



EXPLORER

The Park Law Enforcement Association Newsletter

SUPPORTING THE THOUSANDS OF PEOPLE KEEPING OUR PARKS & WILDLIFE AREAS SAFE

Volume 5

Summer 2001

President's Message

Memorial weekend has just ended and I can't believe that three months have passed since I landed in Kansas City in the middle of a snow storm for our conference. I had a death-defying two-hour drive in a white-out from the airport to the hotel. The rental car was a Mitsubishi Mirage two-wheel drive sedan with windshield wipers that were frozen solid with ice before I cleared the car rental agency parking lot. Fortunately, I made it to the hotel unscathed and without soiling the interior of the vehicle.

Steve Pokrywka, Stuart Foland and Ralph Hays were gracious hosts and the conference came off without a hitch. The training was good, the food was tasty, and as usual, the company was great. Fortunately, the weather cleared up enough for our field trips to take place and for everyone to see part of the great park system in Kansas. This issue of the newsletter contains an article about the conference and a few photographs of the attendees. Thankfully, no one got a photograph of me in a silly hat or serape.



Chief Norman Lapera in his East Bay Regional Park District Public Safety office, Castro Valley, California.

It has been difficult again to collect material enough for this newsletter. Fortunately, my harassment of many of you has paid off and I was able to send the articles off to the printer. I'm in the process of entering all of the members E-mail addresses into my address book and I hope to be able to send one message out to everyone to solicit articles for the newsletter. I'm hoping that the regular column of "News From Around The Nation" gains popularity and everyone will take advantage of opportunity to provide information about their department at least once a year. *My goal is to publish three issues a year and we are right on schedule to attain that objective.*

Our conference in 2002 will be hosted by the Maryland National Park Police and the next issue will contain more information about the conference. It would be wise to place funds in your budget for next year to attend the conference. The conference normally occurs in the first week of March and we will have firm dates for you in a couple of months. We will also post the information on the web page so you may be able to get the information before the next newsletter is mailed.

Finally, we had three of our long-time Board Members resign from the Board to make room for new members. To date, I have received two letters of interest and would like to solicit more for consideration. The Board of Directors will meet during the NRPA Congress in October of this year which will be held in Denver and vote to appoint new Board members. Anyone interested should send me a letter of interest via E-mail to nlapera@ebparks.org or you can mail it to my attention at: East Bay Regional Park Police, 17930 Lake Chabot Road, Castro Valley, CA 94546.

PLEA Officers

Norman Lapera
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Stuart Foland
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Johnson County Park Police

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News From Across the Nation

Kansas Park Law Enforcement Association

By Captain Stuart Foland

The Kansas Park Law Enforcement Association has been busy in 2001 since the election of new officers to the KPLEA Board at the Annual Kansas Recreation and Park Association Conference (KRPA) mentioned in the last PLEA newsletter. Board members have been attending Conference Planning Committee Meetings for the 2002 KRPA Conference. May 9 was the deadline for submitting KPLEA training sessions at this conference. KPLEA provides 2 full days of law enforcement training in addition to conducting the general membership - KPLEA Board Meeting. Topics for possible KPLEA training sessions at KRPA are: Kansas Sobriety Checkpoints; Critical Incident; Hazardous Materials; Defibulator and Search and Rescue.

KPLEA currently has around 78 members, most of which attend the State's Annual Conference and KPLEA Day Workshops (Spring/Fall). Most of KPLEA's membership are employees with 2 County Park Agencies and Kansas Department of Wildlife and Parks.

JOHNSON COUNTY PARK POLICE DEPARTMENT

Captain Stuart Foland

It has been a pretty hectic First Quarter in 2001 beyond patrolling our County Parks here in Johnson County, Kansas. While writing this temperatures are starting to climb in the 70's and 80's and the park visitation is rising dramatically and with that comes more crime to deal with almost on a daily basis.

First of all from February 28 - March 3 our Agency co-hosted with 2 other local park agencies the 22nd Annual Park Law Enforcement Association Conference at the DoubleTree Hotel in Overland Park, Kansas. It was a huge success as expressed by Conference attendees from 25 - 30 Federal, State, County, City and Special Park Agencies. It was a total team effort and all the host agencies enjoyed coordinating and bringing the PLEA Conference to the Kansas City Metropolitan Area.

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News From Across the Nation

JOHNSON COUNTY continued from page 2

Staff has also been busy interviewing, testing, and conducting Oral Board interviews, background investigations and other required testing on prospective applicants for 3 Park Ranger position openings due to staff leaving our Department this year. Recently, we have seen as with other local law enforcement agencies in the area the number of applicants or qualified applicants has declined leaving only a handful, if that, to pick from that completes/passes the hiring process. Out of this, a Sergeant's position had to be filled also. After a thorough testing process, Blake Frigon was selected for this position. Congratulations also go to Richard Niemann who was promoted and assigned as the Department's ITS/ Communications Officer. Niemann will continue to patrol parks and will be responsible for radio communications, computer hardware and software, mobile data terminals, several law enforcement information systems, training and coordination of operations with various organizations.

Also, the Department purchased a new patrol boat and lift to replace the old boat used at one of the Park District's largest lake. A new enclosed large utility trailer was also purchased to transport equipment used in a variety of Firearms Training for Ranger staff.

Many staff were also involved daily with a major case investigation lasting now over 4 months that dealt with Sexual Exploitation of a Child and Solicitation of a Child. A suspect has been charged with these crimes by the County's District Attorney's Office.

If you have any questions or comments please call the Johnson County park Police Department at (913) 438-7275 or Stuart.Foland@jocoks.com.

What's Happening within The Minneapolis Park Police...

By Sgt. D. Fred McCormick

As spring approaches we are facing new challenges. The Department's Commanding Officer, Captain Bill Jacobs has announced his retirement effective May 4th 2001. Captain Jacobs, began his illustrious career, in June of 1972, working as a seasonal Park Patrol Agent while attending Law School. Captain Jacobs worked his way up through the ranks, becoming the Commanding Officer in April of 1987. He is currently on the Executive Board with PLEA. Captain Jacob's philosophy, is really quite a simple one; He let's his Officers do what they do best. This philosophy has lead to some creative and innovative programs. Just to name a few...

- ♦ Safety Camp
- ♦ Cops, Kids & Sports
- ♦ JCPC- Juvenile Crime Prevention
- ♦ Mounted Patrol
- ♦ Bike Patrol

Most of our sworn Officers are promoted from within. Many start their careers as seasonal Park Patrol, while teaching during the school season. Recently we hired 12 new Park Patrol Agents. We had 2 new Officer's just promoted from the Park Patrol ranks. I would like to welcome aboard Officer Lara Severson and Cadet Officer Jessica McDonough.

One of our biggest crime concern is Theft from Auto's. We anticipate that we will have fewer incidents this year as Investigator Steve Paasch has been working very hard with other agencies to tie in our thefts to several forgeries and identity thefts. As a result most of our players will be in jail while the good people are out enjoying our Parks and Lakes.

Legal Updates That Affect Your Agency

From the Law Offices of Jones and Mayer
3777 N. Harbor Boulevard
Fullerton, CA 92835

Case Updates

By: Martin J. Mayer and Mervin D. Feinstein

USE OF FORCE WARNING

Recently a Los Angeles law firm sent a memo, apparently to all chiefs and sheriffs in the state, regarding the holding in the case of Deorle v. Rutherford 242 F3d 1119 (3/16/01). The receipt of this document precipitated a number of clients calling about what appears, from the memo, to be a significant change in the law. Because of those concerns we are generating this Client Alert Memo.

The case involves a distraught individual who had become extremely upset after receiving negative medical information. The court pointed out that "Deorle, though verbally intimidating was physically compliant and followed all of the officer's instructions." At one point he was "brandishing a hatchet at a police officer (however) he threw the hatchet away ... when told to put it down."

It is also true that at one point Deorle was "carrying an unloaded plastic crossbow in one hand..." The officer testified, however, that when he told Deorle to put down the crossbow, he did so. Thereafter, having already "discarded the crossbow," he started walking toward the deputy. The deputy's own testimony was that Deorle was walking in a steady gait and not running at him. He further testified that he fired his "beanbag" shotgun "as Deorle was walking toward him at a steady gait, **and without any weapons.**" (Emphasis added).

The court states that it is aware of "split second" decisions which officers must make "However, the situation here was far from that of a lone police officer suddenly confronted by a dangerous armed felon threatening immediate violence." There were between eight and thirteen officers present at the scene and Officer Rutherford had been there for more than thirty minutes before he used his shotgun.

The officer testified that he waited until Deorle reached a certain point and he was approaching the officer and then, "without a command to stop or a warning that force would be employed, he pulled the trigger." It is at this point that the court states that officers should provide warnings, **where possible**, even if the

force used is less than deadly, but which carries a "significant risk of serious injury." Officer Rutherford himself admitted that the cloth-cased shot was potentially lethal at thirty feet and could be lethal at distances of up to fifty feet. "The force supplied through use of the cloth-cased shot can kill a person if it strikes his head or the left side of his chest at a range of less than fifty feet." The court distinguished other uses of force, such as, "the use of pepper spray," or "a painful compliance hold," or "using Orcutt Police Nonchakus," or "wrist and arm twisting and pressure point holds" from the effect of the cloth-cased shot hitting a person.

The "beanbag" shot lodged in Deorle's eye causing the loss of his eye and multiple fractures to his face and head.

Based upon the specific facts in this case, as well as the nature of the force used, the Court of Appeal ruled that the matter needed to go back for trial and should not have been decided by summary judgment at the trial court level. "... (W)e conclude that, for the purposes of summary judgment, Rutherford's use of force was excessive and the defense of qualified immunity is unavailable." "The degree of force was clearly in excess of the governmental interest at stake, and was used in circumstances that did not justify the failure to warn."

The court's determination, that a police officer should issue a warning prior to using force which could result in substantial injury, is always qualified by the phrase, "if feasible." The court did not say that in all instances officers must first warn before using force. In fact, the obligation to warn prior to using deadly force is also qualified by that which is feasible under the circumstances confronting the officer at that particular time.

As always we urge that before you take any legal action you confer with your designated legal advisor. If you wish to discuss the comments set forth above, please feel free to contact Martin Mayer at (714) 446-1400 or MJM@Jones-Mayer.com.

Camp patrols breaking new ground in Cape

The Driftwood Campground in the Clemont section of Dennis Township is the first to try bike patrols. Other campgrounds are watching the experiment.

By Richard Degener

DENNIS TOWNSHIP – Michele Saraceni comes from Philadelphia. She doesn't want her annual vacation here at the Driftwood campground to remind her of home.

The noise, crime, police cars cruising the streets; these are the types of things Saraceni doesn't want to experience here in the woods of Cape May County, New Jersey.

Yet crime can happen even at a campground. Loud teenage parties can break the peace. Kids on bicycles can get hit by cars. Things can get stolen.

Saraceni wants a peaceful vacation and she wants to feel secure. She wants her kids to roam the area without her having to worry the whole time.

Enter John Watson.



John Watson, bike patrol officer at the Driftwood Campground in Dennis Township, Cap May County.

The North Cape May resident may have the answer for the Driftwood Campground and other like it. He calls it the "Resort Bike Patrol." It's modeled after the "community policing" concept many towns are adopting.

Watson began patrolling the campground last year on his 21-gear mountain bike. Driftwood owner Malcolm Robertson liked it so much, he told Watson to expand the effort this summer.

Starting in April, and running until the end of

October, Watson can be seen patrolling the campground wearing a bright yellow shirt that identifies him as the resort's bike patrol. He stops frequently to talk to campers. He carries a cell phone and is always just a phone call away.

"If somebody calls, we're right on it," Watson said.

The patrol has been a big hit. Saraceni feels pretty secure.

"I'm here all summer and I love it. I don't have to worry about them at all," said Saraceni, with 3-year-old son Nicholas in tow.

Watson, who has a regular job with the security police



Bike Patrol Staff at Driftwood Camping Resort, Clermont, NJ. From left to right: Bike Patrol Officers: John Voll, Angelo Shelton, Dave Burdette, Dan Burdette and Unit Supervisor John Watson. The Bike Patrol covers both Driftwood and Avalon Campgrounds, which make up approximately 300 acres consisting of Seasonal, Transient Tent and Camper Sites as well as Rental Cabins and Trailers. Outside their campground duties, the Bike Patrol works with local law enforcement as well as school and civic organizations sponsoring Child and Bicycle Safety demonstrations and classes.

at the Air National Guard's 177th Fighter Wing in Egg Harbor Township, did a year of research before launching the Resort Bike Patrol. He talked to officers with Lower Township's Community Policing Unit to get their input. Then he talked Robertson into trying it.

"Last year we had to show the campground that it worked. They were happy about it so this year I added four other guys," Watson said.

Security at campgrounds is sometimes nonexistent and usually pretty low key. Some only have a gate guard while others do some patrolling in vehicles, which are less community-friendly than bikes.

Robertson, with a town-sized campground of around 200 acres and about 500 campsites, wanted something more.

"It works. It's more personal. The customers are very happy to see it. The bikes are quieter. Before we used trucks or golf carts," Robertson said.

Several other campgrounds have called Robertson and are interested in trying it. Watson said Hidden Acres and the Avalon Campground are looking at the concept.

Jay Otto, director of the New Jersey Campground Owners Association, which represents 25,000 campsites in the state, said he will ask Watson to present his idea at the association's annual convention next March.

"We think the idea sounds pretty good. This is the first I've heard where a campground has a security patrol," Otto said.

While smaller campgrounds may not be able to afford it, Otto sees it helping larger operations. He noted bike patrols are being used more on boardwalks, malls and other similar settings.

"Most don't have security except gates at night. If somebody were drunk or belligerent you would tell them to leave and then call police. To me, this could be more preventative," Otto said.

Watson said if there were a major crime at the Driftwood he would call the New Jersey State Police, which patrols Dennis Township. He agrees that the presence of the bike patrol could prevent that.

"My goal is to keep the State Police out of here all summer long, so they don't have to come for anything," Watson said.

The mere presence of the patrol has reduced speeding within the campground. And parents appreciate the patrol pushing bicycle safety, making sure children under 14 wear helmets and have lights or reflectors. Children can often talk their parents out of making them wear a helmet but this doesn't work with the bike patrol.

Watson rewards those following bike-safety rules by giving them coupons that can be cashed in at the campground store. The store sells bike-safety gear at a cheaper price than most stores.

"Knowing they are riding with lights and helmets make me really feel good at night," said Debbie Jacoby, of Pennsauken.

Watson said the bike-patrol program is really geared toward safety. Watson has experience teaching bike safety, fire safety, and school-bus safety. He formerly worked with the Cape May County Sheriff's Bike Unit and went through a bike program taught by the Avalon Police Department.

Watson stresses that he isn't limited to campgrounds.

"We're a community oriented service," Watson said.

He appears to be in the right place to launch his new venture. Cape May County, with about 40 campgrounds, has the largest concentration of campsites in New Jersey. Otto said there are three campsites for ever five hotel rooms in the county.



Resort Bike Patrol



LOWER POLICE HOLD BIKE RODEO -- John Watson of Resort Bike Patrol checks safety items on Suzann Swain's bike, May 20, in a bike rodeo in Villas hosted by officers of Lower Township Police Department.



BIKE CHECK ON NIGHT OUT -- At Middle Township's Night Out Against Crime, Aug. 1, Freeman Klecz, 8, of Wildwood, gets helmet and bike checked by John Watson, left, of Resort Bike Patrols and Patrolman James Bailey of Stone Harbor Police Department. Several hundred attended at Soshen Sports Complex.

VISUAL TRACKING Procedure:

by Kenneth N. Laidlaw

With a variety of individuals providing information on the process of law enforcement or search and rescue visual tracking or MANTRACKING, it is important that the techniques used, conform to a generally accepted standard, practiced throughout the United States and Canada.

On arrival at the **Last Known Point**, the tracker should, look at the evidence presented. A shoe print should be measured for:

- Overall length
- Width at ball of foot
- Width of heel
- Length of heel

If the print is of a flat sole shoe, and a distinct heel is not present, then choose a measurement from the back of the print to another visible feature.

A detailed sketch of the print should be made to show sole type, pattern, and worn areas.

When the second track is located, a tracking stick should be set up with the

- Stride interval

or the distance from the heel strike of the second print to the toe dig of the first print, indicated by a rubber band or other mark on the stick. Then the

measurement of the shoe print is designated by a second rubber band or mark on the stick.

For the average adult the stride interval will usually be

between 14" to 16" and overall length of the shoe will be about 12".

When using a tracking stick, the proper search for the next track would involve placing the overall shoe print measurement, marked on the stick, over the visible print. Pivot the stick, from the visible heel, left and right in a 60 degree arc and let your eyes concentrate on the area at the end of the stick, looking for the heel strike of the next foot fall. Hold the tracking stick above the ground to prevent destruction or contamination of the sign.

Each track should be marked with a piece of flagging tape, crepe paper, or toilet tissue placed just behind the heel strike area, thus protecting the track as evidence. A pebble can be used to keep the marking from blowing away. The procedure of scratching a half circle behind a track is not practical and could destroy the print. After the discovery of about a ten prints, an irrigation flag can be placed in the ground or a flagging ribbon can be tied to a bush. This will help maintain the direction of travel through vegetation areas.

An ideal tracking team should consist of three persons. The point person should be low following the sign. A flanker on the left and another on the right assist from their higher perspective and watch for other sign that may enter from the sides. Rotate these functions about every ten prints. Tracking is intense and frequent rests need to be taken to relieve the eyes. Try to use light angles to your advantage.

If the above protocol is not followed it might be wise to question the reason.



22ND ANNUAL PLEA CONFERENCE

KANSAS CITY ROLLS OUT THE CARPET

The theme for this years Park Law Enforcement Association Conference was Partnerships and Cooperation among Law Enforcement Agencies, and those issues were evident throughout the three days of March 1, 2, and 3rd. The host agencies included Johnson County, Kansas Park Police, Kansas Department of Wildlife and Parks, and Wyandotte County / Kansas City, Kansas Park Rangers.



The usual suspects pretend to be paying attention during classroom training. (The photograph had to be digitally repaired to reduce the forehead glare.

The weather was the first culprit, who tried to sidetrack the planned events, with several inches of snow arriving about the same time most of our



Board Members lunch at a great local Mexican restaurant after the Board Meeting.

conference attendees landed at the airport. A little confusion on delayed flights and impassable highways, seemed to only add to the hospitality that Kansas City



PLEA Members have a chance to look at Arrowhead Stadium from the press box.

was use to dishing out. It so happened that the last time Kansas City hosted a mid-year conference along with NRPA; we received snow then too. So, as our guests joked and laughed about the conditions, several of our outdoor events that were planned were in jeopardy.

The PLEA Board of Directors Meeting was very



Some of the tour participants wanted photographic proof for their respective Departments that they actually were in Kansas.

productive, where several key issues were resolved, and Johnson County Parks and Recreation Director, Gary Haller gave a warm welcome to the board. The Golf Tournament was cancelled, but the alternative seemed even better with those scheduled to play, tagging along on the Board of Director's offsite tour.

Please see **CONFERENCE** on page 9

CONFERENCE continued from page 8

Lunch at Margarita's Mexican Restaurant, a tour of Arrowhead Stadium, the Home of the Kansas City Chiefs Football Team and the Kansas City Wizards Soccer Team, and the tour ended with a stop at Kansas City's very popular jazz district, 18th and Vine, was almost overwhelming. The tour there included the Jazz Museum, and the Negro League Baseball Museum, with a special guest appearance by Buck O'Neal, who was the first black Major League Baseball manager for the Chicago Cubs in 1962, and a big star throughout the Negro League. He took pictures and signed autographs for the group.



PLEA Members at the intersection of "18th and Vine" Kansas City intersection memorialized in the song "Going to Kansas City."

The registration and hospitality suites catered to those attendee's needs, while those stranded by the snowstorm trickled in. The training sessions were perfect topics for the conference, Police Ethics, Trends in Law Enforcement, Shocking Behaviors in Bathrooms, and Crime Mapping. The educational sessions were well received and well attended with standing room only for all topics. Kansas Department of Wildlife and Parks Director, Steve Williams, welcomed attendees, along with Sheriff Foster, from Johnson County Kansas, and Kansas Bureau of Investigation Director, Larry Welch.

The PLEA banquet was done up just right, Wyandot Barbecue presented a spread that Kansas City finest would be proud of. The band, PMS Blues and Jazz Band were a tremendous hit, at the banquet as lots of attendees wandered about the beautiful building that the banquet was being held in, The J.P. Davis Hall, and some even attended the bon fire outside on the patio with a cigar. Banquet host included, Police Chief Ron Miller, of Kansas City Kansas Police Department,

and Sheriff Leroy Green, of the Wyandotte County Sheriff Department, along with Wyandotte County / Kansas City, Kansas Park Director, Michael Connor.

The off-site tour the following day truly justified the cooperation in law enforcement in which a metropolitan area like Kansas City has to deal with day in and day out. The sunshine finally came out and the temperatures were mild. The Tour involved the Park Districts 25,000 seating outdoor music theater, Sandstone Amphitheater, which provides for some of the top billing concert names throughout the year, and provides at least 40 shows. The medieval reenactment grounds of the Renaissance

Festival which host a million people annually, was surely a treat while Bonner Springs, Kansas Police Sergeant explained what it took to coordinate the security of such events between four separate law enforcement agencies, and the park rangers.

The off-site luncheon was catered by the world famous Go Chicken Go Restaurant, and the final stop was the newly built Kansas Speedway, which is the Midwest premier tourist attraction, hosting both NASCAR and INDY car racing. The facility Security Director, Tom Wilson, went through every aspect of traffic direction, to arresting procedures for the hundreds of different law enforcement entities needed to pull off a weekend of racing with 300,000 people expected of showing up.

A lot of credit goes to Stuart Foland and Steve Pokrywka for putting the conference together. Their staffs are to be commended on the effort and time it took to put this presentation of Kansas City together.



The whole group at the outside amphitheater.

St. Louis County Park Rangers Participate in 2001 Cardinals Baseball Card Program

Beginning in April, St. Louis County Park Rangers, in cooperation with over 100 other law enforcement agencies, will be passing out baseball cards to youths in St. Louis County Parks. The idea is to get rangers and visitors under 15 years old to interact in a positive way.

The baseball card program is sponsored by the St. Louis Cardinals, the Kansas City Life Insurance Company and the Board of Governors for Law Enforcement Officials of Greater St. Louis. Each week a new card is issued for distribution to the public. The cards feature a full color action photograph of a player. On the reverse side is an anti-crime, crime or gang tip along with player statistics. There are a total of 27 cards in a complete set. This is the ninth year that Park Rangers have participated in the program.

Each park ranger vehicle is issued approximately 100 cards per week. The cards have been especially effective when used by the bike patrol and mounted units. Rangers also pass out cards in neighborhoods adjacent to parks, at Park Ranger Headquarters and at public speaking engagements throughout the county.

This year the program will begin on April 30th and end on September 24th with approximately 1000 sets being distributed. All parks department employees are encouraged to tell visitors about the program so they can flag down a ranger for cards to complete their sets. The goals of reduced illegal activity and increased public awareness of our "service" function will benefit both citizens and St. Louis County Government.

1-877-PARK LAW
Or call us at

www.parkranger.com

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P.L.E.A. NEWSLETTER

