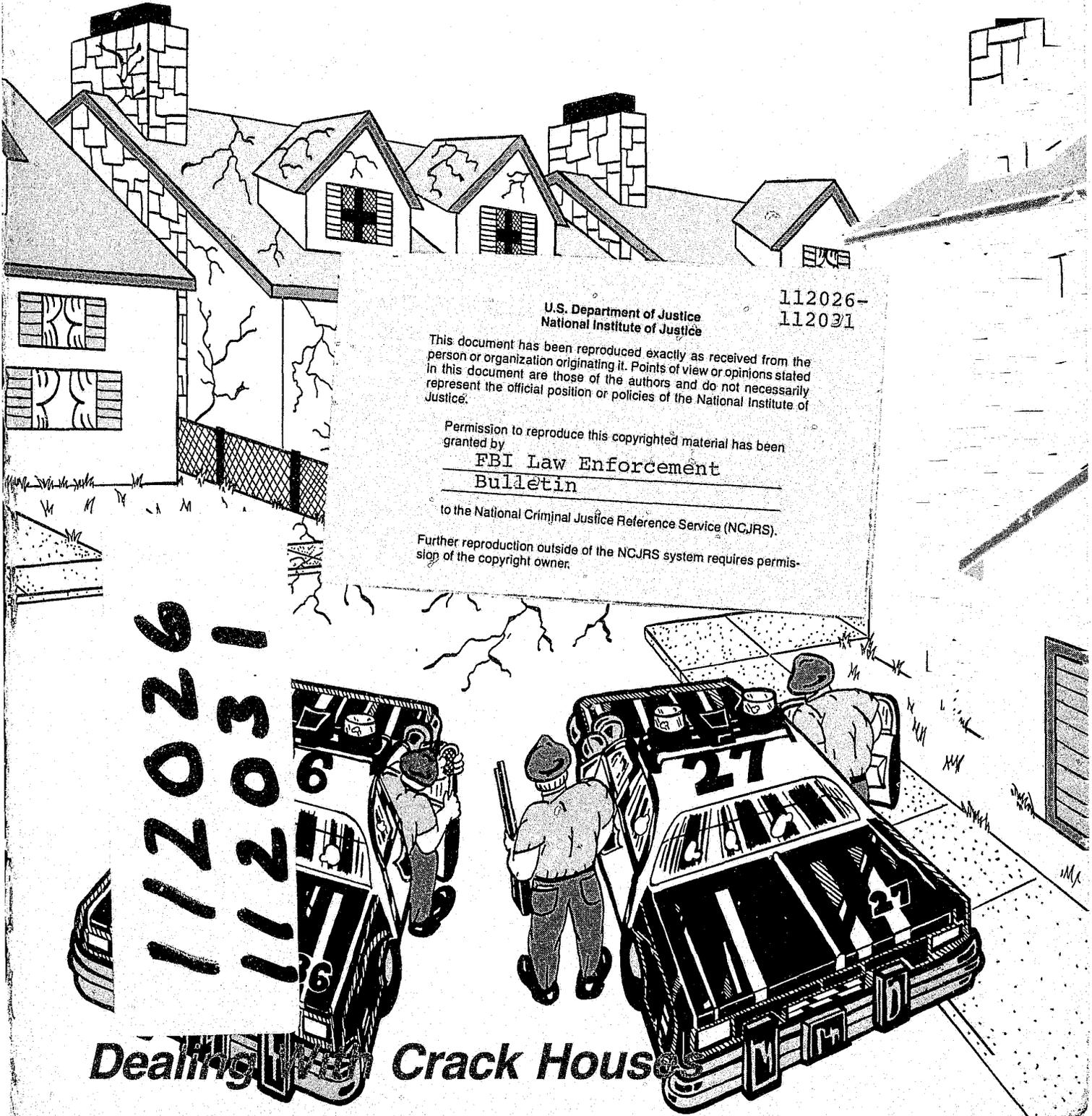


June 1988

FBI

Law Enforcement Bulletin



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Dealing with Crack Houses

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The NYPD HELP System

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Headlines like these are more than informational. They mirror the public's fear for its safety and conjure up scenes of public alarm and social chaos. Blackouts thrust citizens into a darkened world. Building elevators halt, traffic signals fail, and trains become inoperable. Suddenly, people are forced to function in a nonfunctioning environment. Human relations become strained; civility often gives way to short

tempers and even hostility as people adjust to their plight. Apprehension and anxiety mount.

Two major blackouts in New York City, one in 1965, another in 1977, were occasioned by countless stories of citizens helping one another. However, the most observable characteristic of the times was not fraternity but fear of injury and crime and concern for the safety of loved ones.

Fortunately for New Yorkers, city-wide power failures have been limited to the two mentioned, and hopefully, such events will never be experienced again. More common occurrences today, however, are localized blackouts caused by storms, accidents, and power overloads that affect a neighborhood, a section of town, or a few square miles of residential or business areas. These blackouts are usually brief and



Chief Johnston



Lieutenant Ryan

cause minimal disruption to the daily routine. But, the longer they last, the more they threaten the safety and well-being of the general public.

The average population density in New York City is 24,000 people per square mile. More significant, though, are the visitors and commuters who converge on the city. Midtown Manhattan, for example, attracts 2 to 3 million people daily. As darkness descends, these people take to the streets and subways for the trip home. Power failure at such times is unthinkable and would have an unlimited potential for dire consequences. However, thinking the unthinkable is essential for the urban police chief who wants to avert such catastrophes. It was for this purpose that the New York City Police Department undertook last summer a project designed to implement a new emergency lighting system.

A review of the department's response capabilities to blackouts indicated that there was a need for improvement. While the current emergency lighting system performed satisfactorily, it needed to be updated with a more rapidly deployable system that could be operated by routine patrol officers. Augmenting the lighting system already in use would be the right step in giving the public the reassurance and safety it needed.

Assembling a team of experts to assess the problem and determine what needed to be done was the first order of business. Those chosen as the work group were superior officers who had vast experience in coordinating police services at power failures. They were proficient in directing police personnel, implementing crowd control techniques, expediting traffic flow, and establishing and maintaining police communications.

New York City is a 301 square-mile area unified by 6,000 miles of public streets and highways. Logistically, it is impossible for the police department to light every portion of the city. However, large geographical sections could be illuminated during power failures by using portable lighting devices temporarily affixed to patrol vehicles. Patrol cars would be the key to getting the job done because they are mobile and are always available for service. Small but powerful lighting devices affixed to them would enable the department to deliver daylight wherever it was needed.

A distribution plan for the lighting devices was another requisite if the endeavor was going to be a long-term antidote for power failures. The team set out to adopt a plan that would be flexible and adaptable to a broad range of conditions that might prevail during any blackout. After much discussion, a threefold solution emerged. Lighting devices would be kept on reserve in a centralized location for dispatch to any area within the city. Upon delivery, the lights would be attached to locally assigned patrol vehicles by means of magnetized pods. Power cords plugged into cigarette lighter receptacles would energize the lights. Within minutes, these high-intensity lights could be activated as needed.

Deploying some of the lighting devices in this manner would obviate the need to purchase a light for every vehicle on patrol, an expensive proposition considering the 1,400 vehicles in the fleet. Moreover, maintenance and security for these lights would be ensured by having them controlled by only a few officers.

For balance, the work group decided that some of the lights would be



*Benjamin Ward
Police Commissioner
City of New York*

usefully deployed if permanently attached to Highway Patrol Unit (HPU) vehicles. Tactically speaking, HPU is highly mobile and its vehicles are well-maintained. It is a resource that can respond instantly to power outages in any part of the city.

To round out the distribution, the work group decided that some lights would be assigned directly to the seven patrol borough commands comprising the Patrol Services Bureau. Others would be issued to the Detective Bureau and the Special Operations Division, parent command to the Emergency Service, Harbor, and Aviation Units. This three-way formula would strike a balance between keeping the lights in one location, placing them permanently on all vehicles, or issuing them to patrol borough commands.

After a study of the available lighting devices was conducted, those that showed potential to be used in an emergency lighting system were given rigorous field tests. The one finally se-

lected is an aircraft landing light adapted for police use. Weighing about 2 pounds, the landing light is essentially a sealed beam encased in a sturdy protective housing. It is about the same size as a typical automobile headlight, but considerably more powerful.

Its beam travels beyond 400 feet in a rectangular pattern (11 degrees horizontal, 6 degrees vertical), illuminating everything in its path. Adjacent building surfaces and glass windows add to the effect by reflecting much of the light back onto nearby sidewalks and streets.

Each light runs on 13 volts of electricity and requires 100 watts of power, an easy load for police vehicles to handle. They are rated at 200,000 candlepower and are warranted to perform for 25 hours. Fitted with power cords that plug into cigarette lighter receptacles, they are also equipped with magnetized pods for adhesion to patrol vehicles. When tested, the lights were powerful, easy to use, and portable, and at \$60 each, represented a good value. Thus



“The New York City Police Department decided not to play victim to power failures, but to take decisive action to confront this threat.”



was born the High Intensity Emergency Scene Lighting Plan—HELP as it is called.

Field tests also revealed the best method of deploying the HELP lights. Overlapping their beams in a linear manner ensures against leaving shadows adjacent to and behind the vehicles on which they are mounted. Spacing the lights about 300 feet apart and pointing them in the same direction eliminates those shadows and boosts the amount of light in the already-lighted areas. The overlapping method became standard operating procedure.

With the selection of the lights completed, the work group set about to finalize specific details for using the lights more effectively. Besides the three-pronged distribution plan already mentioned, the team recommended grouping the lights in sets of four for extra brilliance. Steel mounting units were fabricated into light banks and were equipped with magnetic “feet” to

secure them to vehicle rooftops. These light racks would be useful in lighting open areas such as broad avenues, plazas, and parks or for illuminating rivers and bays during rescue-recovery work at scenes of drowning, boating accidents, and aircraft disasters. Eight hundred thousand candlewatts of power can be projected by each rack.

Once the whole plan was devised and the lights were in place, the results were startling. In summary:

- One hundred lights are on standby. They are kept in a ready reserve vehicle in a centrally located facility adjacent to major city highways.
- Eighty lights were used in the fabrication of 20 light racks, each containing 4 lights. They are powered by leads directly attached to storage batteries and controlled by on-off switches that pass through auto windows. Most of these units are kept with the single light devices in the ready reserve vehicle.

—A pair of lighting devices were permanently attached to the rooftop lighting array on 103 Highway Patrol Unit vehicles.

—Two Emergency Service Unit patrol vehicles are equipped with 10 lights apiece. Each vehicle's lighting capability is in excess of 2 million candlepower; 165 amp alternators and electronic speed control devices are installed on those vehicles to run the lights.

—Approximately 200 lights were distributed among the department's seven major patrol commands, the Detective Bureau, and Special Operations Division.

—A fueling system was developed to bring fuel to autos that must be kept in place during a blackout.

Implementation of HELP quadrupled the number of city blocks that the department is capable of illuminating—from just over 100 city blocks to almost 450. This is equivalent to a stretch of area in Midtown Manhattan that extends between 2nd and 9th Avenues and from 20th to 59th Street.

What this means in practical terms is that any local police commander faced with a blackout can now get HELP. With HELP at hand, police units can respond better to pedestrian and traffic problems, potential looting incidents, roving gangs of unruly youths, and rescue efforts.

The New York City Police Department decided not to play victim to power failures, but to take decisive action to confront this threat. Public safety obligations require all municipal police executives to be proactive in evaluating their emergency lighting capabilities. The New York City Police Department will confront power failures more confidently knowing HELP is on the way.

FBI



Special Agent Hall

for a variety of reasons — have tended to develop departmental policies, sometimes more restrictive in scope, to supplement the State law. Today, there is a Federal constitutional standard by which both the law and departmental policy must be measured.

The purpose of this article is to briefly trace the developments that led to the establishment of the Federal constitutional standard governing the use of deadly force by police, to analyze that standard, and to describe the manner in which it is being applied by the courts.

HISTORICAL DEVELOPMENTS

The Common Law

The influence of the English common law on American laws and institutions was both natural and profound. As settlers came to the New World, they brought as part of their baggage the values, customs, and laws of their mother country; because most of the early colonists came from the British Isles, that meant English customs and laws.

In describing the common law rule allowing the police to use deadly force, the famous 18th-century English jurist William Blackstone articulated the following scenarios where the use of deadly force was justified:

"Where an officer in the execution of his office, either in a civil or criminal case, kills a person that assaults or resists him.

"If an officer, or any private person, attempts to take a man charged with felony, and is resisted; and in the endeavor to take him, kills him.

". . . in all these cases, there must be an apparent necessity on the officer's side, viz, that the party could not be arrested . . . unless such homicide were committed: otherwise, without such absolute necessity, it is not justifiable." ⁴

The first paragraph of this statement may be characterized as a self-defense provision; the second, as the authority to prevent the escape of a fleeing felony suspect; and the third, as an overall requirement of necessity before the use of deadly force was permissible.

Another statement of the same principle, relied upon by American jurists and legislators, was that of the renowned 18th-century English judge and scholar Sir Matthew Hale, who framed the rule as follows:

"[I]f persons that are pursued by these officers for felony or the just suspicion thereof . . . shall not yield themselves to these officers, but shall either resist or fly before they are apprehended . . . so that they cannot be otherwise apprehended, and are upon necessity slain therein, because they cannot be otherwise taken, it is no felony." ⁵

In both statements, the rule is described as a privilege against criminal prosecution, rather than an affirmative grant of authority. Likewise, in both statements of the rule, an officer could use deadly force when necessary to overcome resistance to arrest or to prevent the escape of any felony suspect. Due to the lack of distinction in the second part of the rule as to the nature of the felony which would justify the use of deadly force to prevent escape, it has