at long last, to put this horrible denture-adhesive nightmare behind them and begin leading happier lives, possibly by applying their \$7 settlements toward world cruises, vacation homes, etc.

Yes, we owe a tremendous debt of gratitude to these lawyers and the estimated 14.2 billion other members of the American legal community, many of whom, I am sure, will write to me on their official letterhead stationery to respond to this column. I look forward to reading these letter; I just hope that, in handling them, I do not suffer paper cuts, which could cause me, as a writer, to become incapacitated, not to mention pain and suffering.

And I'm not settling for any stinking coupons.

# Addressing Environmental Crime

Last year, when IACP past president C. Roland Vaughn III invited the U.S. Environmental Protection Agency's (EPA) Office of Criminal Enforcement (OCE) to join the IACP Committee on Environmental Crimes, I accepted the invitation with great enthusiasm. I was honored further by being named vice chair of the committee, serving with Chairman Anthony Schembri, commissioner of police for Rye, New York. This affiliation with the IACP represents a new era for OCE, a small federal law enforcement body facing an enormous task.

OCE is a highly specialized component of the EPA, having primary responsibility for federal criminal enforcement of the environmental statutes. Despite the level of expertise of EPA special agents, our numbers will never be large enough to effectively handle the ever-expanding universe of environmental crime.

Although OCE has doubled its size in the past two years, and is expected to double its force again by 1995 as a result of the Pollution Prosecution Act of 1990, we view this IACP involvement as a timely opportunity to join forces with our fellow law enforcement officers to battle what is becoming increasingly known as the "Crime of the '90."

Acutely aware of the limitations imposed by our small workforce, OCE has always sought to supplement its corps through task forces that target environmental criminals. Recently, however, OCE has attempted to aggressively foster its partnership with its state and local counterparts in order to form a cohesive and potent force to battle the crimes that blight our environment and threaten human health.

The fight against environmental crime is one arena of law enforcement in particular that simply cannot afford the disruptive rivalry that often intrudes upon otherwise cooperative efforts among local, state, and federal law enforcement agencies.

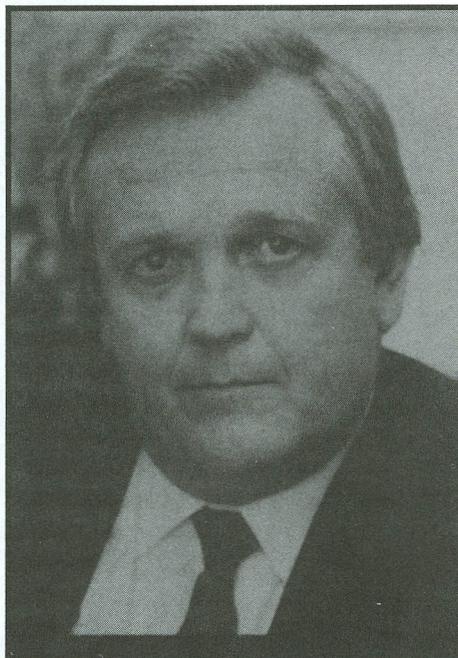
As you deal with crimes where the victims are, for the most part, readily identifiable, you may wonder about the relative importance and impact of this so-called "victimless" crime. But environmental crime is hardly victimless. It is far-reaching and pervasive; its consequences are often concealed for years, or even decades. The real victims of environmental crime are our children and our children's children.

Environmental crime has not yet reached a level of critical attention in every jurisdiction, but I am confident that environmental crime will soon become a priority for all local law enforcement. Increasingly, I hear the cry from county executives and city managers asking their chiefs of police to be responsive to environmental concerns. They are looking to their police forces to crack down on the violators whose criminal conduct profoundly affects their communities in very tangible ways. If you have not yet heard this cry, or if you have not been told, "Do something!" it is only a matter of time.

But how does a local police force under take the task of training and educating itself? How does senior management prepare its officers to adequately and safely address the complex and dangerous aspects of environmental crimes? The IACP Committee on Environmental Crimes has been working very hard to provide answers to these questions. The committee has entered into a cooperative effort with various state and local law enforcement agencies that have pioneered training in environmental enforcement. Borrowing heavily from one of the most notable programs in the country - that headed by New Jersey State Environmental Prosecutor Steven J. Madonna - the committee will deliver a model environmental enforcement training package to IACP members at this year's annual conference in St. Louis.

The training model is designed, first, to raise the awareness of the local police force with regard to environmental criminal activity, which may present a very real threat to the local community environment and the health of its citizens. Equally important, the model will address issues of officer safety when dealing with the often volatile and highly dangerous aspects of environmental crimes.

I urge you to attend the committee's workshop, scheduled for Monday, October 18, from 1 to 3 p.m., as a first step toward familiarizing yourself with this new but critical area of law enforcement. Not only are we looking forward to presenting our new training package to you, but we will be soliciting your comments on ways to improve and refine the model program to most effectively meet the needs of IACP members.



# Crime Prevention Through Environmental Design: The Tallahassee Model

By Chief Melvin L. Tucker and Sergeant Bill Starnes, Patrol Division, Tallahassee Police Department, Florida

A well-known Tallahassee building contractor likes to tell potential customers that his philosophy is: "It's easier and cheaper, in the long run, to build a structure right than it is to build it wrong...and it makes remodeling easier, too."

The Tallahassee Police Department (TPD) has adopted the builder's philosophy by applying the concepts of Crime Prevention Through Environmental Design (CPTED) to all major new construction in Tallahassee. The department's philosophy is "It's better, cheaper, and easier to reduce the crime potential of a project in the beginning than it is to respond to the crimes that are likely to occur for the life of the building."

The department's application of this philosophy to new construction in Tallahassee is the focus of this article.

## CPTED Concepts

Timothy D. Crowe, in his book *Crime Prevention Through Environmental Design - Applications of Architectural Design and Space Management Concepts*, identifies three overlapping strategies in CPTED: 1. Natural Access Control 2. Natural Surveillance 3. Territorial Reinforcement

Traditional access control has emphasized mechanical methods (locks) or organized crime prevention (security guards). CPTED emphasizes the natural surveillance of access points, which creates a perception of risk to would-be offenders. This is accomplished by simply locating access points to the property in such a way as to use the natural environment to facilitate surveillance. Access points that are naturally observed by other business operations, or are not obstructed from the natural surveillance of passersby, should not require security guards or gate control since natural surveillance will create the perception of risk to potential offenders.

Likewise, while traditional surveillance techniques have emphasized such mechanical methods as lighting and closed circuit TV monitoring, CPTED emphasizes the use of natural surveillance (strategic placement of windows, building orientation and landscaping that provides border definition without obscuring the line of sight).

The best example of this approach can be seen in parking garage design changes in recent years. Early parking garages were high-risk facilities for users, particularly in the enclosed stairwells and elevators. Contemporary parking garages now use glass-enclosed stairwells and elevators, permitting natural surveillance and thus increasing the perception of risks to potential offenders.

The concept of territorial reinforcement suggests that the physical design can create or elicit territorial responses from the normal users of a property or building in protecting their territory. Heightened security awareness, crime reporting and action against offenders promotes an increased risk to offenders.

Natural access control, natural surveillance and territorial reinforcement are the goals of CPTED design, but realistic recommendations review may require combinations of natural, mechanical and organized responses, dependent on crime analysis study, surrounding land use and other factors.

## What's Past is Prologue

Although CPTED concepts have been around for many years, their widespread practical application has only recently received attention in the police and building communities. Dr. C. Ray Jeffery of Florida State University outlines CPTED concepts and coined the acronym over 20 years ago. Until recently, however, the TPD focused most of its crime prevention efforts on such traditional approaches as target-hardening existing structures, organizing neighborhood watch groups, conducting security surveys and establishing programs like DARE. These are all excellent programs, but with the increasing difficulty of simply maintaining current service levels, police managers must encourage the private sector to assume more responsibility for its own protection from crime. Concurrently, commercial property owners, facing more frequent premise liability lawsuits, have become more receptive to crime prevention strategies that make possible the practical application of CPTED concepts.

Police administrators are now finding that working cooperatively with building contractors, architects, engineers, public work officials and planners to design and construct buildings that apply CPTED concepts can reduce

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both the fear and incidence of crime, in turn reducing the long range cost to police agencies and - potentially - future lawsuits against building management and the builders themselves.

Many police agencies have worked with planners and builders on one or two special rehabilitation construction projects. Most start at this level and develop a working relationship with a particular builder or planner. When the project is finished, however, the law enforcement personnel normally return to their crime prevention or police duties. Very few departments have taken advantage of their experience and moved to the next level of the CPTED evolution, in the "front end" of the design and planning process.

## The Tallahassee Model

One of the major areas of concern for Florida cities is dealing with the requirement for, and implementation of, Comprehensive Planning Programs. The need for a "master plan" for each country's growth is evidenced by urban sprawl, inner-city blight and traffic planning-by-crisis management. Infrastructure development has too often followed, rather than preceded, growth. It was therefore necessary for cities to start to manage their growth. As cities began to examine how they delivered essential services, windows of opportunity opened for law enforcement to provide more input.

In 1992, the TPD invested in long-range crime prevention and dedicated a full-time crime prevention specialist to serve as a member of the Tallahassee/Leon County Planning Commission's Technical Coordination Committee. The committee reviews all building and site plans for countywide construction - except for single-family residential homes. The crime prevention officer's job is to convince the other members on the committee that the benefits of applying CPTED concepts in the planning stage will save the developer money in the long run and result in a safer environment.

In Tallahassee, we have found that when the crime prevention officer is successful in convincing the building community of the advantages of CPTED, he attains the status of consultant, rather than adversary. He tends to be accepted as one who can help them do their jobs better, reduce the long-range operating costs of the facility being planned and leave a positive legacy for the entire community. It should be a primary goal of every police department today to have their CPTED expert integrally involved in the governmental review and approval of all new or rehabilitation construction. The ultimate goal should be to have CPTED concepts and applications codified into the formal planning process.

## Success Stories

### Municipal Golf Course

*Problem:* Juveniles committing armed robberies of golfers.

*Causes:* No access control to the golf course. Teenagers used the golf course as a shortcut to their homes after school. Golfers could not be seen by other golfers or golf course staff because of trees and underbrush on the back of the course and between greens. The perimeter fence line was compromised in several places. There was a thickly wooded area between the back of the gold course and the perimeter fence line, limiting the natural surveillance of the course by people whose homes border the course.

*Recommendations:* Clear-cut the back lane of the course, clear the underbrush in the wooded area in front of the rear perimeter fence, repair the perimeter fence and placard the property for "Golfers only."

*Resistance:* As expected, the golf course management was hesitant to implement the recommendation to clear underbrush and clear-cut some areas. We could not prove to the course management that following our recommendation would stop the robberies.

*Arrest:* Shortly after making our recommendation to clear-cut some areas and to clear underbrush in others, we arrested eight juveniles for their involvement in the armed robberies. After the arrests, we interviewed one of the suspects and asked for his recommendations to alter the physical environment to reduce the risk of victimization. One of his most memorable comments concerned the suspects' concealment using the underbrush and woods. According to the suspect, they would hide in the woods, within excellent view of approaching victims, jump out and rob the golfers and run back into the woods and over the fence. The entire robbery would be over in less than a minute. He said, "They got it all wrong! The fence is on the wrong side of the woods." The course management implemented all recommendations.

*Follow-up:* Golfers we interviewed after all the changes had been implemented reported feeling safer than before. Not only have the robberies stopped, but golfers also lose fewer golf balls in the woods.

### Downtown Park

*Problem:* A storm water-holding facility was necessary. Neighborhood leadership asked that the facility be made into a park to improve their neighborhood. The park would be in the middle of the highest street-crime area of the city.

*Decision:* The Tallahassee City Commission designated the facility as a recreation park with picnic tables, benches, a fountain, night lighting, and a sidewalk around

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the pond. CPTED concepts were to be incorporated in the design of the park to minimize future crime risk.

*Description of area:* The area of the planned park is bounded by two churches, a few private homes, two abandoned houses and three large apartment complexes catering mostly to students. The facility is also very close to lounges, bars, restaurants and Florida State University. The area has battled crime problems for many years.

*Recommendations:* The Crime Prevention Unit made numerous recommendations. A site analysis of the land surrounding the pond revealed that the greatest potential for victimization was on the south side of the pond. The largest expanse of land was the most secluded and least protected for pedestrian use, and one corner was a location for drive-by drug sales. However, the area north of the pond was bordered by roads and in continuous view from both passing vehicular traffic and the residents living in private homes.

Because of the natural surveillance on the north side of the pond, it was obvious this area had the greatest chance for success as a picnic and recreation area, with the least amount of potential victimization. Therefore, the main focus of our recommendations was to develop the north end of the pond and limit access to the more dangerous south end at certain times.

*Territorial reinforcement and access control:* Approximately 1,000 feet of wrought iron fence with gates at both ends was proposed for the south side of the pond so it could be closed off during the night when the highest probability of victimization would occur. Although residents did not initially want a fence around any part of the pond, they finally decided that the fence was warranted. Neighborhood residents and other members of the community planted trees, shrubbery and flowers during a "Saturday Workday." They were able to "put their mark" on the park, thus extending their territory. The city also held an official opening and celebration of the park in dedication to several local people.

*Follow-up:* In the four months since the completion of the park, there have been no crimes of violence, and the residents are taking "ownership" and using the park more.

## Summary

Law enforcement agencies all over the country must learn to work smarter if they are to continue to meet the demands of their communities. Reviewing plans for future construction and considering the concepts of CPTED in the design stage have become viable strategies for long term crime reduction at minimal cost. Reducing the crime potential of a building or the project in the beginning, when it is both easier and cheaper, can become a reality through a serious commitment to CPTED.

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### 1993 ANNUAL MEETING - MINUTES

#### CALL TO ORDER

A meeting of the Park Law Enforcement Association was called to order on Wednesday, March 3, 1993, at 1:00 p.m. at the Peppermill Hotel in Reno, Nevada.

Present: President - Ralph Hays

Vice President - Rick Greer

Treasurer - Bill Runnoe

Secretary - Tim Curtin

Board Members: Bob Herring, Chuck Nelson, R. J. Steele

Regional Representatives: Newell Rand, Steve Thomas, Norm Lapera

State Affiliate Reps: Roger Skarda, Don Watstein, Steve Pokrywka

Members: Dan Johnson, Dick Willett, Pete Reinier, Stuart Foland

#### APPROVAL OF MINUTES -

OCTOBER 16, 1992 - CINCINNATI, OHIO

It was moved by Rick Greer, seconded by Steve Thomas, to approve the minutes from the Mid Year meeting held October 16, 1992, in Cincinnati, Ohio. All members voted aye. Motion carried.

#### INTRODUCTIONS AND PRESENTATIONS

Those present introduced themselves and briefly identified their agency, organization or association. Steve Pokrywka from Wyandotte County Parks and current President of the Kansas Park Law Enforcement Association presented to the Board their affiliation fee of \$150.00. Kansas P.L.E.A. was welcomed into the Association. Steve now serves as the State of Kansas affiliate representative.

#### OLD BUSINESS

##### FOUNDATION STATUS REPORT

President Hays provided an update on the status of the newly formed Law Enforcement Foundation for Parks

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and Resources. In order to minimize the potential for an unfavorable tax exemption assignment, the I.R.S. forms are receiving a second review. Once completed the application will be submitted to the I.R.S. for consideration of a 501(C)3. tax exempt status. Individuals interested in serving as board members for the Foundation contact Ralph Hays.

## BYLAWS PRESENTATION

Tim Curtin presented for the Board's consideration the proposed new Bylaws of the Park Law Enforcement Association. After an overview and lengthy explanation of the revised Bylaws the following comments and concerns were discussed:

There are no provisions for carrying forward the immediate past-president into a position on the Executive Committee.

The immediate past president could be appointed by the Board to an Executive Committee position by virtue of his/her position on the Board of Directors, or by first electing him/her to a Board position.

An Executive Committee which is too large will impede the conducting of business.

Review of original documents during the Bylaw revision process revealed that the Association may no longer be chartered in the State of Colorado or the State of Texas.

Identifying the number of Board members for the establishment of a quorum.

Is it necessarily a good idea to have State Affiliate Representatives automatically appointed to the Board?

Qualifications for membership (Article VI, Section 2) should be more restrictive. If anyone can become a member it may cause conflicts if special interest groups or vendors become members.

Under the provision of these Bylaws members are not entitled to participate in the affairs of the association.

At the conclusion of the discussion and after the inclusion of suggested revisions, it was moved by Bill Runnoe, seconded by Roger Skarda, to approve Resolution #93-01, Adoption of the Bylaws of the Park Law Enforcement Association. All members voted aye. Motion carried.

## RESOLUTION #93-02

Tim Curtin presented for Board approval Resolution #93-02, Delegation of Authority to the Executive Committee. The following comments and concerns were discussed:

Reimbursement for expenses incurred by the Executive Committee members in the performance of their duties.

The Executive Committee should be granted the authority to approve reimbursements up to \$250.00.

At the conclusion of discussion it was moved by Chuck Nelson, seconded by R.J. Steele to approve Resolution #93-02, Delegation of Authority to the Executive Committee. All members voted aye. Motion carried.

## 1992 NRPA PROGRAMS

President Hays related a report for Bruce Wicks (not present) regarding the education session at the 1992 N.R.P.A. Conference in Cincinnati, Ohio. The programs were well received by those in attendance and the evaluations demonstrated strong support for sessions conducted, hosted, presented and submitted by our Association; especially the session on Illicit Sexual Acts in Public Parks presented by Tim Curtin.

## RESEARCH PROJECT

R.J. Steele provided the Board with an update on the progress of the Research Project. R.J. hopes to have the survey instrument ready for mailing by the end of May. President Hays established a Committee to assist with the formulation of questions which will appear on the survey form. Committee members are: Dan Johnson, Norm Lapera, Bob Herring, Roger Skarda, Newell Rand, and Leroy Swift. A short Committee meeting was set for the following morning.

## SHIPPING CASE FOR PATCH DISPLAY

Rick Greer reported that his attempt to obtain/construct a permanent shipping case for our patch display was unsuccessful. It has been placed in a new cardboard shipping box, however, something permanent needs to be found for next year.

## NEW BUSINESS

### 1993 WORKSHOP UPDATE M.S.U. ACADEMIC SPONSOR

Chuck Nelson submitted a breakdown of the costs associated with Michigan State's coordination of the Reno/P.L.E.A. conference. Chuck regretfully announced to the Board that as a result of the poor return in revenue from the workshop and the restructuring of his duties and responsibilities at the University he will no longer be able to coordinate P.L.E.A.'s Annual Workshop. Chuck presented two proposals for Board consideration regarding continuation of his and M.S.U.'s involvement with P.L.E.A.

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#1. M.S.U. would continue as the academic sponsor by identifying topics and arranging speakers for the Annual Workshop; C.E.U. credits would be provided by M.S.U.; a mailing list and membership directory would be forwarded to the Association on disk. Annual cost = \$350.00.

#2. Separate from the P.L.E.A. Annual Workshop, M.S.U. would jointly sponsor a workshop at Michigan State the week of February 13, 1994, targeting field officers. P.L.E.A. would receive a time slot of 1 1/2 hours to promote park law enforcement professionalism; exposure for our Association; \$20.00 for each attendee and \$10.00 for each college student attending at no cost to the Association.

The following comments and concerns were discussed:

Maryland National Capital's ability to host the 1994 workshop in consideration of M.S.U.'s withdrawal.

Questions regarding the costs identified on the conference budget sheet.

Will N.R.P.A. provide C.E.U.'s for affiliate associations if education sessions meet their criteria? If so, could this be integrated into a Park Law Enforcement Professional Certification Program?

P.L.E.A. would not incur any costs by adopting proposal #2, except those associated with providing a P.L.E.A. speaker.

The Association should not rule out contracting with a new academic sponsor.

Table issue until the Mid-Year Meeting to avoid making a hasty decision.

Defer issue to Executive Committee.

At the conclusion of the discussion it was the Board's consensus to defer the issue to the Executive Committee in accordance with the provisions of Resolution #93-02, item 5; the Executive Committee shall have the authority to "... approve all matters and issues related to the conducting and presenting of workshops and education sessions."

## SOCIAL/RECEPTION SUITE

President Hays informed the Board that the 37 rooms booked for conference attendees did not meet the Hotel's minimum requirement for a complimentary suite. The Hotel is, however, offering the use of a meeting room for an additional fee of \$50.00 per night.

It was moved by Tim Curtin, seconded by Roger Skarda, that the Association obtain a regular hotel room for the purpose of providing a social gathering/reception room for the following three nights and to purchase food and drinks for one night's reception not to exceed \$100.00.

After a lengthy and confusing discussion, which by far surpassed those concerning the issue of the Bylaws and

M.S.U.'s withdrawal as P.L.E.A.'s conference coordinator, the motion was called to a vote. Motion carried.

## HOST REPORT

Shortly after the introduction of this agenda item, the Board discovered that there wasn't any host agency attached to this workshop. Item withdrawn.

## CSPRA/PRAC ANNUAL WORKSHOP

California State Park Rangers Association/Park Rangers Association of California Annual Workshop - State Affiliate Representative, Don Watstein, apprised the Board of the history behind the joint conference being held March 4-7, 1993, in San Jose. Discussion ensued regarding the scheduling conflict created by the dates of the P.L.E.A. workshop (March 4-6). Don requested the Board's consideration for developing a joint conference, sometime in the near future, with three or four other groups, of which P.L.E.A. would be one. Discussion on this matter was postponed until the agenda item addressing future conferences was reached.

## ST. AUBIN & ASSOCIATES PROPOSAL

This company would assume the administrative responsibilities of the Association and assist with future development and planning. Two contract arrangements are available.

Option 1. Retain St. Aubin and Associates at a cost of \$950.00 per month, \$5.00 per each new member for the first year and a mutually agreed percentage of the profits from the annual workshop.

Option 2. Retain St. Aubin and Associates at a cost of \$1,250 per month (exclude \$5.00 rebate for new members and percentage from workshop).

Both options require reimbursement of reasonable out-of-pocket expenses i.e. phone calls, fax, mailings, printing, etc.

It was the consensus of the Board that such an arrangement would be cost prohibitive. No action was taken.

## R.K.S. PRODUCTIONS TELEVISION PROJECT

A television producer read the Association's research project proposal and thought the types of incidents experienced by Park Law Enforcement Officers might provide a basis for a docudrama. President Hays requested that members search their report files for unusual and interesting incidents. Edit these reports to exclude names and/or protected information and send them to Ralph.

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## 1993 NRPA PROGRAMS

President Hays reported for Bruce Wicks (not present) that the NRPA Conference Committee accepted the three education session proposals submitted by our Association. The following programs will be conducted in San Jose.

1. Nude Recreation on Public Lands - Accommodating Change in Our Communities; Friday, October 22 - 3 hours
2. Community Involvement in Park Protection Programs Thursday; October 21 - 3 hours
3. Integrating Community Emergency Preparedness with Parks and Recreation; Saturday, October 23 - 11/4 hours

## 1994 PLEA CONFERENCE WORKSHOP THEME

In an attempt to establish the topic theme for the Annual Workshop, President Hays opened the floor to discussion and suggestions for training topics. The following suggestions were made:

Critical Incident Management

The Role of Park Law Enforcement in the 21st Century

Trends in Park and Recreation and the Impact on Law Enforcement

Gang Awareness and Prevention

Managing Multi-Cultural Diversities

Archeological Protection Act

At the conclusion of the discussion it was the Board's recommendation that the 1994 Annual Workshop focus on issues associated with park policing in a multi-culturally diverse society.

## HOST BRIEFING

Newell Rand from the Maryland National Capital Park Police related to the Board that he feels quite confident that a quality workshop can be sponsored and hosted through the efforts of his agency. Newell and Chuck Nelson have been in contact regarding the planning and organizing of the 1994 Annual Workshop. Several members offered their assistance and help.

## H. FUTURE CONFERENCE LOCATIONS

After discussion and consideration for the proposals from several members the following sites were identified:

1995 - Hamilton County Park District; Cincinnati, Ohio

1996 - Texas State Parks; Austin, Texas

1997 - Joint Conference with P.R.A.C.; California  
(Tentative)

## TREASURER'S REPORT

Bill Runnoe advised the Board that the current P.L.E.A. account balance is the lowest recorded in three years (\$179.19). The balance of P.L.E.A. funds held by N.R.P.A., however, equals \$1,826.86. These funds are generated by membership dues and can be transferred if necessary to cover expenses. The \$25.00 rebate per conference attendee from M.S.U. will be deposited into the P.L.E.A. general account as soon as it is received.

Bill also reported that merchandise sales are steady (6 to 10 orders per month). The order form will be revised in the near future and some new items will be added. It has become advisable, however, to make an attempt to reduce our inventoried stock of merchandise purchased through our previous vendor. Bill recommended that the Association offer these items for sale at the Association's cost.

After a lively discussion of profit margins, wholesale, retail, percentages, expenditures, dividends, stock options, capital gains, actuarials and income tax it was moved by Tim Curtin, seconded by Steve Thomas, to approve the Treasurer's Report as attached, the supplement report from N.R.P.A. and approve the sale of specific merchandise at the Association's cost. All members voted aye. Motion carried.

Thank you Bill, we do appreciate your efforts!

## MEMBERSHIP REPORT

Vice President Rick Greer notified the Board of developments which have left two Regional Representative positions open. John McClean, the Southeast Representative and Tom Hazelton, the Great Lakes Representative have found it necessary to withdraw from their active involvement with P.L.E.A. These two regional positions will need to be filled.

The Board was further advised that each Regional Representative had been asked to work toward the accomplishment of two goals:

1. Attend the March 1993 meeting with a home state association ready to affiliate.
2. Reach out to nearby states within their N.R.P.A. region, make contacts, encourage and assist those associations.

Each representative in attendance was asked to provide a brief update.

**Northeast Region Rep**, Newell Rand reported that several legislative attempts to combine Park Police agencies have made it difficult to organize associations in and around Maryland. He has, however, been in contact with people in

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Pennsylvania and will be contacting Delaware and North Carolina in the near future. Newell believes it is possible that by this time next year five to six additional state affiliations could be on-board from the Northeast Region. **West Region Rep**, Steve Thomas, reported that New Mexico is in the early stages of considering the formation of a state association comprised of eight to nine agencies which deal with resource protection.

**Pacific Region Rep**, Norm Lapera, reported that since his state (California) already has a State Affiliation he will be concentrating on the surrounding area. Norm requested that anyone with contacts in the Oregon and Washington area to send him the information.

In closing, Rick provided a recap and advised the Board that Pat Oliver from Cleveland Metro Parks has taken the lead in Ohio to coordinate efforts for their state affiliation.

## STATE AFFILIATE REPORTS

**Illinois Park Law Enforcement Association**, Roger Skarda. No report.

**Park Rangers Association of California**, Don Watstein. For future consideration, Don presented a copy of P.R.A.C.'s Bylaws to the Secretary for review and comparison to P.L.E.A.'s Bylaws. Information was also provided regarding their State Association's use of an "exit interview" questionnaire for individuals who have dropped their membership with P.R.A.C. This feedback has been useful for identifying shortcomings and strengths in providing membership services. P.L.E.A. may wish to initiate a similar survey.

P.R.A.C.'s annual workshop starts March 5, 1993, and Don will present P.L.E.A.'s agenda topics to P.R.A.C.'s Board.

Don discussed P.R.A.C.'s arrangement with an individual who provides clerical support to their association. He receives phone calls and faxes, answers questions about the association, prints and mails flyers and brochures for the association. For his services, he receives a percentage from membership dues and workshop fees. Don will contact this individual and discuss his ability to provide the same types of services for P.L.E.A.

The Board was requested to consider a program for recognizing park rangers by providing certificates of professional advancement. President Hays interjected information regarding a conversation with Beverly Brandes (N.R.P.A. Chairman of the Board) concerning a certification program for Park Police similar to their Certified Leisure Professional program.

The Board was very enthusiastic about the possibility of such a program and wishes to pursue this issue further.

**Kansas Park Law Enforcement Association**, Steve

Pokrywka. Steve related to the Board that the Kansas association has elected their officers and has started on the development of Bylaws, goals, recruitment, and training programs. Steve and the Kansas members are looking forward to working with P.L.E.A. and sees a potential for a state representation of 250 to 300 members.

## REGIONAL DIRECTORS REPORT

See Regional Representative report under Item VII, Membership.

## P.L.E.A. JOURNAL

Journal Editor, R. J. Steele, reported that four issues were successfully published in 1992. Articles and topics are still desired, however, original work would be preferred. The Journal is currently the only national line of information specific to park law enforcement. Please share those things which are occurring in your home state.

Pat Cartwright (N.R.P.A.) reviewed an issue of our journal with N.R.P.A. Executive Director Dean Tice and related her opinion that ours is the finest publication, far above those put out by any N.R.P.A. section or branch. Dean Tice was impressed.

## COMMITTEE APPOINTMENTS

President Hays abolished all previous committees and appointments and established the following:

**Membership Committee:** Chairman - Newell Rand

Members: - Regional Directors, (Ex-officio) - Rick Greer

**State Affiliate Development:** Chairman - Roger Skarda

Members: - Don Watstein, Steve Pokrywka, (Ex-officio) - Rick Greer

**Finance:** Chairman - Leland Curtright

Members: - Jerry Wimpee, Bill Runnoe

**Organization & Bylaws:** Chairman - Bob Herring

Members: - J.C. Lindsay, Tim Curtin

**Professional Development:** Chairman - Art Gill

Members: - Bruce Wicks, Chuck Nelson, R. J. Steele

## ACKNOWLEDGMENT OF CORRESPONDENCE

None received.

## OTHER BUSINESS - EXECUTIVE COMMITTEE APPOINTMENTS

Discussion was held regarding President Hays' recommendations of the appointment of five Board members to serve on the Executive Committee. The recommendation

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are as follows: Jerry Wimpee, James Lindsay, Art Gill, Leland Curtright, Roger Skarda.

It was moved by Norm Lapera, seconded by Bill Runnoe, to accept the recommendations and approve the appointment of the Board members identified as Executive Committee members. All members voted aye. Motion carried.

## ADJOURNMENT

It was moved by Bill Runnoe, seconded by Bob Herring, to adjourn the 1993 annual Board meeting. All members voted aye. Motion carried.



## P.L.E.A. COMING EVENTS

### 1994

March P.L.E.A. 15th Annual Park Law Enforcement National Conference. Washington, D.C. Area. Sponsored by Maryland National Capital Park Police. Contact P.L.E.A. Board of Directors for details.

- P.L.E.A. Board of Directors Meeting

October 13-17: National Recreation and Park Association Congress, Minneapolis, MN. Contact N.R.P.A. for further details concerning registration at (703)820-4940.

- P.L.E.A. Informational Booth in Trade Show:

- P.L.E.A. sponsored presentations in Education Session.

- P.L.E.A. Board of Directors Meeting.

### 1995

March P.L.E.A. 16th Annual Park Law Enforcement National Conference. Cincinnati, OH. Sponsored by Hamilton County Park District. Contact P.L.E.A. Board of Directors for details.

- P.L.E.A. Board of Directors Meeting

October: National Recreation and Park Association Congress. Contact N.R.P.A. for further details concerning registration at (703)820-4940.

- P.L.E.A. Informational Booth in Trade Show:

- P.L.E.A. sponsored presentations in Education Session.

- P.L.E.A. Mid-year Board of Directors Meeting.

### 1996

March P.L.E.A. 17th Annual Park Law Enforcement National Conference. Austin, TX. Sponsored by the Texas State Parks. Contact P.L.E.A. Board of Directors for details

- P.L.E.A. Board of Directors Meeting.

## Archeological Protection

### Gerber Conviction Upheld

A Federal appeals court has upheld the conviction of Indiana resident Arthur Gerber for violating the Archaeological Resources Protection Act (ARPA). The section of the act under which he was convicted prohibits the interstate trafficking in archeological resources.

During 1988 and early 1989, Gerber, a well-known collector and promoter, stole artifacts from one of the five largest Hopewell burial mounds in eastern North America. The mound, near Mount Vernon, IN, is on private land owned by the General Electric Corporation. Gerber later sold some of the artifacts at his annual "Indian Relic Show of Shows" in Owensboro, KY. The theft violated Indiana's trespassing laws. Today, Gerber's activity would also violate Indiana's recently passed law protecting archeological resources.

In 1992, during his original trial, Gerber pled guilty to misdemeanor violations of ARPA. He was sentenced to one year in prison on five ARPA. He was sentenced to one year in prison on Five ARPA counts, and ordered to pay a \$5,000 fine and to forfeit \$4,750 (in lieu of forfeiting the motor vehicle he used to commit his crimes). Gerber reserved his right to appeal, however, on the ground that ARPA did not apply to his offense.

The 7th U.S. Circuit Court of Appeals held that ARPA is not limited to objects removed from Federal and Indian lands. Instead, the ruling has interpreted ARPA as a catch-all provision designed to back up state and local laws protecting archeological resources. As such, it resembles other Federal Statutes that affix Federal criminal penalties to state crimes when they are committed in interstate commerce.

The Appellate Court opinion, written by Judge Richard Posner, concluded by commending Assistant United States Attorney Larry Mackey for his exceptional brief and argument: "counsel whose performance exceeds (professional) standards by a generous margin deserve our public recognition and thanks."

### Virginia Cracks Down on Thieves

In the nation's largest sweep of archeological looters under ARPA thus far, the U.S. Attorney's Office for the Eastern District of Virginia (Norfolk) announced that three more men have pled guilty for ARPA violations - bringing the total to seven to enter guilty pleas over a three-week period.

On August 26, the last of the three pled guilty to illegally excavating more than 250 holes and removing over 200 artifacts from the colonial National Historical Park in

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Yorktown. Each of the three men agreed to pay \$5,000 in restitution for the cost of the resulting damages and archeological investigation. They will also forfeit their metal detecting equipment and the artifacts stolen from the park. Additionally, one of the looters will forfeit a 1986 Isuzu Trooper used in conjunction with the thefts.

Earlier this month, the U.S. Attorney successfully prosecuted four people for ARPA violations. The four -- pled guilty to interstate trafficking in archeological resources looted from two Civil War era shipwrecks in the James River off Newport News, VA. The Union ship USS Cumberland and the Confederate raider CSS Florida, both U.S. Navy property, are listed among Virginia's historic landmarks.

Two of the accused, pleading guilty to felonies, admitted using clam tongs to dredge artifacts from the Cumberland and Florida during the late 1980s and early 1990. They advertised some of the artifacts for sale in the "North South Trader," a national Civil War collectors' magazine, in October 1989. In addition, they admitted providing brass and copper spikes from the Florida to the accused private collectors -- who pled guilty to ARPA misdemeanors -- to be melted down into belt buckles and sold. Working on a tip from private citizens. FBI agents recovered some of the artifacts from the collectors.

The Cumberland, launched in 1842, sank with more than 100 men on board following a battle with the confederate ironclad Merrimac. The Florida was captured by the union and scuttled in the James River in 1864, a few hundred yards from the Cumberland.

The two cases resulted in the largest forfeiture penalties to date for a battlefield case and shipwreck case, respectively, under the provision of ARPA.

### Alabama Slammer for Looters

Two men charged with theft of artifacts and damage to a Baldwin County, AL, Civil War fort have pled guilty to criminal mischief, criminal trespass, and a violation of Alabama's Antiquity Laws.

The case originated when the Department of Conservation received information that treasure hunters had discovered civil War artifacts at a remote site. A year-long covert operation led to the indictment and conviction of J.E. Hamlin and Ronnie Hyer. Search warrants located artifacts taken from the site and the bomb squad was called in to handle munitions believed to still be live.

Hyer was sentenced to one year in jail with two years probation and ordered to pay \$13,000 in restitution to the Alabama Historical Commission and Department of Conservation. He was also instructed to forfeit the boat, trailer, motor, gold-mining dredge, and other equipment used to loot the site.

Baldwin County District Attorney David Whetstone, expressing his pleasure with the plea, said "This is Baldwin County's first case of this nature, and we wanted to send a strong signal that we intend to protect the heritage of our state. Our county is rich in historical sites and we intend to protect them to the fullest extent of the law."

## PATCHES



DO WE HAVE YOUR AGENCY'S PATCH IN THE P.L.E.A. DISPLAY?  
SEND TWO TODAY TO THE PLEA EDITOR.

## Yosemite's Judge, and His Dog, Ease to Retirement

His graying hair is shoulder-length, he sports a bolo tie, cowboy boots and jeans and owns a 128-pound Rottweiler named Bailiff who accompanies him to court.

His appearance, explained Donald W. Pitts, A United States magistrate in Yosemite National Park, is intended to relax the defendants who find themselves in a federal court wearing shorts.

And the dog, he said with a laugh, is to put a little fear back into their hearts.

This month, the 65 year-old judge retires, bringing to an end 18 years of passing judgment on the unlawful behavior of urban Americans on vacation. His little courthouse near a 2,400 foot waterfall is the scene of a daily drama of tourists whose holidays he cannot help but ruin.

### More People, More Trouble

Judge Pitt's jurisdiction is the park's 1,100 square miles, an area about the size of Rhode Island. Of the national parks, only Yellowstone and Yosemite have their own court and judge. In Judge Pitt's time, crime has gone up each year as the number of people visiting the park has gone to four million, from two million.

Judge Pitt's jurisdiction, from Yosemite National Park to the adjacent Stanislaus National Forest, probably includes more animals than people. He judges and sentences those accused of Federal misdemeanors, like drunken driving, shoplifting and stealing wood. If the crime is a felony or if the accused wants to appeal a decision, Judge Pitts sends the case to the district court judge in Fresno, 100 miles away.

Most people who come before him are not criminals, the judge said. They are merely visitors who want to commune with nature. But they quickly discover the ubiquitous park rangers who seem to appear whenever a traveler makes a wrong move.

"The urban American is not a stalker," the judge said. "He does not have an idea that someone is in the woods watching him, so he'll turn his radio up loud or throw a McDonald's wrapper on the ground."

### The Demeanors Differ

Tan and glum, tourists and some of the 2,500 people working in the park end up in Judge Pitt's court, either shamed and ready to pay fines or determined to take their cases, whether they are charged with parachuting from a cliff or feeding the bears, all the way to the Supreme court.

It is Judge Pitt's job to nudge defendants charged with petty offenses into just paying the fines so that the Fresno judge in not inundated with dog-off-leash cases.

Though there is the occasional homicide, Yosemite's most memorable incident may have been a 1970 confrontation between park rangers and hundreds of people taking L.S.D. and illegally camping in a meadow.

In the clash remembered by park officials as the "Riot at Stoneman's Bridge," rangers with baseball bats confronted the crowd but were quickly overwhelmed.

Even when local police and sheriff's deputies arrived, they could not subdue the crowd. Law enforcement retreated for the night and after several days made mass arrests.

"It was total anarchy," said Scott Connelly, the Federal prosecutor at Yosemite's court for 20 years, who was not on the scene at the time. "We said, 'We lose' and gave up," he said of the authorities' retreat.

### Scorn From Nixon

The incident received national attention and the scorn of President Richard M. Nixon, who instigated changes at the National Park Service to increase the law-enforcement aspect of a park ranger's job. Now, people complain that every move is under surveillance.

"It looks like there are more police here than tourists," said Don Adkins, 50, a locksmith from San Francisco. Mr. Adkins appeared in front of Judge Pitts to dispute a \$100 ticket for not wearing a helmet driving a motorcycle in a parking lot. "It reminds me of the military. There's a regulation for everything."

That may be the case, Judge Pitts said. But the park is a delicate environment and with more than 20,000 people visiting every summer day, park rangers need to be vigilant. In the end, the judge reduced the fine to \$50.

He remembers the park arsonist who burned buildings in protest of encroaching civilization. He was sent to a mental institution, Judge Pitts said. Then there was the expensive but unsuccessful search for a man who orchestrated his own disappearance to leave his wife. When the man turned up eight months later in another town, he was brought back to Yosemite and fined \$10,000 for the park's expense.

There are also what the judge calls "the crazies," like the man who said he needed to camp away from a campground because he needed a clear area to receive radio messages from space. The man was found living in a closed campground and was fined \$50. He was also escorted out of the park.

## Fondness for Jumpers

A former fire parachutist for the National Forest Service, the judge expressed a fondness for the daredevils who illegally jump from the 3,600-foot high, concave monolith called El Capitan or the 8,800-foot high Half Dome. The crime carries a \$1,500 fine, a year's probation and the jumper's parachute, which may be worth as much as \$2,000, is confiscated.

Instead of paying the fine, a Minnesotan asked and received community service - demonstrating jumps for children.

One evening the judge was with friends looking at El Capitan in the moonlight when he heard the popping sound of four jumpers releasing their parachutes. Park rangers arrested the four along with two women who had jumped earlier. One of the women had broken her back in the fall.

When the women with the broken back appeared in court, Judge Pitts told her about his own jumping experiences and the technical mistake she might have made leading to her accident.

When would she be able to jump again, she asked earnestly.

"I'm a judge," he told the women. "Consult your doctor."

The judge shows little mercy in dealing with people who feed the bears. Some parents have tied raw steaks to tent posts hoping to attract a bear to show their children.

When a bear becomes used to eating camper's food, it frequents campsites more and more, growing more aggressive and dangerous. In the end, the park service may have to shoot a bear to protect campers. The penalty for feeding bears is up to a \$70 fine and a lecture from the judge.

Judge Pitts recalled one man who woke up to see a bear trying to get into his camper shell for food. The man yelled, causing the animal to start toward him. He was able to scare off the bear only by shooting into the air, but those shots alerted a park ranger, who arrested the man for having a leaded gun. Calling the case "absurd," the judge let the man off.

With retirement approaching, Judge Pitts is now changing roles, from the sympathetic adjudicator to hospitality host. He and his wife, Kay, will run a three-room bed and breakfast at his home near the park.

He will still be meeting a lot of people, Judge Pitts said. "But they won't be people in trouble, and they'll be paying money."

*Special to the New York Times. Monday September 20, 1993*

## Supreme Court Recognizes "Plain Feel" Exception to Warrant Requirement

by Dan S. Murrell and Robert B. Gaia<sup>2</sup>

The United States Supreme Court ratified the practice of a majority of state and federal courts and held that the "plain feel" doctrine is a valid exception to the Fourth Amendment warrant requirement.<sup>3</sup> The Court was careful to point out, however, that the exception applies only so far as when the nature of the contraband is "immediately apparent" within the bounds of a valid "Terry frisk" for weapons.<sup>4</sup> That is, an officer may not search further to explore the incriminating character of the contraband once he should be satisfied the suspect is not armed. Plain feel, the Court reasoned, is comparable to the Plain View Doctrine, because, in both instances, the officer is engaged in constitutionally permissible conduct.

All warrantless searches are unreasonable under the Fourth Amendment to the Federal Constitution unless a recognized exception applies.<sup>5</sup> The policy behind this ban is that a determination of probable cause should be made by a detached and neutral judge or magistrate before an individual's reasonable expectations of privacy are violated. There are, by the grace of eminent jurists, a number of well-defined exceptions that provide law enforcement with enough latitude to operate. For example, an officer can make a search incident to a valid arrest<sup>6</sup> when the circumstances require quick action,<sup>7</sup> or when the seized contraband is in the plain view of an officer.<sup>8</sup>

The most often cited exception to the warrant requirement is the so-called "Terry stop-and-frisk."<sup>9</sup> The Terry exception allows an officer to stop a suspect on a reasonable, articulable suspicion that the suspect is engaged in criminal conduct.<sup>10</sup> Furthermore, the officer may conduct a brief "frisk" of the suspect, or a protective pat-down, to determine that the suspect is not armed. The "stop" portion of the Terry doctrine has its roots in common law "nightwalker" statutes, but the "frisk" is based on the policy that an officer should be able to invade the suspect's privacy minimally in order to ensure the safety of the officer and the public in general. The limits of Terry provide that, absent probable cause, an officer may only pat-down the suspect for weapons. Of course, if the officer finds a weapon, that in itself is usually enough to establish a probable cause for arrest and thus a full search. Terry stops in this context are thus the basis of many arrests.

The Plain view doctrine allows an officer to seize contraband without a warrant provided, however, that he is lawfully present in a position to observe the character of the contraband and the incriminating character is "immedi-

# JOURNAL OF THE PARK LAW ENFORCEMENT ASSOCIATION

ately apparent."<sup>11</sup> The theory is that if the contraband is "left in open view and is observed by a police officer from a lawful vantage point, there has been no invasion of a legitimate expectation of privacy and thus no 'search' within the meaning of the Fourth Amendment."<sup>12</sup> Under the Plain view exception, however, an officer may not explore the character of the item in question to determine if it is in fact contraband<sup>13</sup>

The Supreme Court noted the fact that most courts provide a Plain view exception to the Fourth Amendment.<sup>14</sup> The Court did, however, caution that the scope of the exception is limited by Terry. An officer can only invoke the Plain view exception when he is in the process of a Terry frisk limited to the context of a weapons search not based on probable cause but on a policy protecting the safety of the officer. In *Minnesota v. Dickerson*, the Court faced a situation which often arises, especially in larger cities: officers observing suspicious behavior from a suspect leaving a known "crack" house. The officers stopped the suspect and conducted a "frisk" during which the officer felt a small lump. Exploring the character of the "lump" by moving it around, the officer determined that it was a "rock" or crack cocaine. The trial court allowed the evidence to be admitted, but the state appeals court reversed holding that the Plain view exception did not apply under the Fourth Amendment. Even if it did apply, the appellate court reasoned, the officer went beyond the scope of the exception by exploring the incriminating character of the contraband after he had determined the suspect was unarmed.

The United States Supreme Court disagreed and held that the Plain view exception does apply under the Fourth Amendment but reasoned that the officer went beyond the scope of the exception. It thus affirmed the lower appellate courts, reasoning that nothing in Fourth Amendment jurisprudence prohibits application of the plain view exception. Furthermore, no policy or objective of the Fourth Amendment is furthered by precluding a plain view exception.<sup>15</sup> In the case at bar, the officer admittedly moved the item around to determine if it indeed was cocaine. This is not the purpose of a Terry frisk, and, therefore, the item must be suppressed at trial.

It is important to note that the Supreme Court only determined that the plain view exception applies under the Fourth Amendment to the United States Constitution. Many state constitutions provide search and seizure protection similar to the Fourth Amendment, and some provide for a Plain view exception.<sup>16</sup> There are states that do not, however, recognize a plain view exception to their state constitution,<sup>17</sup> and an officer should be careful to consult his agency's legal counsel as to his own state's law. For example, if a suspect is arrested for possession of contraband detected during a Terry frisk, the contraband may be admissible evidence under the Fourth Amendment but excluded on state constitutional law ground. So long as the state reason for exclud-

ing the evidence is "adequate and independent" of federal law the federal courts will have no jurisdiction to review the appeal.<sup>18</sup> Therefore, despite the good faith of the officer in reliance on the United States Supreme Court precedent, the evidence may be suppressed.

## REFERENCES

1. Dan S. Murrell is Professor of Law at Cecil C. Humphreys School of Law at Memphis State University.
2. Robert B. Gaia is a Cecil C. Humphreys Fellow at The School of Law and the graduate assistant to Professor Dan S. Murrell.
3. *Minnesota v. Dickerson*, \_ U.S.\_, 53 CrL 2186 (1993).
4. *Terry v. Ohio*, 392 U.S. 1(1968).
5. See *Arizona v. Hicks*, 480 U.S. 321 (1987); *Thompson v. Louisiana*, 469 U.S. 17 (1984); *Mincey v. Arizona*, 437 U.S. 385 (1978).
6. *United States v. Robinson*, 414 U.S. 218 (1973).
7. *United States v. Robinson*, 414 U.S. 218 (1973) (known as the "exigent circumstances" exception).
8. *Coolidge v. New Hampshire*, 403 U.S. 443 (1971).
9. *Terry v. Ohio*, 392 U.S. 1(1968).
10. *Id*
11. *Coolidge v. New Hampshire*, 403 U.S. 443 (1971).
12. *Minnesota v. Dickerson*, \_ U.S.\_, 53 CrL 2186, 2188 (1993).
13. See *Horton v. California*, 496 U.S. 128 (1990); see also *Arizona v. Hicks*, 480 U.S. 321 (1987) (moving stereo to observe serial numbers revealing stolen character not within plain view exception). The Court in *Dickerson* stated that: "The warrantless seizure of contraband that presents itself in this manner is deemed justified by the realization that resort to a neutral magistrate under such circumstances would often be impracticable and would do little to promote the objectives of the Fourth Amendment." *Dickerson*, 53 CrL at 2188.
14. See *Minnesota v. Dickerson*, 53 CrL at 2186.
15. *Hicks*. 480 U.S. at 321. The Court stated that "[r]egardless of whether the officer detects the contraband by sight or by touch, however, the Fourth Amendment's requirement That the officer have probable cause to believe that the item is contraband before seizing it ensures against excessively speculative seizures." *Dickerson*, 53 CrL at 2189.
16. *People v. Chavers*, 33 Cal. 3rd 462 (1983); *State v. Guy*, 492 N.W. 2nd 311 (Wis. 1992).
17. See, e.g., *People v. Diaz*, 81 N.Y. 2nd 106 (1993); *State v. Collins*, 679 P. 2nd 80 (Ariz. Ct. App. 1983); *People v. McCarty*, 296 N.E. 2nd 862 (Ill. Ct. App. 1973).
18. *Michigan v. Long*, 463 U.S. 1032 (1983).

# Just for Laughs: Just Park It!

The Ranger Ricks in the local parks department are feeling some anger these days because of all this "youth violence," that is permeating every facet of our daily lives.

"Youth violence" is a sad phenomena, to say the least. It occupies too much of police time, when they could be out nabbing Monday Morning Morons. "Disruptive youth" diverts attention in the public classroom, causing well-meaning Anglo-Saxon parents to divert their kids into Disneyish private schools.

Meanwhile, the local parks remain empty remain empty of youth.

Who goes to a park anymore? Mostly members of the "older generation," folks who get their kicks by walking around trails with big sticks and dorky hats while they commune with nature" by identifying fauna and classifying flora.

Actually, they are a lot like golfers, except they hate golf, which obviously makes them superior.

Many local parks professionals are saying they are missing a bet. They say they ought to be working harder to attract the "lost youth" of today by providing the types of recreational activities with which the youth of today can identify.

(Quite right, the parks folks on the Monterey Peninsula are not so inclined. They recognize that the youth of the Monterey Peninsula, particularly those in Carmel, are model youth with no discernible problems, who can take care of themselves. And, anyway, why would anyone want to encourage kids in a park in places like big Sur, where they could make "loud noises" and scare off the fauna?)

I applaud the concern by local parks folks and would like to encourage them to make "wise choices" when they get down to the nitty-gritty of selecting activities and seminars that will take place in our parks.

There exist the potential for trouble, however, especially if "bad choices" are made by our friends in the parks departments.

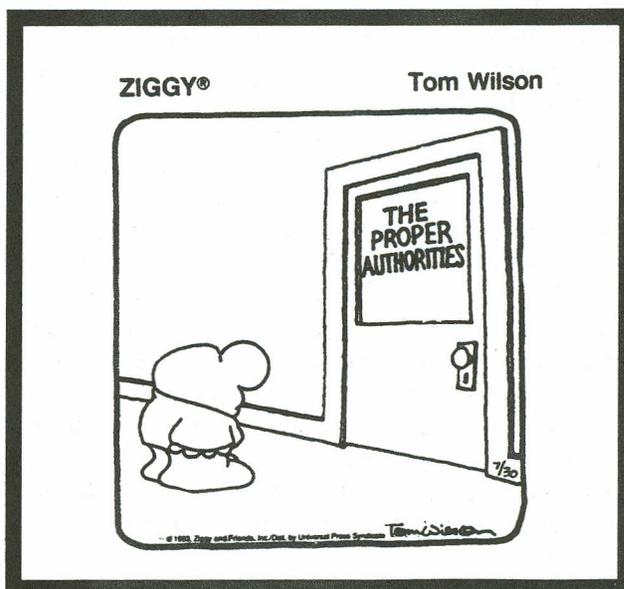
Some ideas may seem too boring for today's "disenfranchised youth," while others could simply add fuel to the simmering blaze of gang warfare.

For instance, parks people may be disappointed at the response to a seminar titled "Mr. Feather's guide to Fly-Fishing for Economically Disadvantaged Youth."

And they may develop a "security problem" if they attempt a youth activity titled "Egg and Bottle Toss."

As a public service, I'd like to name several other activities and seminars I believe the parks people should avoid, if at all possible:

- \* Bloods vs. Crips Tug-of-War
- \* Apartment Plundering Made Easy
- \* Leapfrog with our rangers
- \* Rock-climbing with nothing but a single rope and a can of spray paint
- \* The Santa Rita Convenience Store Obstacle Course
- \* Latchkey Nightmares (campfire tales)
- \* King of the Hill on the Monkey Bars Tournament
- \* Turf war on the Green
- \* Saturday Seminar: Paint Guns are Safe Driving Alternatives - and Fun
- \* Homies Home Tatoos
- \* Jean-Claude Van Damme Film Festival
- \* Organized Cow Tipping
- \* Preparing Yourself for Prison Survival
- \* Decorating Your Neighborhood Walls
- \* Long Hikes with a Heavy Knapsack
- \* Homeboy Sack Races
- \* How the U.S. Constitution and the ACLU Can Work for You
- \* Hand Signals That Won't Get You Killed
- \* Mugging for the Camera - A Seminar with a Real TV News Personality



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 \* XXXL Colors: White, Black, Royal-Blue  
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# PARK LAW ENFORCEMENT ASSOCIATION



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### AGENCY MEMBERSHIPS

Recently requests were made of the P.L.E.A. Board of Directors to establish Agency Memberships. The stated reason for this move was to assist agencies in joining officially. Many agencies have little trouble paying for an "agency membership" but balk at paying individual memberships, even though these memberships are in strictly professional organizations. By designing a new membership category many agencies were able to join en mass. Because of the inequities in agency size across the nation, benefits had to be strictly managed in this category. Thus the following benefits are offered to Agency Members: (1) Full membership privileges to the agency as in individual memberships, and (2) Reduced rates for official P.L.E.A. Functions (Conferences, Educational Events, etc., for all agency employees without the need for each employee to join P.L.E.A. individually. Because of the cost of printing and distributing PLEA only one copy of PLEA would be sent to Agency Members. Though the Board of Directors authorized reprinting and distribution by these members. P.L.E.A. membership is decidedly inexpensive when compared to other professional organizations. The Agency Membership allows agencies to financially support P.L.E.A. and receive benefits from that membership.

### INDIVIDUAL MEMBERSHIPS

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- (2) Four issues per year of PLEA: Journal of the Park Law Enforcement Association.
- (3) Membership I.D. Card.
- (4) P.L.E.A. Patch.
- (5) P.L.E.A. Window Decal.
- (6) Bi-Annual Park Law Enforcement Agency Directory.
- (7) Reduced Rate for P.L.E.A. Sponsored Conferences and Educational Events.
- (8) Access at a reduced rate (or free as available) of special P.L.E.A. sponsored publications.
- (9) Eligible for election to the Board of Directors and appointment to various committees.

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State Affiliates are groups within states which have organized along the guidelines established by the P.L.E.A. Board of Directors. State Affiliate receive one seat on the Board of Directors automatically and take an intimate role in developing the future of P.L.E.A. There is a \$150.00 affiliation fee. If your state is not currently an affiliate contact the President of P.L.E.A. for details on how to start.



# NATIONAL RECREATION AND PARK ASSOCIATION

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