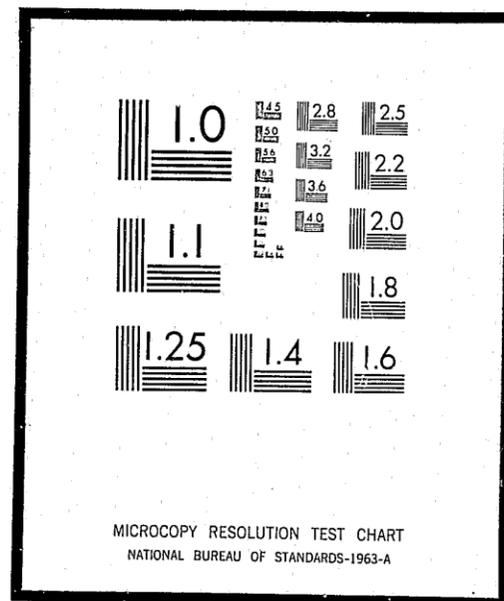


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MUTUAL AID PLANNING

*A Manual Designed to Assist in the Development
of Law Enforcement Mutual Aid Systems*

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ABSTRACT

This manual is the result of a nationwide study of Law Enforcement Mutual Aid. The study has also focused, through extensive research and case studies, on four states representative of the U.S. as a whole. These states are: California, Iowa, Michigan and Louisiana.

Law Enforcement Mutual Aid involves the exchange of personnel, services and/or equipment between law enforcement agencies during times of emergency.

The manual presents findings based on statutory research, a nationwide survey questionnaire, interviews and case studies of actual Mutual Aid operations. It is intended to be a planning manual as well. It presents recommendations for the improvement of existing Mutual Aid systems and for the establishment of such systems (both state and interlocal) where none presently exist. Model interlocal and statewide Mutual Aid plans are presented along with the necessary legislative and operational guidelines.

Generally, research indicates that there are several major problem areas. Since most Mutual Aid operations are not supported by formal, written agreements or compacts, questions of command control, liability and extraordinary costs are usually unresolved as a result. Recommendations are advanced to cope with these problem areas. The study also shows that while advance operational planning often exists to deal with riots and civil disorders, there is much less contingency planning for other events involving large crowds.

The concluding chapter, appendices and bibliography contain the core of the recommendations and references. They should be of special interest to those involved in law enforcement planning.

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FOREWORD

Mutual Aid, involving the exchange of services, personnel and equipment between law enforcement agencies, is not an entirely new concept. Indeed, it has often been utilized to meet the emergency situations posed by natural disasters. However, new challenges requiring the use of Mutual Aid have emerged. During the past few years an increased frequency of various kinds of civil disorders has added new dimensions to law enforcement responsibilities. Confronted with these challenges, law enforcement agencies have had to pay greater attention than ever before to Mutual Aid planning, coordination and operating procedures.

The National Sheriffs' Association is pleased to have been chosen by the Law Enforcement Assistance Administration to conduct this important study. It is our belief that this planning manual will prove useful to all segments of the criminal justice community. It is also hoped that the material contained in this manual will enable law enforcement agencies to better meet the demands placed upon them as a result of emergency situations. The National Sheriffs' Association fully supports the concept of Mutual Aid and stands ready to assist in the furtherance of this and other professional, public service goals of law enforcement.

Ferris E. Lucas
Executive Director
National Sheriffs' Association

PREFACE

The purpose of this manual is to present a nationwide survey of the status of Law Enforcement Mutual Aid, to identify the major problem areas, and to present a range of solutions to these problems that can be utilized by law enforcement and governmental agencies as their needs require. The manual is not the definitive answer to all Law Enforcement Mutual Aid problems. Rather, it is hoped that it will serve as a flexible planning tool and will provide officials with a variety of experiences, problem-solving techniques and insights, some of which have been gained by their counterparts throughout the United States.

The manual focuses on three main areas: (1) an analysis of existing Mutual Aid compacts, agreements and resolutions; (2) an assessment of how these have operated during emergency situations; and (3) recommendations regarding the development of such compacts, agreements and resolutions, along with appropriate operational planning guides.

The research and preparation of this manual could not have been successfully completed without the active cooperation of all segments of the law enforcement community. While these are too numerous to mention, I would like to express my thanks to the members and officials of the California, Iowa, Louisiana and Michigan State Sheriffs' Associations. Their assistance proved of great value in conducting intensive research in their respective states. Thanks are also due to the American Bar Association, the National Governors' Conference, The Council of State Governments, the National District Attorneys Association and the National League of Cities for their comments on the model legislation and agreements. The Technical Assistance Division of the Law Enforcement Assistance Administration, U.S. Department of Justice, provided invaluable advice throughout the course of this project.

Every research effort depends on the capability and quality of the staff itself. In this regard, the staff research associates performed at a consistently high level. Yet our research efforts would not have been nearly as successful had it not been for Ms. Whitney Stewart, who not only typed and edited the manuscript, but supervised many of the administrative details of the project.

John M. Baines
Project Director

CHAPTER I.

THE ORIGINS AND DEVELOPMENT OF LAW ENFORCEMENT MUTUAL AID IN THE UNITED STATES

Law Enforcement Mutual Aid is not a new concept. Traditionally, it has meant neighbor helping neighbor in time of need, and as such has been referred to as "inter-agency action," "backup forces," "cooperative effort" and other similar terms. Defined concisely, Law Enforcement Mutual Aid is an exchange of services, personnel and/or equipment between law enforcement agencies during times of emergency. The purpose of this exchange is to minimize the danger to life and property posed by civil disorders, natural disasters, riots and similar emergencies—and to ensure the maintenance of normal, orderly government.

Mutual Aid refers to the entire spectrum of the criminal justice system that is utilized in an emergency situation. This includes law enforcement agencies, courts, prosecutorial machinery, correction agencies and possibly other specialized governmental agencies such as Civil Defense, National Guard, etc. While recognizing the important role that these other groups play, for the purposes of this study we shall concentrate on the law enforcement aspects of Mutual Aid. Consequently, when the terms Law Enforcement Mutual Aid or simply Mutual Aid are used in this study, reference is made solely to the law enforcement aspects of the concept. Basically, Law Enforcement Mutual Aid has operated on the premise that local jurisdictions assist one another in times of need. Indeed, the historical pattern of law enforcement in the United States has been one in which local units of government have remained largely autonomous. Their respective law enforcement agencies assisted one another often because no other assistance was available from any other source.

With western expansion during the 19th century, this pattern of mutual assistance continued. However, since law enforcement officers were often few in number, it became a customary practice for local U.S. Army troops to assist county sheriffs in enforcing the law. This form of military assistance continued until counties, cities and towns developed along with their own police forces.

During the late 19th and early 20th centuries the Mutual Aid concept advanced still further as state police and high-

way patrol organizations were formed and began to assist local law enforcement agencies in times of emergency. Likewise, the formation of the National Guard from the various state militia components provided additional emergency support from the state level. Generally, however, Mutual Aid remained an interlocal arrangement only minimally involving state support. Mutual assistance was rendered on a strictly informal, voluntary basis and was not regulated by state or local laws. It was a concept born of necessity and has continued to operate for basically this same reason.

One of the reasons for the operation of Law Enforcement Mutual Aid as an informal, unwritten function was the lack of specific statutory authority for local units of government to enter into written agreements. In most states, counties and other political subdivisions are creatures of the state. Their authority derives from specific grants of power from the state legislature. Only recently have state legislatures granted such power to their political subdivisions.

At the level of interstate Law Enforcement Mutual Aid, there was some doubt that states could enter into formal, written agreements for law enforcement purposes. The compact clause of the Constitution requiring Congressional consent for interstate compacts seemed to be an obstacle to the formation of compacts between the states. However, two events occurred which removed this obstacle. One was the U.S. Supreme Court ruling in *Virginia v. Tennessee* which stated that only those agreements which affected the political balance of the federal system or a power delegated to the national government must be approved by Congress.¹ The second occurred in 1934 when Congress, aware of the interstate nature of crime and the growing complexity of law enforcement, enacted the Crime Control Act.² This Act, as amended, provided Congressional consent to interstate compacts dealing with problems of interstate crime control, even though no such compacts existed at that time. Broadly construed since 1934, this Act has become the juridical basis which permits states to enter into agreements for Law Enforcement Mutual Aid purposes.

¹ *Virginia v. Tennessee*, 148 U.S. 503 (1893).

² Crime Compact Act of 1934, 48 Stat. 909.

During World War II the Mutual Aid concept expanded to include state and national civil defense agencies. Contingency plans were developed and training commenced. The purpose of this program was to enable law enforcement agencies to better cope with possible enemy attack or invasion. Many states provided enabling legislation granting statewide peace officer powers under specified conditions. They also detailed conditions of emergency, role of law enforcement and civil defense agencies, order of command, etc. (An example of such legislation is the California Disaster Act of 1945 and 1950.) Such civil defense-related Mutual Aid arrangements were continued and refined throughout the 1950's as the threat of nuclear war persisted. These emergency plans and legislative grants of authority have, in many states, become the basis for the Law Enforcement Mutual Aid systems of the present day.

During the 1960's the level of violence and civil disorders rose dramatically. Local law enforcement agencies found that they were not prepared to cope with the massive violence and disruption that occurred from Berkeley and Watts to Detroit and Newark. The late 1960's and early 1970's witnessed continued strains on local law enforcement agencies in the form of rock festivals, college student gatherings such as those in Ft. Lauderdale, Florida, and Elkhart Lake, Wisconsin, and protests related to the Vietnam War. In response to these occurrences, law enforcement agencies began to expand and modernize their capabilities. Training in crowd control was accelerated, along with the acquisition and modernization of related equipment. As law enforcement agencies participated in and gained experience from Mutual Aid operations, they became aware of the many potential problems and pitfalls that they could encounter as a result of such operations. Consequently, the concern for Mutual Aid legislation, planning and the formalization of hitherto unwritten agreements became increasingly important.

The traditional concept of neighbor helping neighbor no longer appeared adequate. As the resources of local law enforcement agencies often were incapable of coping with emergencies, state and sometimes federal resources were committed. Costs to local agencies rose dramatically. Confusion as to authority, jurisdiction, command and control, and liability often hampered Mutual Aid operations. Clearly, many law enforcement agencies recognized the need for formalized agreements which would spell out procedures, reimbursement schedules, liability, chain of command and other related matters. The complexities and ramifications of Law Enforcement Mutual Aid caused some states and local units of government to take measures to meet their Mutual Aid needs. Many of these examples and experiences appear in this manual. They are included so

that other law enforcement agencies and organs of government may profit from the knowledge and experience gained by their counterparts throughout the United States.

The use of Law Enforcement Mutual Aid has proven to be of great value. By utilizing Mutual Aid, a higher degree of coordination of police functions can be achieved, confusion incident to an emergency situation is reduced, law enforcement efforts have been better supervised, response time has been lowered and a greater amount of personnel and equipment can be brought to bear on the situation. In addition, the increased costs of such operations are spread over a number of jurisdictions, thus lessening the financial burden that might fall on one jurisdiction. Greater savings are also realized since jurisdictions can coordinate their equipment pools, thereby reducing the amount of equipment that one jurisdiction might have to stockpile for such emergencies.

Mutual Aid leads to other benefits as well. Implementation of such a system encourages law enforcement agencies to work together on a more systematic basis. Through inter-agency planning, training and actual on-the-line cooperation, they acquire a better understanding of one another and raise their levels of professionalization. Inter-agency and inter-jurisdictional competition and friction are lessened, thus improving their level of service to the public.

As the data presented in the following study indicate, there is general acceptance, in principle, of Mutual Aid by most law enforcement officers throughout the country. However, there are certain problem areas that must be addressed if Mutual Aid is to be a viable law enforcement tool. It is the purpose of this study to identify these and to provide suggestions and guidelines for law enforcement agencies in order that such problems may be avoided.

Clearly, some law enforcement officers recognize some of the problems inherent in planning and mounting a Mutual Aid operation. In order to ascertain this level of awareness, a nationwide questionnaire was designed and distributed on the following basis. Questionnaires were sent to sheriffs' departments of every county with a population of over 25,000. This group was chosen in part because of availability of data from large counties and the likelihood that these departments would be involved in Mutual Aid operations. In addition, approximately 130 sheriffs' departments from counties with a population of fewer than 25,000 were selected as random respondents.

Questionnaires were sent to heads of every highway patrol or state police department (except Hawaii) and heads of departments of public safety, where such departments existed. A total of 384 questionnaires was distributed to a random selection of chiefs of metropolitan police departments. Campus police department heads at institutions that had experienced civil disorders were also included in this

survey. Of the total of 1,865 questionnaires distributed, 700 responses were received. Of these, 162 were from chiefs of metropolitan or campus police; 538 were from sheriffs and state law enforcement officials. A statistically significant overall response rate of 39 percent was thus attained.

The following is a summary of those responses.³

Sixty-four percent of the respondents were aware of the interlocal Law Enforcement Mutual Aid systems in operation in their states. Sixty-nine percent indicated that their agency had Mutual Aid arrangements with other agencies. Thirty-seven percent were participants in formal arrangements (written); 48 percent were participants in informal arrangements. Most agencies (65 percent) having Mutual Aid indicated that these arrangements were general in nature, covering all types of situations; 25 percent indicated that these arrangements were directed toward crowd control and civil disorders; 11 percent indicated that their Mutual Aid arrangements covered natural disasters. Of the 700 respondents, 67 percent stated that they had participated in Mutual Aid operations; 26 percent had not.

In the area of necessary enabling legislation to provide the legal basis for Law Enforcement Mutual Aid, 27 percent stated that such legislation existed in their state; 25 percent stated that they did not possess the necessary enabling legislation; 7 percent didn't know; 38 percent gave no response.

Most law enforcement officers responding to the questionnaire were in basic agreement as to the spectrum of law enforcement agencies which should be included in planning and implementing Mutual Aid; sheriffs, municipal police, state police or highway patrol were the agencies usually mentioned as main participants.

It was also learned that in most states sheriffs and municipal police do not possess statewide peace officer powers. In most states, the only agency possessing statewide peace officer power is the state police (or highway patrol). In the case of the highway patrol, statewide peace officer powers are usually conferred only by the specific order of the governor.

Forty-nine percent of the respondents indicated that to

their knowledge there was no Mutual Aid planning effort at the state level.

Law enforcement officers were overwhelmingly in agreement as to the major problems affecting the implementation of an effective Mutual Aid program. Sixty-one percent listed problems arising over liability (fatalities, injuries, law suits, etc.); 50 percent listed the next most critical area to be reimbursement of expenses incurred by participating agencies for wages, equipment loss or damage, etc.; the third major area listed was conflict over jurisdiction, command and coordination. Of equal importance, according to our respondents, are jurisdictional limitations imposed upon officers by current laws, i.e., peace officer powers, liability, etc.

Generally, the respondents indicated that aside from unique local problem areas related to the implementation of Mutual Aid and apart from those areas listed above, major obstacles to the implementation of Mutual Aid are apathy, inter-jurisdictional rivalries and a general lack of understanding of the Mutual Aid concept.

The following chapters analyze Law Enforcement Mutual Aid in four states selected for in-depth study. California was selected as one of these states since it has had the most experience with Mutual Aid and has the only operational statewide Mutual Aid system. Iowa, a basically rural midwestern state, was selected for precisely these reasons. Also, Iowa has had some experience with Mutual Aid, though this experience has been limited. Michigan, a large industrial state, has had serious problems requiring the use of Mutual Aid forces. Louisiana has also had significant experience in the use of Mutual Aid and was included for in-depth study since it reflects political traditions common to many southern states.

While each of these states has had diverse experiences with Mutual Aid and while each is unique, the problems encountered when engaged in Mutual Aid planning and operation are quite similar in each of the four states. The following discussion, while noting the differences between the states, also focuses on their common problems as related to Mutual Aid. The results of this study are assessed in Chapter VII, along with appropriate recommendations.

³The complete questionnaire and responses are reproduced in Appendix II of this study.

CHAPTER II.

THE JURIDICAL BASIS FOR MUTUAL AID: A SUMMARY

Statutory authorization for Mutual Aid among police, prosecutive, court and confinement law enforcement agencies assumes two forms—specific Mutual Aid legislation and general intergovernmental cooperation legislation. Twenty states specifically grant local governments the power to enter into police Mutual Aid agreements. Six other states, without any reference to an *agreement* for Mutual Aid, nevertheless authorize Mutual Aid among law enforcement agencies. Thirteen of the 20 states permitting an agreement for Mutual Aid request a formal agreement and even specify certain provisions to be included. *Carte blanche* legislation permits formal or informal agreements in the remaining seven of the 20 states authorizing Mutual Aid agreements. Through legislation allowing intergovernmental cooperation, 42 states have granted their political subdivisions the power to jointly or cooperatively exercise governmental powers. Separate counties or cities might jointly undertake a rapid transit system or jointly build and run an airport. One political subdivision might contract to provide another with a governmental service, from refuse removal to analysis of environmental pollution levels. In some cases the enabling language is broad enough to allow police, prosecutive, court and confinement law enforcement agencies to enter into mutual assistance agreements. Such broad language was used in the *Advisory Commission on Intergovernmental Relations Model Act, Interlocal Contracting and Joint Enterprise*; that is,

... any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state, of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment. Any two or more public agencies may enter into agreements with one another for joint or cooperative action.¹

At least one Attorney General, that of Minnesota, has interpreted language similar to the model code language to permit police Mutual Aid agreements. And except for

Missouri, no opinions of attorneys general have dealt with whether the model code language applies to prosecutive, court and confinement Mutual Aid agreements.

While a significant number of the states have adopted the model act in some modified form, the model act provisions for intergovernmental cooperation have too often been watered down by specific limitations on the scope of cooperation, by incomplete authorization provisions or by reason of an attorney general's narrow interpretation of how cooperation should be implemented.

Many of the shortcomings in current intergovernmental cooperation arise from the states' individualistic adoption of the model act language. The states differ in their designation of what units may cooperate, and the definition of "public agency" varies from state to state. The scope and specificity of the enabling language deviates from the model act language. Some states simply maintain a tighter reign on the functioning of their governmental units. A short summary of the powers which may be jointly exercised, by whom and in what manner, is contained in the tables which appear in this chapter.

One example of the limitations deriving from the unequal adoption of the model Mutual Aid language is that taken on its face, the language of Georgia, Montana, New Jersey, South Carolina, Vermont and Wisconsin legislation limits Mutual Aid to joint *contracts*, since their interlocal cooperation acts do not specifically provide for joint *agreements*. Generally, contracts more readily apply to ongoing consumer service at a governmental level; e.g., one political subdivision will provide another with water and sewer service, building inspection, police radio or comprehensive police services. On the other hand, agreements more readily apply to the Mutual Aid situation where parties agree to supply personnel and equipment under extraordinary circumstances and not on an ongoing basis, where a contract is more appropriate. Certainly, however, a single contract or a series of contracts can be used in place of an agreement. Contracts provide flexibility, where necessary, to establish differing cost schedules among the parties, while a single umbrella document might be too rigid. The

¹ *ACIR State Legislative Program*, Washington, D.C., August, 1969.

absence of annotated cases and opinions by attorneys general would indicate that the intent, if any, to distinguish between contracts and agreements has not been tested to date. In addition, the only states with some provision for state funding are Georgia, New Jersey, North Carolina and California.

The passage of legislation authorizing police Mutual Aid agreements in 20 states has rendered unnecessary the inference of that power from intergovernmental cooperation acts. Of these 20 states, most have specified the provisions which must be incorporated in any Mutual Aid agreement.

Florida, Texas and New Hampshire broadly define the emergency conditions prerequisite for Mutual Aid. Florida's Mutual Aid legislation allows for a broad interpretation of an emergency. In Texas an emergency may be precipitated by natural disaster or man-made calamity. In New Hampshire any disaster or emergency may call for Mutual Aid.

The question of who decides when there is an emergency is not uniform from state to state. It is usually the chief executive officer or mayor who makes this determination. New York goes into more detail to provide alternates; the chief executive officer of a New York municipality or the chief of police, if designated by local law (or if the mayor is absent or disabled), is to determine when to request Mutual Aid.

Not only are there differences concerning the use of Mutual Aid, but there are differences in those rights and liabilities which apply to the states and their agents performing the aid. In many states local peace officers have powers of arrest outside their jurisdiction when acting under interlocal agreements. Maryland and Virginia specifically grant this power to assisting out-of-state police. It is usually the case that assisting governmental units provide their personnel with normal privileges, pension benefits and liability coverage. The requesting locality often must reimburse the assisting agency for any disbursements, including payroll.

The immunities of police officers generally follow them as they leave their home jurisdiction. However, Connecticut provides that the receiving municipality's "powers, duties, privileges and immunities" are conferred on the assisting police. States which request aid of Colorado are liable for the negligent or otherwise tortious acts of any Colorado peace officer performing temporary emergency duty in that jurisdiction. Maryland, however, demands a waiver of claims and indemnification of third-party claims by all parties who enter into Mutual Aid agreements. Maryland specifically allows such an expenditure for interstate agreements.

The chief law enforcement officer of a New Hampshire assisting jurisdiction may recall his forces, overriding any

agreement to the contrary, if there is an emergency in the home jurisdiction. Few states have legislated that an emergency at home supersedes any Mutual Aid agreement. In most states the terms of the Mutual Aid agreement governing recall of aid would be binding.

In those states lacking provisions for police Mutual Aid, the civil defense statutes have been cited in this chapter if they have been made applicable to civil disorders. During the 1950's there was a flurry of legislation on civil defense procedures and preparation; however, they generally are activated only by enemy attack or natural disaster. The civil defense statutes authorize local civil defense coordinators to enter into intrastate and, subject to the approval of the governor of the state, interstate Mutual Aid agreements. Typically, the head of the local law enforcement agency is the regional civil defense coordinator.

The enabling language of many of the intergovernmental cooperation acts would seem to permit Mutual Aid among prosecutive, court and corrections agencies. The Missouri Attorney General has stated, however, that under Missouri's intergovernmental cooperation act municipalities may contract to furnish police services but not judicial services. Research indicates that the only reference regarding emergency prosecutive services is a Nebraska statute authorizing the appointment of special temporary prosecuting attorneys during a declared local emergency.

The Chairman of the California Judicial Council may hold court anywhere within the county and transfer civil cases to cope with a judicial emergency arising from a large number of arrests within a short period of time. In many states judges may be transferred to different courts, though usually at the discretion of the supreme court of the state and not at the demand of local governing bodies. Nebraska provides for the temporary appointment of attorneys as judges during judicial emergencies.

A number of states allow the joint operation of detention facilities, either through specific legislation or an intergovernmental cooperation act. The only reference to temporary detention is an ambitious opinion by the Attorney General of the State of Washington stating that the State Department of Institutions is not authorized under the interlocal cooperation act to contract with a county for the temporary detention of county jail prisoners in state correctional institutions for convicted felons.

The right to join in Mutual Aid agreements is more easily inferred for corrections than for prosecutive or court agencies, since some correctional facilities currently are operated jointly; but there is no precedent for prosecutive or court cooperation.

With no changes in current legislation, the majority of states could authorize Mutual Aid agreements between police, prosecutive, court and corrections agencies. How-

ever, the whim of the attorney general in contrarily interpreting the law must be allowed for in making this projection.

The following tables list legislation pertinent to Mutual Aid within the states. Table I indicates which states have passed legislation authorizing (1) police Mutual Aid agreements, (2) police Mutual Aid (without legislating whether there must be an agreement between the parties), allowing one political subdivision to aid another, (3) civil defense Mutual Aid agreements among regional civil defense directors (statutes in this category were listed only if there was no other authorization for Mutual Aid in the state and only if Mutual Aid would be available for a riot or similar emergency and not restricted to war or natural calamity), and (4) general intergovernmental cooperation which may authorize police, prosecutive, court and corrections agencies to engage in Mutual Aid. Opinions of attorneys general pertinent to this aspect of intergovernmental cooperation

have been noted. Table II considers which states fall into one of the following three categories: (1) those states authorizing police Mutual Aid agreements; (2) those states implicitly authorizing police Mutual Aid agreements through legislative combination of (a) an intergovernmental cooperation act which enables local governing bodies to cooperate in their governmental functions through agreements or contracts, and (b) a statute authorizing police emergency Mutual Aid which makes no mention of the propriety of agreements or contracts for that purpose; and (3) those states which merely have an intergovernmental cooperation act, with no statutory reference to Mutual Aid or Mutual Aid agreements.

Table III lists the state code sections authorizing Mutual Aid and Mutual Aid agreements.

Table IV shows the extent of peace officers' powers of arrest throughout political subdivisions of the states.

Table I
STATUTORY AUTHORIZATION
FOR
MUTUAL AID

	No. 1	No. 2	No. 3	No. 4
	Statutory Authorization of Police Mutual Aid Agreements	Statutory Authorization of Police Mutual Aid	Civil Defense Statutes Applicable to Riots or Civil Emergencies	Statutory Authorization For Intergovernmental Cooperation
Alabama		X		X [Counties of + 600,000 pop.]
Alaska				X
Arizona	X*	X		
Arkansas				X*
California	X*	X		X* [Adjoining states]
Colorado	X	X		X* [Law enforcement authorities; adjoining states]
Connecticut	X			X* [Police protection and services]
Delaware	X			
Florida	X			X*
Georgia			X	X
Hawaii			X	X*
Idaho				X*
Illinois	X	X [cities of less than 50,000 pop.]		X*
Indiana				X*
Iowa				X*
Kansas				X* [Police protection]
Kentucky	X*			X*
Louisiana	X*	X		X
Maine				X
Maryland	X*			X

*Also Have Interstate Provisions

Table I
(Continued)

	No. 1	No. 2	No. 3	No. 4
Massachusetts				
Michigan	X			X*
Minnesota	X*			X* [Adjoining states; op. Atty. General - police mutual aid agreements permitted]
Mississippi			X	
Missouri				X* [Op. Atty. General - police, not judicial services may be contracted]
Montana				X
Nebraska		X		X* [Adjacent subdivision]
Nevada				X*
New Hampshire	X			X
New Jersey		X		X
New Mexico	X			X* [Adjoining states]
New York		X		X
North Carolina	X			
North Dakota				X* [Adjacent subdivision]
Ohio	X	X		X
Oklahoma		X		X*
Oregon				X*
Pennsylvania	X			X*
Rhode Island		X		
South Carolina		X		
South Dakota			X	X [Adjacent subdivision]
Tennessee			X	X*
Texas	X			X
Utah				X*
Vermont				X
Virginia	X*	X*		X
Washington				X* [Op. Atty. General - contracts to detain county prisoners with state felons are not permitted]

* Also Have Interstate Provisions

Table I
(Continued)

	No. 1	No. 2	No. 3	No. 4
West Virginia				X
Wisconsin		X		
Wyoming			X	
District of Columbia	X* [Md., Va.]		X	X* [Op. Atty. General - contracts for police services permissable]
Totals	20 (9*)	15 (2*)	6	42 (25*)

* Also Have Interstate Provisions

Table II

- A) The following states authorize police Mutual Aid agreements:
Total 20 (9*)
- | | |
|--------------------------------------------------------------------------------------------------------|-----------------------|
| Arizona* | Maryland* |
| California* | Michigan |
| Colorado | Minnesota* |
| Connecticut | New Hampshire |
| Delaware* | New Mexico |
| Florida | North Carolina |
| Illinois | Ohio |
| Kentucky* [Interlocal Cooperation Act mentions police services as an area for cooperative agreements.] | Pennsylvania |
| Louisiana* | Texas |
| | Virginia* |
| | District of Columbia* |
- B) The following states may formulate police Mutual Aid agreements by combining the provisions of *intergovernmental cooperation* and *Mutual Aid* legislation:
Total 8 (3*)
- | | |
|-------------|-----------------|
| Alabama | New York |
| Kansas* | Oklahoma |
| Nebraska* | South Carolina† |
| New Jersey† | Wisconsin*† |
- C) The following states authorize *interlocal cooperation*, but lack police *Mutual Aid* statutes:
Total 19 (11*)
- | | |
|-----------|---------------|
| Alaska | Nevada |
| Arkansas* | North Dakota* |
| Georgia† | Oregon* |
| Hawaii* | South Dakota |
| Idaho* | Tennessee* |
| Indiana* | Utah* |
| Iowa* | Vermont† |
| Maine | Washington* |
| Missouri* | West Virginia |
| Montana† | |
- *Interstate
†Intergovernmental cooperation act authorizes joint service contracts, not cooperative agreements.

Table III

STATUTORY REFERENCES TO MUTUAL AID* AND MUTUAL AID AGREEMENTS

Alabama	Code of Ala., 1969, Supp. to Vol. 14A, Appx., Secs. 1059 (14eee) to 1059 (14jjj) (1967).*
Arizona	Ariz. Rev. Stat. Ann., Secs. 26-309 to 26-317 (1971).
California	Ann. Code Calif., Govern., Sec. 8630 (1970).
Colorado	Colo. Rev. Stat., Secs. 99-2-4 to 99-2-12 (1963).
Connecticut	Conn. Gen. Stat. Ann., Sec. 7-277a (1967).
Delaware	Del. Code Ann., Title 11, Secs. 1941 to 1947 (1970).
Florida	Fla. Stat. Ann., Title 4, Secs. 23.12 to 23.128 (1969).
Illinois	Ill. Ann. Stat., Title 24, Sec. 1-4-8 (1968); Ill. Ann. Stat., Title 24, Sec. 11-1-2.1 (1961).*
Kansas	Kan. Stat. Ann., Sec. 12-2903 (1968).
Kentucky	Ky. Rev. Stat., Sec. 65-255 (1962).
Louisiana	La. Stat. Ann. — Rev. Stat., Sec. 40:1391 (1936). La. Stat. Ann. — Rev. Stat., Sec. 14:329.6 (1969).*
Maryland	Ann. Code of Md., Art. 27, Sec. 602B (1969).
Michigan	Mich. Code of Laws Ann., Sec. 123.811 (1967).
Nebraska	Rev. Stat. of Neb., Sec. 18-1706 (1959).*
New Hampshire	N. H. Stat. Rev., Ch. 106-C (1967).
New Jersey	N. J. Stat. Ann., Sec. 40A:14-156 (1971).
New Mexico	N. M. Stat. Ann., Secs. 39-7-1 to 39-7-4 (1971).
New York	N. Y. Stat. Ann., Gen. Mun. Law, Secs. 209f and 209g (1946).*
North Carolina	Gen. Stat. of N. C., Sec. 160A-288 (1967).
Ohio	Ohio Rev. Code Ann., Title 3, Sec. 311.07 (1968); Ohio Rev. Code Ann., Title 7, Sec. 737.04 (1953).*
Oklahoma	Okla. Stat. Ann., Title 11, Sec. 20.6 (1969).
Pennsylvania	Penn. Stat., Title 53, Sec. 56554 (1931).
Rhode Island	R. I. Gen. Laws, Sec. 45-42-1 (1971).*
South Carolina	Code of Laws, S.C., Sec. 47-232.1 (1968).*
Texas	Vernon's Tex. Stat. Ann., Art. 999b (1969).
Wisconsin	Wisc. Stat. Ann., Sec. 66.305 (1967).*
Virginia	Va. Code Ann., Secs. 15.1-131 and 15.1-131.3 (1959-1970).
District of Columbia	D. C. Code Ann., Title 1, Sec. 1-820 (1968).

Table IV

STATUTORY POWER OF ARREST
(excluding fresh pursuit)

State	Type of Police Organization	Municipal Only	County-wide	State-wide	Enlarged by Mutual Aid	Other Statutory Provisions
Alabama	Municipal Police	X			X	NA
	County Police					
	County Sheriff		X		X	
	Highway Patrol			X		
Alaska	Municipal Police	X				NA
	County Police		X			
	County Sheriff					
	Highway Patrol			X		
Arizona	Municipal Police	X*				NA
	County Police					
	County Sheriff		X*			
	Highway Patrol			X		
Arkansas	Municipal Police	X				NA
	County Police					
	County Sheriff		X			
	Highway Patrol			X		

*With the prior consent of the chief peace officer of any jurisdiction the authority of any peace officer may extend to any place within the state.

Table IV
STATUTORY POWER OF ARREST
(excluding fresh pursuit)

	Type of Police Organization	Municipal Only	County-wide	State-wide	Enlarged by Mutual Aid	Other Statutory Provisions
California	Municipal Police	X			X	Authority may be extended to another jurisdiction by that jurisdiction's prior consent.
	County Police					NA
	County Sheriff		X		X	Authority may be extended to another jurisdiction by that jurisdiction's prior consent.
	Highway Patrol			X	X	Authority limited to enforcing the vehicle code.
	State Police			X	X	Authority limited to protecting state properties and officers.
Colorado	Municipal Police	X			X	
	County Police					NA
	County Sheriff		X		X	
Connecticut	Municipal Police	X			X	
	County Police					NA
Delaware	Municipal Police	X			X	
	County Police					NA
Delaware	County Sheriff		X		X	
	Highway Patrol			X		
	State Police			X		Authority limited, exception emergencies, to enforcing state laws regarding state highway property and agencies.

TABLE IV
STATUTORY POWER OF ARREST
(excluding fresh pursuit)

State	Type of Police Organization	Municipal Only	County-wide	State-wide	Enlarged by Mutual Aid	Other Statutory Provisions
Florida	Municipal Police	X			X	
	County Police					NA
	County Sheriff		X		X	
	Highway Patrol			X	X	Authority limited to officers on state highways and assisting other law enforcement officers to quell mobs and riots.
Georgia	Municipal Police	X				
	County Police		X			
	County Sheriff		X			
	Highway Patrol			X		Authority includes emergency assistance as well as enforcing the vehicle code.
Hawaii	Municipal Police	X				
	County Police					NA
	County Sheriff					NA
	Highway Patrol					NA
	State Sheriff			X		
Idaho	Municipal Police	X				
	County Police					NA
	County Sheriff		X			
	State Police			X		State Police may cooperate with counties and municipalities throughout the state.

TABLE IV
STATUTORY POWER OF ARREST
(excluding fresh pursuit)

State	Type of Police Organization	Municipal Only	County-wide	State-wide	Enlarged by Mutual Aid	Other Statutory Provisions
Illinois	Municipal Police					Authority extends throughout the police district without regard to city or county lines.
	County Police		X		X	
	County Sheriff		X		X	
	State Police			X		
Indiana	Municipal Police	X				NA
	County Police					
	County Sheriff		X			
	State Police			X		
Iowa	Municipal Police	X				NA
	County Police					
	County Sheriff		X			
	Highway Patrol			X		
Kansas	Municipal Police	X			X	NA
	County Police					
	County Sheriff		X		X	
	Highway Patrol			X	X	

TABLE IV
STATUTORY POWER OF ARREST
(excluding fresh pursuit)

State	Type of Police Organization	Municipal Only	County-wide	State-wide	Enlarged by Mutual Aid	Other Statutory Provisions
Kentucky	Municipal Police	X			X	General powers of arrest extend throughout the state, excluding incorporated cities.
	County Police		X		X	
	County Sheriff		X		X	
	State Police			X	X	
Louisiana	Municipal Police	X			X	NA
	County Police					
	County Sheriff			X	X	
	State Police				X	
Maine	Municipal Police	X				NA
	County Police					
	County Sheriff		X			
	State Police			X	X	
Maryland	Municipal Police	X			X	State Police possess general powers of peace officers throughout the state with limitations prohibiting arrest within municipalities except as while in "hot pursuit", on special request, in search of a suspected offender wanted for a crime committed outside the municipality, while enforcing the motor vehicle laws, or acting on the order of the Governor.
	County Police		X		X	
	County Sheriff		X		X	
	State Police			X		

Table IV

STATUTORY POWER OF ARREST
(excluding fresh pursuit)

State	Type of Police Organization	Municipal Only	County-wide	State-wide	Enlarged by Mutual Aid	Other Statutory Provisions
Massachusetts	Municipal Police	X				Authority limited to preserving order on premises used for county business. New England State Police Compact extends authority when rendering mutual aid to other New England member states.
	County Police		X			
	County Sheriff		X			
	State Police			X	X	
Michigan	Municipal Police			X*	X	*Any peace officer of a county, city or village of this state may exercise authority and powers outside his own county, city or village when enforcing state law in conjunction with the state police or any peace officer of the county, city or village in which he may be.
	County Police			NA		
	County Sheriff			X*	X	
	State Police			X		
Minnesota	Municipal Police	X				Powers of arrest are limited to offenses committed on trunk highways.
	County Police		X			
	County Sheriff		X			
	Highway Patrol			X		
Mississippi	Municipal Police	X				NA State-wide arrest powers are limited to offenses committed on state highways.
	County Police					
	County Sheriff		X			
	Highway Patrol			X		

TABLE IV

STATUTORY POWER OF ARREST
(excluding fresh pursuit)

State	Type of Police Organization	Municipal Only	County-wide	State-wide	Enlarged by Mutual Aid	Other Statutory Provisions
Missouri	Municipal Police	X				NA State-wide arrest powers are limited to enforcing the motor vehicle code except when working with the sheriff of any county or chief of police of any city.
	County Police					
	County Sheriff		X			
	Highway Patrol			X		
Montana	Municipal Police	X				NA Authority applies only to enforcing the motor vehicle code unless requested by a local peace officer to make arrests for specified felonies.
	County Police					
	County Sheriff		X			
	Highway Patrol			X		
Nebraska	Municipal Police	X			X	NA Authority is limited to enforcing the motor vehicle code and arresting offenders for felonies committed in their presence.
	County Police					
	County Sheriff		X		X	
	State Patrol			X		
Nevada	Municipal Police	X				NA Powers of arrest are limited to enforcement of the motor vehicle code.
	County Police					
	County Sheriff		X			
	Highway Patrol			X		
New Hampshire	Municipal Police	X			X	NA New England State Police Compact extends authority when rendering mutual aid to other New England member states.
	County Police					
	County Sheriff		X		X	
	State Police			X	X	

TABLE IV

STATUTORY POWER OF ARREST
(excluding fresh pursuit)

State	Type of Police Organization	Municipal Only	County-wide	State-wide	Enlarged by Mutual Aid	Other Statutory Provisions
New Jersey	Municipal Police	X			X	State-wide arrest powers do not extend within a municipality unless assistance is requested by the governing body of the municipality.
	County Police		X		X	
	County Sheriff		X		X	
	State Police			X		
New Mexico	Municipal Police	X			X	NA
	County Police					
	County Sheriff		X		X	
	State Patrol			X		
New York	Municipal Police	X			X	State-wide arrest powers shall not be exercised within city limits to suppress rioting and disorder except upon request of the mayor.
	County Police		X		X	
	County Sheriff		X		X	
	State Police			X	X	
North Carolina	Municipal Police	X			X	State-wide authority is generally limited to enforcement of the vehicle code but includes enforcing state-laws against crimes of violence upon a local authority's request for aid.
	County Police		X		X	
	County Sheriff				X	
	Highway Patrol			X		
North Dakota	Municipal Police	X				NA
	County Police					
	County Sheriff		X			
	Highway Patrol			X		

TABLE IV

STATUTORY POWER OF ARREST
(excluding fresh pursuit)

State	Type of Police Organization	Municipal Only	County-wide	State-wide	Enlarged by Mutual Aid	Other Statutory Provisions
Ohio	Municipal Police	X			X	NA
	County Police					
	County Sheriff		X		X	
	Highway Patrol			X	X	
Oklahoma	Municipal Police	X				Arrest powers, except when answering a sheriff's request for aid, are limited to offenses committed on state highways or property.
	County Police					
	County Sheriff		X			
	Highway Patrol			X		
Oregon	Municipal Police	X				NA
	County Police					
	County Sheriff		X			
	State Police			X		
Pennsylvania	Municipal Police	X				
	County Police		X			
	County Sheriff		X			
	State Police			X		
Rhode Island	Municipal Police	X			X	
South Carolina	Municipal Police	X			X	NA
	County Police					
	County Sheriff		X		X	
	Highway Patrol			X	X	

Table IV

STATUTORY POWER OF ARREST
(excluding fresh pursuit)

State	Type of Police Organization	Municipal Only	County-wide	State-wide	Enlarged by Mutual Aid	Other Statutory Provisions
South Dakota	Municipal Police	X				
	County Police					NA
	County Sheriff		X			
	Highway Patrol			X		
Tennessee	Municipal Police	X				
	County Police					NA
	County Sheriff		X			
	Highway Patrol			X		Arrest powers include enforcement of the vehicle code, laws relating to the collection of state taxes, and animal disease laws.
Texas	Municipal Police	X	X		X	
	County Police		X			
	County Sheriff		X		X	
	Highway Patrol			X		Arrest powers include enforcement of the vehicle code and laws designed to protect life and property.
	Texas Rangers			X		Arrest powers include enforcement of laws designed to protect life and property excluding those of the vehicle code.
Utah	Municipal Police	X				
	County Police					NA
	County Sheriff		X			
	Highway Patrol			X		
Vermont	Municipal Police	X				
	County Police					NA
	County Sheriff		X			
	State Police			X	X	New England State Police Compact extends authority when rendering mutual aid to member states.

Table IV

STATUTORY POWER OF ARREST
(excluding fresh pursuit)

State	Type of Police Organization	Municipal Only	County-wide	State-wide	Enlarged by Mutual Aid	Other Statutory Provisions
Virginia	Municipal Police	X				
	County Police		X		X	A County may enter into an agreement with the U.S. Government under which the law enforcement officers of such government may enforce state and county laws on federal property within the county.
	County Police					NA
	County Sheriff		X			Arrest powers may be exercised throughout the state with the exception that the suppression of riots within city limits shall not be undertaken unless by the governor's direction or request of the chief of police or mayor of the city. New England State Police Compact extends authority when rendering mutual aid to member states.
Washington	Municipal Police	X				
	County Police		X			NA
	County Sheriff			X		
West Virginia	Municipal Police		X			Powers of arrest for crimes committed within a municipality extend throughout the county in which the city is located.
	County Police					NA
	County Sheriff		X			
	State Police			X		
Wisconsin	Municipal Police	X				
	County Police					NA
	County Sheriff		X			
	State Police					NA
Wyoming	Municipal Police	X				
	County Police					NA
	County Sheriff		X			
	Highway Patrol			X		

CHAPTER III.

CALIFORNIA

Law Enforcement Mutual Aid in California

Police. Law enforcement in California is basically a function of local government. It is normally carried out by county sheriffs and city police. As of December 1970, there were 343 police departments in the state employing 39,031 people. These departments range in size from the City of Los Angeles with 6,999 sworn and 2,386 civilian personnel, to the City of Fort Jones with one sworn and no civilian personnel. The average personnel range is as follows:

1-5	41 cities
6-25	130 cities
26-50	79 cities
51-100	43 cities
101-500	44 cities
501-1000	3 cities
1000 plus	3 cities

Police departments are part of city government, and most police chiefs in California are appointed by their city councils or city manager.

County Sheriffs. Each of the 58 counties in California has a sheriff's office ranging in size from Los Angeles County with 5,200 sworn and 1,500 civilian personnel, to Alpine with four sworn and one civilian. Most county sheriff's offices have between 25 and 100 personnel; five have more than 500. Total sheriffs' office personnel in the state number 10,850.

The sheriff is elected on a nonpartisan basis to a four-year term. He is charged with providing law enforcement services to the unincorporated areas of his county and with administering the county jail. He is the chief law enforcement officer of the county. The sheriff often provides law enforcement assistance to city police departments on request or when cases involve county and city jurisdictions.

Augmenting local law enforcement services provided by city police and county sheriffs are the California Highway Patrol, the State Police and the University and State College Police.

California Highway Patrol. The California Highway Patrol, a division of the Business and Transportation Agency, has the responsibility of enforcing those provisions of the vehicle code related to the use of the state highway system, including all highways not within the incorporated areas and all freeways. Patrolmen are designated by the Penal Code as peace officers for the purpose of enforcing the provisions of the vehicle code, pursuing an offender or suspect and making arrests for crimes committed in their presence or on a highway.

State Police. The California State Police, a division of the Department of General Services, protects state property, state employees and visitors. The State Police are designated by the Penal Code as peace officers when in pursuit of offenders or suspects and for the purpose of making arrests for crimes committed in their presence or on state property. In addition to patrol and surveillance, they may be used to combat civil disturbances, demonstrations, bombings and other threats to property or persons which occur on state property.

University Police. There are nine campuses in the University of California system. Each campus has an autonomous police department headed by a chief of police. The size of these departments ranges from 13 personnel to over 100 at the central campus of the University of California at Berkeley. The chief of this department also functions as coordinator for the entire university police system; he is appointed by the president with the concurrence of the board of regents and must be reappointed each year. Each of these police departments is organized to operate much like a small city police department. They are responsible for general police services within the confines of their respective campuses.

The University of California police are authorized peace officers of the State of California pursuant to Section 23501 of the Education Code and Section 830.3(j) of the California Penal Code. They have concurrent police jurisdiction on or about the campus and the property owned and controlled by the University of California. In 1969 a

program was begun by POST to certify all University of California police.¹ In January of 1972 all University of California sworn peace officers were certified by POST. In effect, this means that the University of California Police receive the same training and must maintain the same standards as regular California police officers.

State College Police. The State College and State University police system is not as large or sophisticated as the University of California system and as yet has not become involved in inter-campus or off-campus Mutual Aid.

The State Colleges and State Universities are mainly commuter-type colleges and do not have the resident student populations that University of California campuses have. Thus, their police departments are much smaller than University of California departments. The largest State College department has 20 personnel, whereas the largest University of California department has over 100 officers. Until recently, State College departments were more security oriented (buildings and grounds) than law enforcement oriented. In 1971 POST began certifying State College police department training; but on the whole, State College departments lag far behind University of California departments in training, responsibilities, size and effectiveness. State College departments are, however, attempting to increase their size and professionalism and will undoubtedly move in the direction that the University of California police departments have. The State Colleges have a security coordinator who oversees the security of the 19-campus system and functions much like the coordinator of the University of California departments.

Special Purpose Police. In addition to local and state law enforcement agencies, there are a number of other agencies at the state and local level whose personnel are designated by the Penal Code as peace officers. These employees are authorized as police officers only in their primary duties and in certain other limited instances (California Penal Code, Section 930.1). The agencies designated are: the California National Guard, Department of Justice, District Attorneys' Offices, Alcoholic Beverage Control, the Investigations Section of the Department of Consumer Affairs, the Wildlife Protection Branch of the Department of Fish and Game, the Division of Forestry of the Department of Conservation, the Department of Motor Vehicles, California Horse Racing Board, Regional Park Districts and the Bureau of Food and Drug Inspection.

Historical and Legal Background of Mutual Aid in California. With the passage of the California Disaster Act in 1943, the chief executive of the state (Governor) was given extraordinary powers for the purpose of utilizing fully the resources of state and local government in times of

¹ POST stands for Peace Officers Standard and Training. It was established in 1959 by the State Legislature and its primary objective is to raise and maintain the level of competence of California peace officers. The POST Commission has established minimum standards of physical, mental and moral fitness for the recruitment and training of peace officers throughout the state.

emergency. These emergency situations were defined as man-made, natural and war-caused disasters. In order to more effectively use these resources, the state was divided into six regions for the purpose of control and coordination of emergency services. The Disaster Act also provided legal authority for a statewide master Mutual Aid agreement to which the state and all of its political subdivisions became signatories in 1950. This agreement, encompassing all cities, counties, departments and agencies of the state, calls for the voluntary interchange of manpower and resources during times of emergency.

In addition, the Act further provides that under certain proclaimed emergency situations, Mutual Aid can become mandatory at the option of the Governor.²

A formal statewide Law Enforcement Mutual Aid system was first established in 1961 and was supported by a written organizational and operational plan which was distributed to all law enforcement agencies in the state. The Law Enforcement Division, which implemented and coordinates the system, was created in 1960 when the California Peace Officers' Association and State Sheriffs' Association sent unanimous resolutions to the Governor requesting the establishment of such a division. This division, within the structure of the California Disaster Office, now known as the Office of Emergency Services, is the state agency under the Governor's Office responsible for coordinating state and local response to natural and man-made disasters. A law enforcement division was subsequently formed in the Office, and it was this division which designed and implemented the Law Enforcement Mutual Aid system.

Generally, however, law enforcement agencies in California were not too interested in the Mutual Aid system until the summer of 1965 when the Watts riots occurred in Los Angeles. Two main points of interest to law enforcement agencies in California emerged as a result of those riots. First, that there could occur incidents that even the largest police department in the state could not cope with; and second, that such incidents could occur anywhere in the state. Law enforcement officials began to take note of the already existing system which could provide the necessary law enforcement assistance from adjacent agencies during such emergencies.

Since 1965 the Mutual Aid system has been utilized continually to restore order during civil disturbances. During the period of 1967 to 1971, approximately 335 civil disorders of varying magnitudes occurred in California in which Mutual Aid was employed. The system has become a vital tool for law enforcement agencies throughout the state.

Operation of the California Mutual Aid System. The Mutual Aid system is based on four organizational levels:

² In 1970 the Disaster Act was revised and amended and is now entitled the Emergency Services Act.

cities, counties (known as operational areas), regions and the state. The state is divided into seven Mutual Aid regions (cities and counties are included in their respective regions). Each of the regions has a regional coordinator who is a sheriff. The regional coordinator is elected to a four-year term by a majority vote of all sheriffs in the region. The regional coordinator is responsible for organizing and coordinating the dispatch of resources and men within his region to the scene of the emergency. At the state level, the Office of Emergency Services (OES) is responsible for the coordination and application of state resources and men in support of local jurisdictions. In addition, the Chief of the Law Enforcement Division of OES oversees the operation of the Mutual Aid system throughout the state.

The basic concept of Mutual Aid is that adjacent or neighboring law enforcement agencies will assist each other first. Then, if necessary, the state will become involved. Traditionally, in California the upholding of law and order has been a local responsibility. In meeting this responsibility, local law enforcement agencies rely primarily on their own resources.

Beginning with the lowest jurisdictional level (city), the Mutual Aid system operates as follows:

Step 1: A police chief in a city experiences an "unusual occurrence" which is or threatens to be beyond the ability of his department to control.³ Upon determining that his department cannot handle the occurrence, he alerts the county sheriff and apprises him of the situation. (In the case of a disorder on a college campus, if the campus police cannot deal with the situation, they call on the police department in whose jurisdiction the campus is located.)

Step 2: The county sheriff, who is statutorily charged with the responsibility to "... prevent and suppress any affrays, breaches of the peace, riots, and insurrections..."⁴ in the county, then has the option to do one of two things. He may either dispatch personnel from his office (which is usually the case) or request one or more cities in the county to send officers to the scene if such action would lessen the response time. At this point the sheriff (referred to as the operational area coordinator) can also request assistance from the nearest office of the California Highway Patrol.

Step 3: If the "unusual occurrence" is, or appears to be, of such a magnitude that the resources of the county cannot control the situation, the sheriff then contacts the regional coordinator of his region. The regional coordinator will usually send his representative to assess the situation. As a rule, during an ongoing emergency regional assistance will not be

³ An "unusual occurrence" may be defined as: An unscheduled physical event involving actual or potential personal injury or property damage arising from fire, flood, storm, earthquake, wreck, enemy action, civil disturbance, or other natural or man-caused incident.

provided until the resources of the county are roughly 50 percent committed.

Step 4: When regional resources are committed or the regional coordinator anticipates such commitment, he will advise the State Law Enforcement Coordinator (Chief of the Law Enforcement Division, OES). The California Law Enforcement Telecommunications System (CLETS) is often used to alert OES and surrounding agencies that an emergency exists and that they might be called upon for assistance. This procedure allows sufficient time for mobilization of resources.

Step 5: Should the combined resources of one region be incapable of dealing with an emergency, the State Law Enforcement Coordinator will so advise the Governor's Office. At this point the Governor or his representative may select one or two alternative courses of action. He may choose to commit resources from one or more additional regions or utilize state resources, i.e., California Highway Patrol or National Guard forces.

The California National Guard has, in most cases, been the last resort for use in emergency situations. There are a number of reasons for this. First, the activation and use of the National Guard is extremely expensive. Second, the time required for mobilization and arrival on the scene is approximately eight hours. Third, in most instances National Guard forces have not had sufficient practical training in riot control. Moreover, they are not trained peace officers. Even though they possess peace officer powers when used in emergencies, they are not properly trained in arrest procedures, reporting or testifying in court. Finally, activation of the National Guard often gives dissident groups the opportunity to claim capabilities so disruptive that civilian law enforcement agencies cannot cope with them. For these reasons, the current policy of the present state administration appears to be one of committing the National Guard only as a last resort.

While Mutual Aid to local jurisdictions from the state normally is in the form of the Highway Patrol and National Guard, the Governor may by executive order utilize resources of other state departments, especially the Departments of Fish and Game and Corrections. These agencies normally provide such assistance as prisoner buses for transporting arrestees and support personnel. All of these resources are coordinated by the Law Enforcement Division, OES.⁵

Mutual Aid and College and University Campuses. A unique aspect of the California Law Enforcement Mutual Aid system is the involvement of campus police departments. At the beginning of the civil disorder period on

⁴ California Government Code, Chapter 2, Article 1, Section 26602.

⁵ It might be noted that peace officers have authority throughout the state (California Penal Code: 830.1). Thus, there is no jurisdictional problem raised when officers respond to a request for assistance from another jurisdiction.

campuses in 1964, campus police departments had a relatively unimportant position in the criminal justice system. However, as these disorders escalated and continued, campus police assumed a larger role in the maintenance of order on the campus. Since 1964 the size and scope of operations of these police departments has been increased, and these departments are now recognized as full-fledged law enforcement agencies. Law enforcement agencies have responded innumerable times to requests for Mutual Aid on or near college campuses. As a result, it was determined that the educational institutions themselves should bear more of the burden of enforcement responsibilities generated by student problems. Thus, the concept of inter-campus Mutual Aid developed.

It was the opinion of law enforcement officials that all available resources of a college or university should be committed before outside assistance was provided. Inter-campus Mutual Aid was then developed and first utilized during the Berkeley protests of 1964. At that time security forces from other campuses were used to augment the Berkeley security personnel. During the Isla Vista distur-

⁶The enabling authority for use of campus police off campus is contained in the California Penal Code: Section 830.3(r).

bances of January to June 1970, inter-campus Mutual Aid was used to a much greater extent than ever before. Officers from five other campuses were sent to the University of California at Santa Barbara for up to a week to assist in controlling the disorders. At the present time there exists a formal inter-campus Mutual Aid system coordinated by the Chief of the University of California-Berkeley Police Department.

Another aspect of utilization of campus police forces developed around 1969. Law enforcement officers in the Bay Area, who had responded so many times to the Berkeley campus, believed that campus police should render assistance to regular law enforcement agencies in the area.⁶ Since this time University of California Police have participated in approximately 15 off-campus Mutual Aid operations. Since Mutual Aid is strictly voluntary (except when an emergency or war emergency is declared by the Governor), this arrangement has tended to equalize, to a greater degree, the burden of responding to Mutual Aid requests. To our knowledge it is the only arrangement of its kind in the United States.

CASE STUDIES: CALIFORNIA

The following two case studies are presented as examples of Mutual Aid operations. In each study the specific responses of law enforcement agencies to the emergency are noted. Problem areas are identified, and a summary of the operation is provided. It must also be noted that these case studies point out the need for accurate record keeping and debriefing of officers. Case studies of emergencies are often difficult to document due to lack of complete, detailed information. Memories dim after the fact, and few have the time to write facts down during an emergency. Despite these obstacles, case studies can provide valuable practical information and guidelines for future operations. They are presented in this light.

ISLA VISTA, JANUARY-JUNE 1970

The purpose of this case study is to objectively examine a series of Mutual Aid operations which occurred during the period of January to June 1970, in and around the community of Isla Vista, Santa Barbara County. It is not written to find fault with or condemn any agency or individual. Rather, it is hoped that by identifying the mistakes made and problems encountered by the law enforcement agencies involved, other agencies will ultimately benefit. The information contained in this paper was obtained from personal interviews with command level personnel from the California Highway Patrol, Santa Barbara County Sheriff's Department, Los Angeles County Sheriff's Department, Santa Barbara Police Department and from Department of Justice files. The prolonged disturbances which rocked Santa Barbara County occurred in a small (one-half square mile), unincorporated community known as Isla Vista. Isla Vista is adjacent to the University of California, Santa Barbara campus; and in the early months of 1970 the population of this area was approximately 13,000. Of these, 9,000 were students at the University of California, Santa Barbara. The disorders at Isla Vista are commonly referred to as Isla Vista 1, 2, 3 and 4. A brief chronology of the disturbances follows.

Isla Vista 1—January 30 to February 4, 1970

The contract of a professor who was popular with the students was not renewed. This led to demonstrations and sporadic violence on and around the campus. Nineteen arrests were made. A total of 737 officers was committed to control the disturbances, the majority of whom were Mutual Aid forces.

Isla Vista 2—February 24 to March 3, 1970

1. February 24—large street crowds; rock throwing; minor damage in the small business area.

2. An attorney for defendants in a case in which many students were interested spoke on campus on the afternoon of February 25. A protest rally gathered in the small park in Isla Vista known as Perfect Park. The crowd actions grew in intensity and moved into the business area. Shortly after midnight the Bank of America in Isla Vista was completely burned to the ground.
3. February 27—Santa Barbara County officials requested that the Governor send the National Guard to control the Isla Vista disturbances. A state of emergency was declared in Santa Barbara County by the Governor, and the National Guard was dispatched. Order was restored on or about March 3, with arrests totaling 161. Mutual Aid officers committed during Isla Vista 2, including the Santa Barbara County Sheriff's Department, numbered 1,282.

Isla Vista 3—April 16-22, 1970

1. April 16—A radical speaker was banned from speaking on campus. His wife spoke in the campus "free speech area."
2. April 17—Crowds gathered at the temporary Bank of America building. There were demonstrations and threatened violence. A University of California, Santa Barbara, student was fatally shot accidentally by a police officer. (It was assumed and reported by the press that the student was shot by a sniper. The fact that he was probably accidentally shot by a policeman did not become known until three days later.) Total arrests for Isla Vista 3 were 90 persons. Total Mutual Aid officers committed, including the Santa Barbara County Sheriff's Department, were 1,333.

During May the United States' decision to invade Cambodia was announced. This set off strong student reactions and generally added to the already inflamed atmosphere in Isla Vista.

Isla Vista 4—June 3-12, 1970

1. June 3—The Santa Barbara County Grand Jury indicted 17 people for the February 25 burning of the bank. There was later proof that two of those indicted were in jail at the time of the bank burning.
2. June 4 and 5—Approximately 300 rioters milled around the temporary bank building on each of these nights.
3. June 6—A 9:30 p.m. curfew was declared earlier in the day. Demonstrators and onlookers gathered in the bank area. After the curfew deadline passed, law enforcement officers swept the streets adjacent to the bank and the

general Isla Vista area. They encountered rock and bottle throwing. Thirty-two arrests were made.

4. June 7—A rock concert was held on the outskirts of Isla Vista. It was terminated at curfew time, whereupon a crowd of approximately 1,000 persons marched to the bank building. The bank was nearly set afire again. The crowd was dispersed and 29 arrests were made.
5. June 8—A curfew was declared for 7:30 p.m. The Los Angeles County Sheriff's Special Enforcement Bureau, numbering 93 officers, arrived. There were law enforcement sweeps of the Isla Vista area, sporadic confrontations and 86 arrests.
6. June 9—Arrests for curfew violations continued and totaled 142 for this day.
7. June 10—A sit-in protest was held in Perfect Park in violation of the 7:30 p.m. curfew. Sweeps were made of the park area and 375 arrests followed.
8. June 11—The curfew was relaxed and few police-student confrontations took place.
9. June 12—The curfew was lifted and the number of officers in the Isla Vista area was reduced. Order was finally restored. Total arrests for Isla Vista 4 were 667 people. Total Mutual Aid officers numbered 2,119.

Throughout the course of the disturbances, Mutual Aid officers from Santa Barbara, Ventura, San Luis Obispo and Los Angeles Counties, the California Highway Patrol and troops from the National Guard responded to the Santa Barbara County Sheriff's requests for assistance.

During the disturbances and for some time afterwards, numerous charges were directed at law enforcement officials in Santa Barbara and Los Angeles Counties by students, county citizens and the press. There was also criticism concerning the conduct of the operation by responding law enforcement officials. Subsequent to the disorders, many investigations concerning complaints of police misconduct and brutality were undertaken by the Santa Barbara County Grand Jury, the State Attorney General's Office and internal investigation units of some of the sheriffs' departments.

This analysis attempts to identify the following:

1. What happened in Isla Vista when Mutual Aid forces were used.
2. What specific problems were encountered by the requesting law enforcement agency (Santa Barbara Sheriff's Department).
3. Why there was so much criticism concerning law enforcement response to Isla Vista.
4. What effect Isla Vista had on the state Mutual Aid system.
5. What lessons were learned about Mutual Aid as a result of the Isla Vista operation.

Related Factors

It is necessary to be aware of some of the aspects of Santa Barbara County, Isla Vista and the Santa Barbara County Sheriff's Department before one can truly understand what occurred at Isla Vista and why it occurred.

Traditionally, Santa Barbara County has been mainly agrarian in nature, with few centers of population and with no significant crime problems. The Santa Barbara Sheriff's Department was small.

During the 1960's the population in and around Santa Barbara increased dramatically. The student population at the University of California campus also increased, especially in the small community of Isla Vista.

Although the population in the unincorporated areas and related enforcement problems were rapidly increasing, the Sheriff's Department did not keep pace. The number of officers and their level of training did not correspond proportionately to the population or the potential for criminal activity. Thus, when a disturbance of the size and intensity of Isla Vista broke out, the Sheriff's Department was not prepared to handle it.

The community of Isla Vista itself bears close examination. It was a community of approximately 13,000 residents, of whom 9,000 were University of California, Santa Barbara, students. High rents were supposedly charged for badly constructed dwellings which sprang up without planning controls to match the rapid increase in student enrollments. The County and University were at odds concerning who had the responsibility for planning or development of the Isla Vista area. Consequently, planning controls and services were weak. Aside from the prominent issues (such as the dismissal of a professor, the speech by an attorney, the Cambodian invasion, etc.), there were other causes of the Isla Vista disorders. An executive vice chancellor at the University of California, Santa Barbara, has listed some of these causes:

1. An extensive drug problem, owing to the concentrated presence of more than 10,000 young people, creating not only the psychological and emotional problems associated with the widespread use of soft and hard drugs, but also an aggravated relationship between many residents and the police.
2. Without the more natural spread of ages, activities, life styles and interests that characterize most communities, it can be said that the typical Isla Vista resident lives in an unencumbered social, ethical and moral environment—a situation of special significance given the immediate post-adolescent problems that confront the vast majority of persons living there.
3. A critical dissimilarity in values between residents of Isla Vista and elsewhere about the value, importance and

relevance of private property, personal responsibility, self discipline and permissiveness.

Mutual Aid Response to Isla Vista

Before Isla Vista the Santa Barbara County Sheriff's Department had little, if any, experience with civil disorders or Mutual Aid. The officers therefore encountered many problems and difficulties in attempting to contain the disturbances and enforce the law.

Interviews with law enforcement officials from the Santa Barbara area indicated that the Mutual Aid system itself had functioned very well and the Law Enforcement Division, Office of Emergency Services, had been very helpful in providing advice and assistance. Apparently the problem was that the requesting agency did not know how to properly use the resources that the system provided.

Specific Problem Areas:

A. Use of the Mutual Aid System

A formal Mutual Aid system had existed in the state since the early 1960's, and a written Mutual Aid plan had been distributed to all law enforcement agencies in the state. The Santa Barbara Sheriff's Department (like many other law enforcement agencies) had never needed to use Mutual Aid and so was unfamiliar with the procedures necessary to activate the system. This unfamiliarity with the system led to unnecessary delays in receiving support from other agencies. Instead of following the established policy that county sheriffs (operational area coordinators) contact the regional coordinator (in this case, the Los Angeles County Sheriff), the Santa Barbara Sheriff contacted the State Office of Emergency Services and requested their assistance. Valuable time was lost routing the request back into the correct channels. Once the system was activated and Mutual Aid forces began to arrive in Santa Barbara, the Sheriff's Department was not adequately prepared to house, feed, equip, brief or properly utilize them. In all fairness, it must be pointed out that this situation would probably have happened to most law enforcement agencies in the state. Few of them had experienced civil disorders and few had planned for them.

B. Prior and Contingency Planning

There was virtually no prior planning on the part of the Santa Barbara Sheriff's Department to handle civil disorders. There were no contingency plans to handle the various aspects of civil disorders such as mass arrest and detention, arrestee transportation to holding facilities, press relations, etc. Even after it became apparent that the disturbances were going to be lengthy, planning was accom-

plished on a day-to-day basis rather than on a long-range basis. In addition, the Sheriff's Department did not issue much needed policy guidelines at the beginning of the disturbance to cover arrest policies, enforcement policies (which ordinances would be enforced and which would not) and other broad guidelines governing the conduct of such operations.

C. Intelligence

Intelligence may well be the single most important factor associated with civil disorder control. It governs the level of response (how many officers are needed to control the situation, what level of violence, if any, can be expected, etc.) and gives law enforcement officers prior information concerning the number of demonstrators, the level of militancy, the presence of weapons and other vital information. The need for sound, accurate intelligence is paramount in Mutual Aid operations. During the Isla Vista disturbances the intelligence available to the Santa Barbara Sheriff's Department was either nonexistent, weak or erroneous. Law enforcement officers were therefore at a definite disadvantage in planning their response to actions of the demonstrators and rioters. When Mutual Aid forces from Los Angeles County and the California Highway Patrol responded, their personnel were able to supply improved intelligence.

D. Briefing

In the first two operations the briefings of responding Mutual Aid officers were poor and led to a good deal of confusion during the operations. The necessity of providing Mutual Aid officers with adequate information concerning the operation they are about to join is also of fundamental importance. The officers naturally want to know what activity is taking place, how many demonstrators/rioters there are, how long they (the officers) will be on the street and other related factors. Also, the information provided in the briefing will govern the actions of the Mutual Aid officers. A related aspect of briefings is the use of maps to orient and direct the Mutual Aid forces. Since these officers are usually from other parts of a county or region, they are usually unfamiliar with the area of operation. During the initial disturbances in Isla Vista, the Santa Barbara Sheriff's Department had no maps at all to use in the briefings; this proved to be a major handicap to the responding officers.

E. Command Post

One of the main problems during Isla Vista was the lack of well organized central and field command posts. The central command post was originally established in a small fire department office. There was not adequate space for

the number of people involved, not enough phones to handle necessary communications, overloaded phone trunk lines and no maps or other necessary equipment. There was no field command post at all during the first disturbances.

Location. The central command post should be located in an area that is:

1. Large enough and with adequate facilities to handle a command post staff (ideally composed of the overall commander of the operation, intelligence officer, communication personnel (radio and phone), command personnel from responding agencies and other staff personnel).
2. Away from the immediate area of the incident—such as the host department headquarters.

The field command post should be located at or near the incident and should have adequate communications with the central command post and the officers in the field. Maps and reference material are also necessary for the direction, coordination and control of officers in the field. Many of the problems encountered in Isla Vista can undoubtedly be laid to the absence of an adequate central command post and the complete lack of a field command post.

F. Equipment

The lack of sufficient equipment to properly outfit the Mutual Aid officers who responded to Isla Vista was a major problem. The Santa Barbara Sheriff's Department did not have enough equipment to supply their own personnel, so there was virtually no equipment to issue to responding officers. However, it must be noted that few departments in the state had sufficient riot control equipment for such disturbances. State resources (Office of Emergency Services and the National Guard) filled this equipment void to a certain extent; but before the arrival of these resources, the officers experienced an acute equipment shortage. For instance, during one operation (Isla Vista 1) tear gas could not be used to disperse the rioters because only one-fourth of the officers had gas masks. Body armor for the protection of officers against missiles and bottles was extremely scarce until supplied by the Army. Communications equipment (hand-held radios) was always in short supply and usually had differing frequencies. Later the Office of Emergency Services was able to supply a large number of radios which were on the CLEMARS (California Law Enforcement Mutual Aid Radio System) frequency. Related to the equipment issue is an established system of accountability for equipment. After equipment was obtained for the Mutual Aid forces, no system of accountability was instituted by the host agency. When the operation ended, a good deal of the equipment was missing and

unaccounted for.

G. Logistics

Part of ongoing planning during a large scale Mutual Aid operation is that planning which deals with logistics. When a number of law enforcement officers are requested to assist during a disturbance, they must be equipped either with their own equipment or with that supplied by the requesting agency. They must be fed well, since they may be required to be in action as much as 12 hours at a time and usually will be involved in strenuous activity. Accommodations must be supplied for officers who have traveled any distance from their departments, as they will probably be unable to return for a number of days. Those officers who respond from a distance of 10 to 20 miles can usually return to their homes for the night; however, if the demonstrations/rioting is unpredictable and lasts for a number of hours, these officers will probably have to remain in the area. During the Isla Vista disturbances accommodations were provided for those officers who needed them, but this was done on such short notice that the county was required to house them in an expensive motel. Also, during the early stages of Isla Vista the food provided to the officers consisted only of sandwiches made by county jail inmates.

H. Leadership

For a number of reasons the leadership provided by the Santa Barbara Sheriff's Department during the entire Isla Vista operation was weak. There is little doubt this weakness of leadership both from the Sheriff and some members of his staff contributed to some of the unsuccessful aspects in Isla Vista. Probably one of the main problems was that the Sheriff did not assign staff responsibilities. There was no adequate emergency command organization.

Directly related to the leadership function is the concept of good personnel management. This was also evidently lacking during Isla Vista. There was no relief planning in the early stages. Some officers were constantly on duty for as long as 48 hours. Relief of Mutual Aid forces from responding agencies was left to the supervisor of that agency. Some agencies were able to provide relief for their men and others were not. This prolonged exposure time for some officers and probably led to many of the charges of police misconduct which followed Isla Vista.

I. Press

During the Isla Vista disturbances the Santa Barbara Sheriff's Department did not have a press policy. There were no passes to issue to members of the press in the early

stages and thus it was hard to control or monitor what the news media was doing in Isla Vista. Very little assistance or cooperation was given to members of the press. This probably accounts in great part for the bad press that law enforcement in general received during Isla Vista. During any civil disorder the jurisdiction in which the civil disorder takes place must make plans to handle members of the news media and give them adequate information and cooperation. If they do not, the result can be disastrous; and Isla Vista serves as a good example of this. One of the responding units to Isla Vista came under especially harsh criticism from the news media. Members of the press were not informed of what was happening and were not allowed in some areas to witness the activity themselves.

J. Medical Treatment

During any civil disorder there will undoubtedly be injuries both to demonstrators/rioters and police officers. Provisions must be made to care for both. In Isla Vista the Santa Barbara Sheriff's Department learned not to send injured rioters and injured law enforcement officers to the same hospital. This can cause resumption of the rioting at a new location in the city—the hospital. Also, medical aid should be immediately available to law enforcement officers during civil disorder suppression. The Santa Barbara Sheriff's Department employed members of their department who were trained ex-military medics to render immediate first aid to officers who were injured.

There are two main reasons why this is necessary:

1. It may reduce the effects of the injury and possibly save the life of an officer.
2. When an officer is injured during a confrontation, if there are no medical personnel immediately available, one or two of his fellow officers must be used to evacuate him from the scene. The obvious result is that the number of police officers is reduced not by one, but by two and three at a time.

K. Training

The responding Mutual Aid forces had never trained together. This resulted in a good deal of confusion on the part of both the officers and supervisors. Police officers are trained throughout their careers to act individually. They receive very little training to act as a group. Thus, when a number of officers from different departments are organized as a unit, it is extremely hard to maintain control. Also related to the training problem at Isla Vista was the fact that there was no real attempt to maintain unity among responding agencies. Mutual Aid officers can be used to best advantage when they are used together with members of their regular department and not split into

groups with other officers. These officers know each other and have worked together before; thus, they will respond better as a unit than will officers who do not know each other and who have never worked together.

Aftermath and Effects on the Mutual Aid System. Mention should be made of the degree and magnitude of criticism which was aimed at the Los Angeles County Sheriff's Department. This department responded to the request for Mutual Aid issued by the Santa Barbara Sheriff's Department on three occasions and each time sent a contingent of specially trained officers for several days. It is the opinion of those officers interviewed that the officers from the Los Angeles County Sheriff's Department were directly responsible for restoring order to the Isla Vista area during the disturbances. Basically, the reason this unit came under such heavy criticism for their actions was that they strictly enforced the laws and ordinances and took whatever action was necessary to apprehend violators.

A certain level of enforcement was administered by the Santa Barbara Sheriff's Department and other responding agencies which included trying to enforce certain codes and not strictly enforcing others (either because of shortage of manpower or other reasons). Thus, the demonstrators/rioters came to expect a certain level of enforcement (in some cases, this meant little or no enforcement). When the Los Angeles Sheriff's Department Special Enforcement Bureau was deployed, it enforced the law in Santa Barbara County as it would in Los Angeles County; this created an uproar by the demonstrators/rioters and led to charges of police misconduct and brutality. The great majority of these charges were later proved unfounded. When no guidelines or policies are established by the requesting agency concerning what regulations or statutes will be enforced, each responding agency will probably operate as it does in its own jurisdiction. This can lead to unwarranted criticism and adverse publicity.

Prior to February 1971, Santa Barbara, Ventura, San Luis Obispo, Los Angeles and Orange Counties constituted Mutual Aid Region 1. For a number of reasons (size of the region, lack of funding, etc.) it became necessary to divide Region 1 into two regions. Presently, Santa Barbara, Ventura and San Luis Obispo Counties comprise Region 1A; and Los Angeles and Orange Counties make up Region 1.

The criticism of the Los Angeles County Sheriff's Department by the press and citizens of Santa Barbara and the resultant questions to the Los Angeles County Sheriff by the Board of Supervisors were also factors in the decision to split the region. In retrospect then, Isla Vista did affect the statewide Mutual Aid system, but not necessarily adversely. In fact, the decision to create two

California

regions from one may have strengthened the system as a whole. Region 1A now must be more prepared to handle disturbances with their own resources rather than looking towards their large counterpart to the south. This has necessitated much needed training and planning to handle future disturbances.

Experience Gained as a Result of Mutual Aid Operations in Isla Vista. Perhaps the main point to stress is that civil disorders can and do happen in some unlikely areas, and the law enforcement agency responsible for maintaining law and order in that jurisdiction must be prepared to handle them. This includes some form of planning, either planning to handle the disorder with the resources of the agency or with the resources of the Mutual Aid system.

It is important to note that the Mutual Aid system does work well and can supply men and equipment very rapidly. However, the requesting agency must be familiar with the system and its procedures and how to best employ the resources supplied.

Finally, Isla Vista demonstrated that the head of the requesting agency must be prepared to assume overall command and responsibility for the responding Mutual Aid forces. If he is not prepared, the leadership and direction of these forces is weakened.

Conclusion. Approximately two years after Isla Vista 4, the Santa Barbara area experienced what could have been another period of violence and rioting. The announcement that the United States had mined Haiphong Harbor in North Vietnam started a new wave of anti-war demonstrations and protests. The University of California, Santa Barbara campus, and Isla Vista were once again the center of a storm of protest and threats of violence. However, due to solid intelligence and detailed planning, the law enforcement agencies in Santa Barbara, with the assistance of the California Highway Patrol, were able to completely control the situation; and the Santa Barbara Sheriff's Department received praise from the community of Isla Vista for their handling of the demonstration.

The main difference between the two operations points out the basic need for planning in Mutual Aid situations. Through the intelligence network established by the Sheriff's Department, law enforcement officials knew what was planned by the demonstrators, how they would attempt to accomplish their goals and how many people were expected. The demonstration leaders planned to completely shut down Santa Barbara, burn the banks and generally disrupt the government. All of these failed because the responsible law enforcement agencies met together for detailed planning sessions and used good intelligence, com-

munications, personnel management and unity of command to handle the potentially explosive situation. Subsequently, there were few arrests or injuries, little property damage and general praise for law enforcement from the community.

THE ALAMEDA NAVAL AIR STATION DEMONSTRATION, NOVEMBER 12, 1971

During the week of November 8, 1971, the departure of the aircraft carrier *Coral Sea*, scheduled for noon on Friday, November 12, occasioned considerable interest among dissident anti-war and other "peace" groups in the Bay Area. The carrier was berthed at the Alameda Naval Air Station, with large numbers of its personnel on leave prior to departure for duty in Southeast Asia. A loose coalition of various militant and nonmilitant peace groups using the initials SOS (Save Our Ship) planned a demonstration at the entrance to the Alameda Naval Air Station starting at 6:00 a.m. on the morning the ship was due to sail.

Police intelligence gathered from a wide variety of sources led to an estimate that probably around 3,000 persons would take part in the demonstration. Among the methods of disruption discussed by the more militant groups planning to participate were:

1. Blocking the Alameda Tube, the principal route from Oakland to Alameda, by dropping smoke bombs or by stopping old cars in the tube and setting them on fire.
2. Disrupting traffic by scattering roofing nails along Atlantic Avenue, the main artery of traffic into the Alameda Naval Air Station.
3. Pulling down sections of the barrier fence around the base, using winch-equipped, four-wheel drive vehicles so that masses of demonstrators could invade the base and disrupt operations.
4. Driving numbers of unauthorized cars to the main gate of the base, mingling with the normal flow of some 8,000 base employees, plus the aircraft carrier's personnel and their families. The dissidents hoped to create a massive traffic tie-up. They assumed the unauthorized cars would have to be turned around at the gate and directed away after being refused entry. A distracted argument on the part of each driver could have compounded this problem.
5. Sinking boats or barges in the channel the ship was to use as it left the Naval base.
6. Having frogmen place explosives against the bottom of the ship prior to its sailing.
7. Kidnapping high-ranking officers of the ship and holding them hostage to prevent the ship's sailing.

Along with other news media coverage of the anticipated action at the Alameda Naval Air Station came the announcement that the College Lutheran Church at College

Avenue and Haste Street in Berkeley would provide sanctuary to all interested Navy personnel from the carrier. Precedent for the Navy base demonstration had been set by a similar episode in San Diego in September. The San Diego affair had also included a church sanctuary offer. Further support for the impending demonstration was gained when on October 11th a group of demonstrators alleging themselves to be sailors from the carrier *Coral Sea* held a press conference outside the base. They claimed to have a petition, signed by 1,000 of the 3,000-plus members of the ship's crew, opposing the ship's sailing to the Asian war zone.

On October 12th the *Coral Sea* left Alameda Naval Air Station for a shakedown cruise, at which time there was another demonstration. Policing the two events on the 11th and 12th of October cost the Alameda Police Department about \$850 in extraordinary expense. Two smaller demonstrations when the ship returned from its cruise were relatively unimportant.

In an effort seemingly designed to maintain momentum, the Red Sun Rising, an organization which appeared to consist of the more radical elements of SOS and several other similar groups, sponsored a picnic on an Alameda beach on October 31st. The group made provisions for about 1,000 to attend but only about 200 appeared.

Another demonstration was planned by SOS on the morning of November 8th at the Naval Air Station east gate to advise personnel of the *Coral Sea* returning from their last weekend liberty that peace groups were behind them if they would resist the ship's departure. The demonstration was scheduled to start at 5:00 a.m. The Alameda Police expected about 300 demonstrators. A platoon of 30 policemen was sent to the area at 4:30 a.m. Much to their astonishment, when they arrived they found about 800 demonstrators in complete control of the principal intersection at the entrance to the Naval base. The police sought out the leaders of the group and appealed to them to keep the demonstration orderly so that there would be no injuries. One of the leaders assumed responsibility for this action and, using the police public address system, pleaded with the demonstrators to maintain an attitude of peace. In spite of many verbal threats and the usual taunts that police hear at such gatherings, no serious breaches of the peace occurred. The leaders volunteered information to the police that the turnout was far beyond anything they had expected.

As the sailing date of November 12th approached, police and Naval intelligence picked up information indicating that radical elements, impressed with the turnout of November 8th, were moving in to take control of the November 12th sailing demonstration. It was during this period that threats of serious violence became commonplace. In preparation for anticipated trouble, several actions

were taken by law enforcement and allied agencies:

1. The Chief of the Alameda Police Department and his top staff conferred with security personnel at the Naval base and with the Alameda County Sheriff.
2. The Highway Department was asked to supply several tow trucks to be used to tow vehicles out of the Alameda Tube or off the main entry ways to the base if they were intentionally disabled there.
3. The National Guard was asked to supply two gas dispersal teams to be used if the crowd became unruly.
4. Arrangements were made to have fire trucks in the vicinity of the Alameda Tube and at the gates to the base in the event of vehicle burnings or fire bombings.
5. Ambulances were pre-positioned with instructions to take injured police to one hospital and injured demonstrators to another.
6. A request was made to the Sheriff of Alameda County for police Mutual Aid. As estimates of demonstrator participation increased, plans for the number of Mutual Aid policemen needed increased accordingly.
7. Two representatives of SOS were invited to discuss their demonstration plans with the Chief of the Alameda Police Department, at which time they were assured that their guaranteed rights to demonstrate would be protected. They were also told the limits which would be placed on their demonstration. They were reminded that since peace was the motivating force behind their work, the demonstration would be expected to be peaceful. The two admitted that some rough elements were attempting to take control from them but that they would do their best to maintain peaceful actions.

The Alameda County Sheriff suggested, and made arrangements for, these additional provisions:

8. An Army explosive ordinance disposal team to be present.
 9. Identification photographers to be used in the event of mass arrests.
 10. A judge standing by to remand those arrested to the Sheriff's custody so they could be transported directly to the county jail for pre-trial holding.
 11. The Sheriff's mobile communications van to act as a control center on the scene. Two Navy frequencies (base operations and base emergency) were added to the communications center's capabilities for this event.
- Frequent liaison among the three principal law enforcement jurisdictions involved the Alameda County Sheriff's Office, the Marine Security Detachment on the Navy base and the Alameda Police Department. Several planning sessions brought them to the morning of the demonstration with well understood and well coordinated plans. The Marines would handle the main gate and everything on the

base; the Alameda Police Department assumed responsibility for the main thoroughfare to the base; and Mutual Aid forces managed the ancillary assignments. Intelligence reports continued to increase estimates of the probable attendance and violence of the group, and there was evidence that the original organizers of the demonstration might lose control.

Strengths of law enforcement personnel available on the morning of November 12th were:

Alameda Police Department	64
Alameda County Sheriff's Department	62
Berkeley Police Department	24
San Leandro Police Department	10
Hayward Police Department	10
Oakland Police Department	7
Fremont Police Department	6
University of California Police Department	4
Union City Police Department	2
Newark Police Department	2
Pleasanton Police Department	2
Emeryville Police Department	2
Piedmont Police Department	2
Albany Police Department	2
Livermore Police Department	2
Total	201

One platoon of the Alameda Police Department was deployed at 3:00 a.m. on the 12th. Another platoon, because of their knowledge of the area, was held in reserve throughout the morning primarily as a strike force if a particularly difficult situation developed.

Other Mutual Aid forces were briefed in a staging area at 5:00 a.m., given mission assignments and deployed. To thwart the intention of those who planned to hold up traffic on the way into the base, all cars were admitted; but those without proper identification were segregated into a holding area inside. Each time 50 cars had accumulated in this area, they were escorted out another gate. Many of them made several round trips but their actions failed to cause the disruption their occupants had hoped for.

Instead of the anticipated 3,000 demonstrators, only about 1,000 appeared. Demonstrators overflowed from the sidewalk into the street, temporarily blocking traffic leaving the base. They were quickly moved back onto the sidewalk. All Navy personnel were due back aboard the ship by 9:00 a.m. By 8:00 a.m. it became evident that the demonstration had failed to attract the anticipated following. At about 8:40 a.m. a violent rainstorm dampened the enthusiasm of those who had appeared. By 9:00 a.m. only a few stragglers remained, and Mutual Aid forces were released. The base commander appeared thoroughly impressed by the conduct

of the police in handling the situation.

Only one sailor showed up at the church for sanctuary. Intelligence gathered after the demonstration revealed that the more militant elements in the crowd had decided that in light of the numbers of police present, they had best remain peaceful.

Conclusion. This Mutual Aid operation demonstrates the importance of intelligence and points out the need for effective planning and communication between the law enforcement agencies involved. Communication with the demonstrators is also of utmost importance in order to avoid violence. This operation is one of the best examples of the successful functioning of the California Mutual Aid system.

Recommendations for Improvement of the California Mutual Aid System

The experience gained by law enforcement agencies in California since 1965 has brought to light several problem areas. These areas are identified below, along with the steps taken to deal with them.

Mutual Aid Funding. Law Enforcement Mutual Aid has become extremely expensive. Unusual occurrences usually happen when least expected. In addition, the scope and duration of these occurrences place severe financial strains on participating agencies. This raises the question of developing an equitable means of distributing the costs of Mutual Aid operations. Due to this cost factor and the related matter of expenses that might be incurred in liability proceedings arising from Mutual Aid operations, many law enforcement agencies are no longer willing to provide Mutual Aid assistance.

The Mutual Aid system has no doubt saved many a community from disaster. One of its unique features has been that it has functioned effectively for so many years without any reimbursement of funds, even when costs were astonishingly high. For instance, during the San Francisco State College riots of 1968, the City of San Francisco received over \$200,000 worth of outside police assistance. Similarly, during the Isla Vista riots in Santa Barbara the Los Angeles County Sheriff's Department incurred \$81,000 in extra costs for providing assistance for which there was no reimbursement. This led to the splitting of California's Region 1. The state was put on notice that local jurisdictions were no longer willing to solely bear the extra costs involved in Mutual Aid operations.

In response to this problem, a Mutual Aid feasibility study was undertaken by the Law Enforcement Division of OES. This study identified the costs of Mutual Aid operations in the state for fiscal years 1970 and 1971, thereby substantiating the need for additional Mutual Aid funding.

are responsible for control and accountability. The program was completed in March 1973.

Standardization and Training. The State of California has attempted to standardize Mutual Aid operations through several programs. The Law Enforcement Division, OES, has published a number of training and planning guides which have become standard procedure manuals for many local law enforcement agencies. Among these are: *The California Law Enforcement Mutual Aid Plan*; *The California Minimum Standard Emergency Operations Plan*; and *The Law Enforcement Guide for Emergency Operations*.

The California Civil Disorder Management Course, funded by LEAA and operated by the California Military Department, is a week-long training program designed to offer civil disorder management training to law enforcement officers. This program is certified by the California Peace Officer Standards and Training Commission (POST). On the local level, county-wide riot control training programs are conducted by larger departments. Two such programs are the Orange County Law Enforcement Mutual Aid Compact, which trains all police agencies in the county, and the Disorder and Riot Training Program (DART) in Los Angeles County. Both of these programs are conducted mainly by the respective sheriff's department in each county.

Ideally, the state should establish and operate a riot control and Mutual Aid training program. This would ensure standardization of training and would familiarize all officers with the state Mutual Aid system. At present, however, California is not moving in the direction of consolidation of training.

While the above recommendations identify and suggest solutions to problem areas, it must be noted that California has been a national leader in developing Mutual Aid. The problems which the California Mutual Aid system faces are not insuperable. Its local law enforcement agencies and state government have demonstrated their foresight and ability to resolve problems in the past; there is no reason to believe that they will do any less in the future.

In addition, the study identified methods by which this additional funding could be obtained and made recommendations for the establishment of a state Mutual Aid fund. The California Peace Officers' Association, California Sheriffs' Association and League of California Cities have all passed resolutions recommending establishment of such a fund.

At this writing, the California Assembly is considering a measure which would provide for state funding of extraordinary costs incurred for Mutual Aid operations. This bill, SB 1022, would establish a fund of \$200,000 for major emergency incidents and would establish guidelines for funding qualification. The bill has the support of the Governor. While California recognizes funding as a major problem area and is moving to meet it, there is still no solution to the increasing financial burdens which local jurisdictions must absorb as a result of their participation in Mutual Aid operations.

Equipment. During Mutual Aid operations much specialized equipment is often required. There are three main categories of equipment requirements: communications, protective personal equipment and chemical dispensers. All police agencies have some of this equipment in various quantities. Generally, however, they do not possess enough to equip their own officers, let alone other departments.

In an attempt to alleviate this problem the Law Enforcement Division, OES, has maintained a fleet of equipment and communication vans throughout the state. There is one van in each Mutual Aid region for equipment supply. Each of these will supply 24 officers with weapons, personal protective equipment and portable radios. Communications vans are pre-positioned in three separate geographic areas of the state. Though these vans are very useful to local law enforcement agencies, there is still an equipment shortage.

To further meet this need, the Law Enforcement Division of OES, under a grant from LEAA for \$480,000, embarked on a program of developing stockpiles of equipment in 14 strategically located areas of the state. This equipment is assigned to county sheriffs' departments, which

CHAPTER IV.

IOWA

Law Enforcement Mutual Aid in Iowa

City Police. Law enforcement officials in Iowa communities are designated as either town marshals or city police. They may exercise full police powers within their jurisdictions.¹ As of 1972 there were 229 communities with either full- or part-time policemen; together these cities employed a total of 2,374 full-time and 210 part-time officers. In addition, 353 communities in Iowa employed 170 full-time and 307 part-time marshals and deputies.

Typically, peace officers in a small town have other duties to perform, many of which are not directly related to law enforcement. They regularly act as street maintenance superintendents and also devote their time to any and all duties assigned to them by the mayor or town council.

According to statistics compiled in 1972, cities of up to 5,000 inhabitants normally employ from one to five full-time peace officers. These personnel are chosen by the council and the mayor. Officers have no job security and are subject to removal without cause.

There are about 45 cities between 5,000 and 20,000 population that employ a total of 485 full-time and 9 part-time officers. Approximately 47 percent of these cities employ 10 to 14 officers. Sixty percent of the officers in cities in this category are not under civil service or merit systems.

Seventeen police agencies in cities of over 20,000 provide 1,287 of Iowa's full-time policemen; all are subject to civil service provisions of the Iowa law.

County Sheriffs. Each of Iowa's 99 counties has a sheriff elected for a four-year term.² As of August 1972, the 99 sheriffs had a total of 527 full-time deputies and 10 part-time deputies.

The county sheriff is involved in all phases of law enforcement, including criminal investigations and traffic control. In addition, the serving of process papers within each county is a function of the sheriff's office, except in Iowa's largest cities. The sheriff also serves as jailer for all county prisoners and those transferred from city jails within the county.

Department of Public Safety. The major responsibility for law enforcement at the state level is vested in the Department of Public Safety. Its departments include the Iowa Highway Patrol, Bureau of Criminal Investigation and Radio Communications Division. The campus security police at the state universities are a special branch of law enforcement at the state level.

The Department of Public Safety is headed by a Commissioner who is appointed by the Governor. The Commissioner, once confirmed by the State Senate, serves at the pleasure of the Governor. The sworn officers of the various divisions of the Department have the same powers as any police officer in the state, with certain jurisdictional limitations noted below.

Iowa Highway Patrol. The primary duties of the Highway Patrol have traditionally been in the areas of enforcement of state motor vehicle laws, conducting drivers' license examinations and hearings, and the investigation of motor vehicle accidents. However, officers do have full police powers. Officers are also called upon to perform escort duties and to provide crowd and riot control at the direction of the Governor.

Although the Highway Patrol's jurisdiction is specifically limited to areas outside city and town limits, officers may extend their jurisdiction within those limits under the following conditions: 1) when so ordered by the Governor; 2) when a request is made by the mayor of any city or town with the approval of the Commissioner; 3) when a request is made by a sheriff or county attorney with the approval of the Commissioner; 4) while in pursuit of law violators or in investigating law violations; 5) while making any inspection provided by the chapter cited below or any additional inspection ordered by the Commissioner; 6) when engaged in the investigation and enforcement of fire and arson laws; 7) when engaged in the investigation and enforcement of laws relating to narcotic, counterfeit, stimulant and depressant drugs. In addition, when a Highway Patrol officer is acting in cooperation with any

¹Chapter 748 and Chapter 368A, Code of Iowa, 1971.

²The powers, duties, and jurisdiction of the Sheriff and his deputies are enumerated and derived from: Chapters 748 and 337 of the Iowa Code.

local peace officer or county attorney in general criminal investigation or when acting on special assignment by the Commissioner, his jurisdiction is statewide.³

Bureau of Criminal Investigation (BCI). The BCI is a service organization that cooperates with and supplements the work of local law enforcement officers. It serves as a central agency for assisting local authorities in criminal investigations. In addition to this function, the BCI investigates matters involving the functioning of state government and the internal security of the State of Iowa. The Bureau is staffed by 48 persons, 31 of whom are sworn. During 1971 the BCI handled 1,385 cases.

Radio Communications Division. The Radio Communications Division of the Department of Public Safety provides central communications control for state law enforcement agencies, as well as furnishing services for all other police agencies in Iowa as needed. The administrative headquarters for the entire system is the Iowa Police Radio Station in Des Moines. There are eight other stations throughout the state, manned on a 24-hour basis. The Des Moines station serves as the central dispatch point for the Iowa Law Enforcement Teletype System (LETS). This system covers 26 cities and 14 counties and is integrated into the national LETS system. A National Criminal Information Center (NCIC) computer terminal is located at the Des Moines station and handles all inquiries from local law enforcement agencies.

University Security Police. The State University Security Police are a specialized law enforcement group whose authority is derived from the State Board of Regents rather than the Department of Public Safety. These officers have the powers, privileges and immunities of regular peace officers when acting in the interest of the institution by which they are employed.⁴

The activities of the University Police include normal police functions, along with providing buildings and grounds security on their respective campuses.⁵ Officers often provide emergency transportation for students and general campus informational services. The University of Iowa currently employs 38 sworn personnel, while Iowa State University and the University of Northern Iowa employ 15 officers each.

Historical and Legal Background of Mutual Aid in Iowa

Like most states, Mutual Aid has been in operation informally for many years. Until quite recently there were no formal (written) Mutual Aid agreements in the state. At present Iowa does not have any statewide Mutual Aid

³The powers enumerated above are conferred in §809, Code of Iowa (1971).

⁴(Acts 1969 [63 G.A.] Ch. 180), and §262.13 Code of Iowa (1971)

⁵See: Ch. 28E, Code of Iowa (1971).

⁶At this writing, the Iowa Legislature is considering a measure (Senate File 224) which would grant wider peace officer powers to officers acting in accordance with *written* Mutual Aid agreements.

arrangement. Indeed, prior to 1965 a county or city was not permitted to make any joint purchases or embark on any joint ventures unless expressly or implicitly authorized by legislation. However, the necessary legal authority to enter into Mutual Aid agreements came into existence in 1965 with the passage of the Joint Exercise of Governmental Powers Act. Under the provisions of this Act, any political subdivision of the state may enter into agreements for joint or cooperative action with any private agency, any other political subdivision of the state, another state, the agencies of another state government or the United States. But before such Mutual Aid agreements are made and implemented, the geographical jurisdiction of peace officers involved and the tort liability of the signatory political subdivisions must be examined.

Regarding the jurisdictional authority of peace officers, the general rule is that in the absence of statutory authority, a peace officer may make arrests only within the confines of the geographical unit of which he is an officer. In some cases there is overlapping of jurisdictional authority, as in the instance of county sheriffs and peace officers of incorporated towns within the county. However, it is clear that the authority of an Iowa peace officer does not extend outside the limits of his own jurisdiction except in cases of fresh pursuit and commission of a felony in his presence.⁶

The Code of Iowa provides that whenever the Governor is satisfied that a state of emergency exists or is likely to exist, he may designate any employee or employees of the state as peace officers. Therefore, under specified emergency conditions any state employee may be given statewide peace officer powers. Furthermore, any department, agency or instrument of the state or its political subdivisions is authorized to participate in a program involving the interchange of employees.⁷ This interchange of employees in no way changes their employment status. Officers who are detailed to another agency remain employees of the sending agency for all purposes except that the supervision of their duties during the period of detail may be governed by an interlocal or inter-agency agreement. Since the sending agency remains the employer, it remains liable for any torts, even though committed in another jurisdiction. Liability, therefore, cannot be shifted between localities. Pending a Supreme Court ruling and clarification, the matter of liability remains an obstacle to sound Mutual Aid operations in the state.⁸

Mutual Aid, as it currently exists in Iowa, operates in basically two forms; the most common are by contract or written agreement (formal) or by unwritten agreements (informal). Although the concept of statewide Mutual Aid has

⁷See: 28D.1 and 28D.3(1) Code of Iowa (1971).

⁸Statutes 28D.4 and 28D.13 of the Iowa Code (1971) are in apparent conflict over the question of liability. This conflict has not been resolved to date. For further details, the reader is advised to consult these statutes.

not gained wide acceptance, it has support as an interlocal concept of improving law enforcement agencies' capabilities and efficiency. Indeed, Des Moines County has been working on a plan to consolidate law enforcement agencies and intends to implement a Mutual Aid system in the near future.

Examples of Law Enforcement Mutual Aid in Iowa

County-Town Service Contracts. In the rural areas of Iowa, small towns face the problem of not being able to provide adequate police protection. Many towns cannot afford the cost of full-time police personnel, nor can they afford the cost of adequate facilities and equipment. Usually these towns are policed by a part-time marshal. These officers often must rely on other jobs since they are paid only a part-time salary. Most cannot take time to attend police training programs. The result is that town marshals are usually unable to cope with other than minor disturbances.

One solution to this problem has been to utilize contract law enforcement as a form of intra-county Mutual Aid. Under this system, a small town contracts with the county for law enforcement services which are provided by the sheriff. The number of hours contracted for per week, the types of services provided and the cost of these services vary according to needs and resources of the community and the county.

The greatest obstacle in implementing county-town service contracts is the concern in many small towns over the possible loss of local autonomy. Most towns still wish to maintain their own police department no matter how small or inefficient. Other towns believe that they cannot afford the cost of contract law enforcement, although generally speaking the cost is relatively low. Presently there are 10 counties involved in county-town service contracts. These are: Linn, Dubuque, Van Buren, Franklin, Wapello, Worth, Cerro Cordo, Hamilton, Audubon and Apanoose Counties.

Combined Facilities: County Law Enforcement Centers. Another method of achieving intra-county cooperation and greater Mutual Aid capability has been to combine the sheriff's office, municipal police department and in some cases the fire department, into one law enforcement facility. This is accomplished by a formal agreement or written contract between the agencies involved. This approach is utilized by the Cities of Fairfield and Clinton. Plans for combined facilities are currently being finalized in Burlington also. Under this arrangement, the participating agencies maintain their separate identities but share common facilities such as communications, dispatching, jail, personnel quarters, etc. Participating agencies pay a pro rata share for use of these combined facilities.

Iowa-Illinois Law Enforcement Agency Cooperative Agreement (Metro Squad). This agreement has recently been concluded between the Sheriff's Offices of Scott County, Iowa, and Rock Island County, Illinois. In Iowa, police departments from Davenport, Bettendorf and towns in Cedar and Clinton Counties are involved. In Illinois, Moline, East Moline, Silvis and towns in Whiteside and Henry Counties are parties to the agreement.

The purpose of the 42-man Metro Squad is to provide mutual assistance in the investigation of major crimes, i.e., homicide, armed robbery with an assault, burglary with an assault, narcotics violations or any other crimes which the Metro Squad Board of Directors may decide warrants activation of the Squad. This Board of Directors consists of the Scott County Sheriff, the Rock Island County Sheriff and law enforcement department heads whose agencies contribute at least two members to the Squad. The agency which regularly employs the members of the Squad is responsible for any liability arising from the actions of their personnel while involved in Metro Squad operation.

The Squad becomes operational through the following procedure: any member of the Quad City Council of Police Chiefs may place the Squad on standby alert by requesting such action to the officer-in-charge and the personnel officer of the Squad within eight hours after the commission of a crime. Upon receipt of the notice of standby alert, the Director or Vice Director of the Board secures the consent of at least five Board members. Once this is accomplished, the Metro Squad may be activated. The Squad is deactivated by the same procedure. However, it will be deactivated automatically within 48 hours after activation unless the officer-in-charge deems it necessary to continue operations and has been so authorized by consent of at least five members of the Board.

Emergency Operations Board, Johnson County, Iowa. This Board was created in 1972 in response to two years of major student demonstrations at the University of Iowa. The formal agreement involves the following parties: the President of the University of Iowa, the Cities of Iowa City and Coralville, Johnson County and the Iowa Department of Public Safety. The purpose of the agreement is to provide better coordination of law enforcement efforts to contain and control possible future disturbances. It became effective on April 1, 1972, and was in successful operation when disruptive demonstrations broke out at the University.

Although the agreement was originally designed to deal with university related disturbances, it is applicable to all other instances of natural disaster or civil disorder in Johnson County. Should either of these events occur, the Emergency Operations Board becomes operational when the parties to the agreement have been notified that the Governor has ordered the Highway Patrol to assume general

law enforcement duties in Johnson County. Once the situation has been controlled, the Highway Patrol relinquishes its command and local agencies again assume control of law enforcement activities in their respective jurisdictions. During the emergency period, though local agencies provide assistance, they are under the command of the Iowa Highway Patrol.

Linn County Mutual Aid Police Services Compact. In 1968 an agreement was concluded establishing Mutual Aid police services between the Cities of Cedar Rapids and Marion and Linn County. The agreement is strictly a local undertaking, with no state participation provided for.

Through this agreement peace officers may perform their duties outside the territorial limits of the governmental unit under which they are regularly employed. Each party to the agreement is authorized to request or send peace officers and equipment to meet a Mutual Aid situation. Aid will be sent to the extent that the sending agency is still able to adequately protect its own jurisdiction.

Officers, when performing their duties outside their jurisdictional unit, have all the powers and authority that they normally enjoy. However, assisting officers are under the direction and authority of the requesting agency. The sending agency also has the right to recall its personnel and equipment should the need arise within its own jurisdiction.

CASE STUDIES: IOWA

The following two case studies are presented as examples of Mutual Aid operations. In each study the specific responses of law enforcement agencies to the emergency are noted. Problem areas are identified, and a summary of the operation is provided. It must also be noted that these case studies point out the need for accurate record keeping and debriefing of officers. Case studies of emergencies are often difficult to document due to lack of complete, detailed information. Memories dim after the fact, and few have the time to write facts down during an emergency. Despite these obstacles, case studies can provide valuable practical information and guidelines for future operations. They are presented in this light.

Introduction

The following sections consist of detailed accounts of two types of emergency operations that have taken place in Iowa. Two university student demonstrations are compared, one occurring before and one occurring after a Mutual Aid agreement was effected; and a natural disaster where no Mutual Aid compact existed is also described. The purpose of these sections is to make the reader aware of the problems that arose during these emergency law enforcement operations which might be more effectively handled if the concept of Mutual Aid was adopted.

THE UNIVERSITY OF IOWA STUDENT PROTESTS AND MUTUAL AID

There have been various instances in the State of Iowa where law enforcement agencies have effected some type of Mutual Aid agreement. A prime example is the Emergency Operations Board effected as of April 1, 1972, in the Iowa City area. The parties to this agreement (made pursuant to Chapter 28E, Code of Iowa 1971) are the President of the University of Iowa, the City of Iowa City, the City of Coralville, Johnson County and the Iowa Department of Public Safety.

The public agencies and political subdivisions party to this agreement each designated one or two individuals to be members of the Emergency Operations Board. A single administrator, designated by the Department of Public Safety, thus acts for the Board in directing the parties to the agreement and their employees in the performance of their collective powers, duties and responsibilities. The Board only becomes operational upon notice to the parties by the Governor or the Commissioner of Public Safety. Upon receipt of the notice, the Administrator of the Emergency Operations Board takes command of all peace

officer activities and powers within Johnson County directly related to such emergencies. He organizes and directs the activities of all security and peace officer personnel of the University of Iowa, the City of Iowa City, the City of Coralville, the Sheriff of Johnson County and such other persons who may be called by authority granted under Chapter 337, Code of Iowa (1971). The Department of Public Safety is to relinquish its command as soon as the situation which precipitated the operation of the agreement has been resolved.

Iowa City, location of the University of Iowa, has been the site of numerous student demonstrations and disturbances over the past several years. One of the most difficult periods of campus unrest in Iowa City came in May of 1970, when students and alleged outside agitators were protesting against the invasion of Cambodia, the killing of Kent State students and the presence of ROTC on campus at the University. Similar demonstrations occurred in 1971 and again in the spring of 1972. Prior to the spring demonstrations of 1972, the Emergency Operations Board had been created and was in effect.

The demonstrations of 1970 and 1972 have been selected for in-depth study for the following reasons:

1. The 1970 demonstrations were the largest ever to take place on the Iowa City campus up to that time and affected the continued operation of the University.
2. The 1972 demonstrations, while similar in size, did not affect the continued operation of the University.
3. Numerous law enforcement agencies were involved to some degree in the attempt to contain and control the demonstrations. In 1971 and 1972 these agencies included the Campus Security Police, the Iowa City Police, the Coralville Police, the Sheriffs' Departments from Johnson County and other southeastern Iowa counties and the Highway Patrol. The FBI and the BCI were also in Iowa City.
4. The law enforcement agencies involved in the 1970 demonstrations had no agreement under which their activities were coordinated. In 1972 the law enforcement agencies were under the direction of the Emergency Operations Board Administrator.
5. The two demonstrations provide a comparison of law enforcement operations involving more than one agency, with and without a coordinating agreement in effect.

Description of the Events Occurring in May 1970

Friday, May 1, 1970. A group protesting ROTC on campus and U.S. involvement in Southeast Asia gathered at the steps of the Old Capitol at 2:30 p.m. The crowd, estimated at different times to be between 300 and 1,300, was quiet; their actions included marijuana smoking and involved little political discourse.

The group started marching to the recreation building through the Iowa City streets. Upon arriving at the building, six campus security officers tried to prevent the group from entering; but the group forced its way in. Several demonstrators carried clubs and some threw eggs at security officers. One officer received a cut over the eye and was treated at the University of Iowa Hospital. The melee at the entrance continued for about 10 minutes. Once inside, the demonstrators returned to "rap" sessions with ROTC members, police and university officials. The University Vice Provost warned the protestors that they were violating the law.

The demonstrators held a press conference to explain their actions. An ROTC cadet and a university official addressed the crowd over a bullhorn; both said the ROTC awards program scheduled for Saturday, May 3rd, was cancelled. The crowd then dispersed. Fifteen highway patrolmen on hand in the recreation building parking lot were not called in.

Monday, May 4, 1970. The evening had been peaceful until a rock and firecracker throwing incident. This drew a crowd which swelled to 300-400. After a short period of time this group, apparently angry over the Kent State killings, began moving toward the Iowa River, to the main university campus and then south to the Iowa City National Guard Armory, growing as it moved.

At 12:00 a.m. the group arrived at the Armory and began throwing rocks (20-50 windows were broken) and also attempted to batter the Armory with railroad ties. The City Manager arrived a few minutes later, which seemed to stall the rock throwing crowd. As he spoke to the crowd, it broke up into smaller groups, most of them leaving the scene. Some walked to an intersection where 50-75 persons staged a sit-in. Others walked toward the Pentacrest.

Sheriffs' officers and 20 highway patrolmen arrived at the intersection at 2:00 a.m. The Sheriff told the group that if they didn't disperse immediately they would be arrested. Apparently the group moved too slowly, since arrests were made. Those arrested were then marched to the Civic Center. The Sheriff stayed at the scene and attempted to persuade the rest of the crowd, which had swollen from 50 people to over 300, to leave.

The group that had moved onto the Pentacrest attempted to enter the Old Capitol unsuccessfully; the building was not damaged. There were about 50 riot-equipped policemen at Iowa Avenue at this time. The City Manager and an Iowa City police detective entered the Old Capitol and turned on the lights; the Manager spoke from the second story windows, pleading with the crowd to disperse. The crowd then went to the Iowa Book and Supply Store where, after apparently learning of the arrests

that had taken place, they broke many of the store windows.

The crowd of about 500 started converging on the Civic Center at 2:30 a.m. Met at the Civic Center by a line of city police and sheriffs' deputies surrounding the building, the demonstrators began throwing rocks and pieces of concrete at the building. Several windows were broken and two Johnson County sheriff's deputies were injured. Three times the crowd inched toward the police, who countered by charging into the crowd. Then the order came that all were to clear the area or be subject to arrest. As the officers moved in, the crowd retreated.

There was a virtual standoff for one hour. Twenty-two highway patrolmen and sheriffs' deputies called in from Linn and Scott Counties started marching around the corner of Capitol Street, going east on Washington to Dubuque Street at 3:45 a.m. The Sheriff told students to leave immediately or they would be arrested. Most complied, but again apparently not quickly enough; officers ran up the streets and more arrests were made.

By 4:00 a.m. the crowd was completely dispersed. Some complained of being struck by police; but none arrested were seriously injured, and there was no evidence that nightsticks had been used.

Tuesday, May 5, 1970. The Iowa City Council rushed through an ordinance giving the Mayor the power to establish a curfew when he felt an emergency situation existed. Rules were suspended to pass the curfew ordinance. The Council also authorized the City Attorney to seek a court injunction that would enable authorities to cite for contempt of court any person taking part in violence or destruction of property.

Flyers were distributed throughout the day calling for a rally at the Pentacrest in the evening.

By 1:00 p.m. about 3,000 people were gathered at the Pentacrest and various speakers addressed the crowd. At 6:00 p.m. statements from the University of Iowa President and the student body president were read; several others also spoke.

At 8:00 p.m. the crowd turned and marched to an intersection where an estimated 300-600 demonstrators blocked traffic. Four main intersections in the downtown area were also blocked. For about two hours the downtown streets remained partially or completely blocked. Shortly before 9:00 p.m. the crowd had grown to about 4,000, and marchers blocked most downtown intersections. Police made no moves against the demonstrators.

Wednesday, May 6, 1970. Classes were to be boycotted and rallies were held at the Pentacrest during the day. Three hundred students gathered in front of the Old Capitol

Wednesday night for a sleep-in, but all was peaceful.

An injunction was granted Iowa City by the 8th District Court Judge. The injunction prohibited disruption of city or university activities or unauthorized entry into city or university buildings.

Thursday, May 7, 1970. Some speakers started urging the crowd to take action. A smoke bomb was ignited in the Old Capitol. At least one TV station flashed a bulletin that the building was ablaze. The first officials to arrive on the scene were the Provost, the campus Police Chief and a University of Iowa public information officer.

Shortly after 10:00 p.m. Iowa City police and the City Manager arrived. Three persons remained in the building after all were ordered to leave and they were placed under arrest. The City Manager talked briefly with the protestors gathered in the Pentacrest and then ordered officers to release the three arrested on the condition that the building would be vacated and not be re-entered. He told the rapidly growing crowd that they weren't in violation of the court injunction, and as long as they remained outside the building and on the Pentacrest lawn, they wouldn't be arrested.

The crowd had dwindled to 300-400 from the earlier peak of about 1,500. First reports of the decision to clear the Pentacrest then went through the crowd. Tension began to mount and the drift away from the Old Capitol halted and reversed. Then came announcements from the University Provost and a Highway Patrol captain the the University of Iowa President had ordered the Pentacrest cleared. The earlier entry into the Old Capitol and the false fire report were believed to have been major factors in the President's decision. He was in Des Moines conferring with the Governor and other state officials at the time, and he later said his decision to clear the area was based on some erroneous information. He was informed that the Old Capitol was occupied, and he felt it should be secured. Damage in the building was estimated at \$800-\$900.

After the announcement that the Pentacrest would be cleared, the Provost told demonstrators intending to invite arrest to come in close to the Old Capitol steps and others were asked to back away from the area. Advice on legal rights, caution about resisting arrest and suggestions on avoiding injury were offered over a bullhorn. More than 100 highway patrolmen, Iowa City police, Johnson and Linn County deputy sheriffs were present. The demonstrators were given 10 minutes to leave the area.

The demonstrators were surrounded, arrested and taken by bus to the Civic Center and the county jail. Officers cleared the Pentacrest of bystanders, moving them off to the side and across Clinton Street without using force.

City police officers fired on eight students after receiving a report that several persons were attempting to break into a jewelry store. Four of the students, all black, stopped after the shots were fired and were arrested; the rest escaped. The Afro-American Student Association claimed that the four black students were harassed without cause or provocation. Three more black students were arrested in front of the Civic Center when they later went there to inquire about the four blacks who had previously been arrested.

Friday, May 8, 1970. National Guard troops were moved into the Iowa City area to assist the Highway Patrol if needed.

In the afternoon 100 persons marched on the Civic Center to protest the arrests of the seven black students. Two Iowa City policemen armed with shotguns warned them to stop as they approached the main door; however, several students continued approaching. A shuffle ensued and two were arrested, while two others were sprayed with mace. Others joined in, and officers attempted to hold them back. Ten riot-outfitted highway patrolmen and several city policemen came to assist, and a Highway Patrol officer told the crowd to select two of their members to talk with him and the Acting Chief of Police about the incident. A law professor urged students to depart since they were in violation of the injunction.

At 9:00 p.m. a rally was held at the Pentacrest, and an estimated 400 people crowded around a radio to hear President Nixon's press conference on Cambodia. Speeches were made by several of the demonstrators in view of Highway Patrol officers who were occupying the Old Capitol in case of trouble. In the early morning hours the Old Armory was destroyed by fire.

Saturday, May 9, 1970. About 300 National Guard troops on standby alert massed at the 4-H Fairgrounds south of Iowa City. Two National Guard helicopters cruised over the city and the University of Iowa campus during the morning. Later in the day about 1,000 people gathered at a rally at the Iowa Memorial Union, and that night a fire was set at the East Hall Annex.

Sunday, May 10, 1970. There was an explosion on campus, but no physical damage occurred. An option was given to the students by the University to leave the campus without penalty if they feared for their safety.

Monday, May 11, 1970. The campus was patrolled by the Highway Patrol dressed in street clothing. All class buildings were picketed by students. Some 2,500 students voted at a mass rally in the evening to continue to strike on Tuesday on a nonviolent basis. The Governor paid an

unannounced visit to the Iowa City campus and spoke with law officers and university administrators but did not speak with any students.

Tuesday, May 12, 1970. The decision was made to withdraw Guardsmen from Iowa City, but the Highway Patrol remained on the University of Iowa campus.

Wednesday, May 13, 1970. Guardsmen began their withdrawal, and by early evening the last of the 225 Guardsmen was gone. Highway patrolmen had not been on the University of Iowa campus since 6:30 a.m. One hundred patrolmen brought in from throughout southeast Iowa were sent home and the campus was quiet again.

Description of the Events Occurring in May 1972

Thursday, May 4, 1972. A rally was held on the University of Iowa Pentacrest. It was organized by an anonymous group of anti-war demonstrators planning a march. A second rally was simultaneously being held by members of the Campus Crusade for Christ, who were listening to a rock band. Friction erupted between the two groups when the demonstrators unsuccessfully attempted to use the Crusaders' microphones. About 200 of the demonstrators left the Pentacrest area and marched through the University of Iowa dormitory complex and then through the downtown area. The demonstrators were headed toward the University of Iowa Computer Center to protest the Center's Department of Defense contract with the Rock Island Arsenal.

The demonstrators were upstaged by a fire in Iowa City. About 2,500 people watched the fire, including many of the demonstrators. The crowd at the Computer Center, which was closely guarded by University of Iowa Security Police, was relatively calm. A group of about 200, many apparently coming from the fire, then joined the demonstrators already at the Computer Center. A few people tossed rocks at the Computer Center and at the Physics Research Center and unsuccessfully tried to find entry to the Computer Center, breaking some windows.

The group then moved to the Iowa Book and Supply Store and started breaking windows. There were a number of minor skirmishes between the protestors and the Crusaders, who were trying to stop the window breaking.

Twenty Iowa City policemen, the first police on the scene, formed. When sighted by the crowd, the demonstrators fled, splitting in many directions and hitting more windows.

About 25 riot-clad highway patrolmen arrived on the scene, and a Highway Patrol officer called for the crowd of about 500 to clear the area. Meanwhile, the Mayor of Iowa City called the Department of Public Safety to request state

assistance; and that department then contacted the Governor.

The Governor ordered the Emergency Operations Board into effect. All highway patrolmen in southeast Iowa were put on alert and the entire Iowa City police force was called to duty. Johnson County and Coralville lawmen were also called into action. Twenty-five highway patrolmen were already on the scene at this time. The Coralville Chief of Police brought about 15 members of the Coralville Auxiliary. When the Highway Patrol warned that law enforcement officers would clear the area, the crowd broke into small, milling groups. The crowd of demonstrators began dispersing, but hurled bottles, rocks and chunks of street pavement at the police officers while leaving. The Iowa City, Coralville, Johnson County and state officers continued their slow march. Isolated skirmishes between protestors and police were reported during the next 40 minutes, but the groups finally left the area. By midnight the peace officers began patrolling the downtown area in teams of five or more, and the situation was reported to be completely stabilized.

Friday, May 5, 1972. Iowa City was quiet as three-man teams of law enforcement officers patrolled downtown streets.

Saturday, May 6, 1972. The Governor pledged to use all force necessary to prevent mob action from taking over the community.

Tuesday, May 9, 1972. A peaceful nine hour sit-in was held by a dozen protestors at the U.S. Military Recruiting Station in Iowa City. They remained until the station closed at 6:00 p.m. Another 10-15 people carrying anti-ROTC posters picketed the University of Iowa Administration Building for two hours.

The Governor ordered the Emergency Operations Board in control of all local law enforcement in anticipation of possible violent demonstrations. Contingents of three officers (one highway patrolman, one sheriff's officer and one policeman) patrolled near the Pentacrest throughout the afternoon.

Approximately 1,000 people gathered on the Pentacrest in the evening. After a few speeches the crowd went to the east side dormitories and through the business district shouting anti-war slogans. A rock was thrown through a store window, but the crowd shouted its disapproval and no more windows were broken. The crowd had grown to about 3,000 by this time, and highway patrolmen directed traffic to keep the roads clear.

About 1,000 demonstrators sat down at an intersection. Most of the protestors had begun to leave the intersection when a contingent of about 200 lawmen was spotted

moving in, and the large crowd again sat down. For about 10 minutes the Iowa Highway Patrol warned those blocking the street that they would be arrested unless they dispersed. The crowd at first refused to move, but most eventually left the street, leaving about 300 protestors still in the intersection.

The Highway Patrol moved into the crowd and quietly asked those people remaining to leave the street. Those who refused were arrested by three and four man police teams. About 20 people were arrested and taken to a municipal bus, then to jail for booking; only a few resisted arrest and had to be subdued. The remaining demonstrators split into smaller groups, and about 700 of them moved east on Iowa Avenue toward the Pentacrest. The crowd then regrouped at several intersections near the Pentacrest but were inactive and under the watchful eye of some 100 lawmen, who were grouped on the Pentacrest itself.

Wednesday, May 10, 1972. A contingent of Iowa highway patrolmen remained in Iowa City in the event of further disruptions coinciding with U.S. mining of North Vietnam harbors. Only about 30 people gathered on the Pentacrest under observation by dozens of state patrolmen, who patrolled both the campus and downtown areas.

Thursday, May 11, 1972. About 180 students and residents stood in front of the post office in silent vigil for two hours, coinciding with the time of the scheduled mining of North Vietnam.

In the evening demonstrators left a rally held at the Pentacrest with the intention of marching to and blocking Interstate 80. The demonstrators, about 700-800, proceeded toward Interstate 80.

Demonstrators ignored orders to clear the street. About 60 Highway Patrol officers, sheriffs' deputies and city police dispersed the procession by activating a fogger and shooting smoke into the crowd about one mile south of I-80. One group of about 60 people converged on a section of the Interstate to the west of the overpass and set a brush fire that backed up traffic for about five minutes. Iowa City and Coralville policemen with riot sticks then chased the group off the highway, and at least one protestor was injured.

At about the same time a slightly larger group of demonstrators headed toward the Interstate, but they were met by a busload of highway patrolmen with tear gas.

The protest had subsided enough that the Interstate was opened; however, traffic was moving very slowly because of blockades set up by peace officers south of the overpass. Forty policemen and patrolmen chased the crowd away from the Interstate and made more arrests as the crowd dispersed.

Friday, May 12, 1972. Some 200 people gathered on the Pentacrest that evening. Forty highway patrolmen were blocking the Old Capitol. Many protestors marched to the east side dormitories and back to the Pentacrest and were ordered to leave by the Highway Patrol. When the crowd started to march toward the men's dormitories, the Patrol followed behind them. At the edge of the Pentacrest the crowd was met by another police line. The Patrol dispersed the crowd and secured the Pentacrest. The Patrol then proceeded along downtown streets, dispersing small crowds.

Saturday, May 13, 1972. The campus was quiet. Rallies planned for the weekend did not materialize because of rain. The Emergency Operations Board, in effect since May 9th, was deactivated; and control of law enforcement was returned to local officials. The 200 highway patrolmen left the city in small groups throughout the day.

Experience Gained and General Comparative Observations

The 1970 demonstrations were not the first signs of student or campus unrest at the University of Iowa. The first demonstrations, similar in nature to those in 1970 but certainly not comparable in magnitude, took place in November of 1967. At that time students gathered at the Memorial Union to take part in what had been designed as a peaceful sit-in to protest the presence of certain corporation interviewers on campus. A similar protest was organized in 1968 with the sit-in staged at the University Placement Office. The Campus Security Police, the city and county peace agencies, and the Highway Patrol were involved. These demonstrations may have alerted university and other peace officials to the ever growing existence of political activists and/or agitators on the University of Iowa campus, but they in no way prepared them for the spring of 1970. Prior to 1970 the Iowa City and Johnson County law enforcement officers had had some crowd control training. Many of the Iowa City policemen received such training at the Police Academy. And on at least two occasions in the late 1960's a representative from the Highway Patrol instructed the Iowa City Police Department, along with the Campus Security Police, on riot control. The sheriff's men had received some training from a member of the Scott County Sheriff's Department who had extensive military training in the area of crowd control. But such instruction and training was not adequate for the situation that erupted in Iowa City. There were only a few times that the methods taught were really applicable. Actual experience was an important factor in successful crowd control, and prior to 1970 neither department had ever participated in a major demonstration or disturbance.

In 1972 the creation of the Emergency Operations Board (EOB), coupled with two years of experience in

crowd control, made a significant difference in the law enforcement agencies' operation.

When the first major disturbance broke out on May 4, 1970, Iowa City lacked sufficient law enforcement personnel to handle the situation. The Iowa City Police Department had at the most about 40 men which it could commit to the scene. The Sheriff's Department could put about 15 regular and auxiliary officers on the street. The University could have possibly mobilized about 30 men from the Campus Security Police. However, at the time, the force was really not considered a law enforcement type organization. Prior to 1971 most of these men were only trained for traffic control and for building security, although some had received riot training. For the most part, the University stayed out of any confrontation situation. The Security Police patrolled and secured the university buildings and were never directly involved in containing the demonstrators. Therefore, the peace officers in Iowa City often found it necessary to call in outside forces to assist them. The agencies responding on one or more occasions included the Iowa Highway Patrol, the Coralville Police, and the Linn, Polk, Washington, Cedar, Benton and Iowa County Sheriffs' Departments. Although the National Guard was called in during the 1970 disturbances, they remained on standby and at no time participated in the operations. No formal agreement existed setting forth the procedure as to when and how the aid of outside agencies should be obtained or establishing a chain of command structure among the various officials.

Shortly after the first major disturbance occurred, the following informal arrangement was used. If the University or City Police saw a situation developing, the University would notify the City Police who would in turn notify the Sheriff's Department and the Highway Patrol. The Chief of Police initially took charge, and it depended on the seriousness of the situation as to which agencies would be called in to assist the police. If the Sheriff's Department was called in, it worked for the most part under the direction of the Police Chief. Upon notification, the Highway Patrol Commander would bring in as many patrolmen under his direct command in the southeast district as he thought necessary. He had a force of about 75 men that he could commit. The head of the Highway Patrol sitting in Des Moines had to make the decision as to whether patrolmen from outside the district should be committed. Thus, there was considerable delay before a massive force of patrolmen could arrive at the scene. This meant enlisting the aid of the Coralville Police and other county sheriffs' men to provide the manpower at the time it was most needed.

In 1972 the EOB was created. Once the Board was activated, the state made a much more immediate response

with a massive force, or a force which officials in Iowa City considered adequate to contain the disturbances. Up to 200 patrolmen could be quickly committed to the area if necessary. The Iowa City Police and Johnson County Sheriff's Department together could commit another 60 men. Thus, the need to call in other outside agencies in 1972 was obviated. The Linn County Sheriff's Department inquired on the first night of disturbances as to whether they would be needed. They were requested to stand by but were never called. On subsequent nights they were not even asked to stand by.

One of the major factors that made the disturbances difficult to contain in both 1970 and 1972 was that for the most part the demonstrations were a roving-type protest, with random outbursts of disruption or destruction at various places in the city. The majority of demonstrators did not actually know what they would be doing during any one evening. Certain actions were being planned by small core groups who then attempted to get the masses to follow them. But the demonstrators themselves lacked organization and internal control of their numbers, so much of their action was spontaneous. For the most part, no one knew from moment to moment exactly what the demonstrators were going to do.

In 1970 no central command post existed. The various peace agencies supposedly worked out of the Chief of Police's office. In 1972, prior to the outbreak of disturbances, a central command post was established at the Civic Center. The Iowa City communications control center was moved to the command post. There were direct phone lines connecting the command center with each of the participating agencies under the EOB. Several long distance lines were installed, one of which was kept open to insure immediate contact with Governor when necessary. Each participating agency, including the Department of Public Safety, had a representative at the command post who acted as a liaison between the agency and the command center. Both the BCI and the FBI had agents present. In addition, the City had representatives from various non-law enforcement agencies at the center, including the fire department and public works. Radio dispatchers and telephone operators were also on duty at the command post. The law enforcement agencies involved received continuous updating on new developments from the command center. It was then each agency's responsibility to pass this information on to their own men. Admission to the command center was restricted. There was some confusion initially as to who should be admitted. This occurred mainly with regard to non-law enforcement agency representatives; it created no major problem. Outside the Civic Center, the Highway Patrol had a communications van designed for disaster and emergency situations.

This was used merely as a basis of communication, as the Highway Patrol operates on their own radio frequency. The coordination at the command post in 1972 was considered to be very effective by the peace agencies involved, especially in comparison with the situation in the two prior years.

Due to the nature of the demonstrations at the University of Iowa, it was difficult to establish an effective intelligence system in either 1970 or 1972. In 1970 the intelligence that existed consisted of information gathered by state narcotics agents in the crowd and information the University received from some of its students. Apparently realizing the value of a good intelligence system, there was an active attempt to establish a more effective one in 1972. Utilizing former military personnel, the University had designed a surveillance system. The entire operation was directed and controlled by the use of one high-band communications system. The individuals on the streets kept the University continuously informed as to anything that might be in the wind. The University, in turn, relayed this information to the command center.

The command center also had additional sources of information. Both the FBI and BCI had agents in Iowa City. Their main function was that of intelligence, providing law enforcement agencies with any and all information they could get from the crowd and from contacts in the university community. State narcotics agents were doing likewise. The city administration had a small number of non-law enforcement city employees moving along with the crowd. All of these groups relayed the plans of the demonstrators to the command center whenever this was possible.

Planning

In 1970 there was no advance planning by law enforcement groups whatsoever. There was considerably more planning in 1972. This time the State Department of Public Safety was involved from the beginning. Part of the advance planning included preparatory meetings with individuals from the crisis center, which acted as a rumor dispeller. There were also meetings with the Cooperative—the five student body government leaders. The Cooperative was to act as liaison, to the degree possible, between the demonstrators and the University. Plans were established for handling mass arrests more effectively. Detention centers were designated and the arrest procedure refined. Planning was also done with regard to news coverage of the disturbances. A public information officer from the Department of Public Safety was brought in to handle all news releases. This allowed the law enforcement people to concentrate their energies on containing the demonstrators but yet provided for complete news coverage of their activities.

The advance planning even in 1972 was not as extensive as it could have been. The law enforcement command people were not able to sit down and plan as much as they should have. But the EOB agreement was reached late in the spring and the City's decision to develop the command center at the Civic Center was made at even a later date. Thus, by the time the machinery was set up there was not much time for practical practice sessions.

No extensive planning in terms of contingency plans had been worked out. Aside from the time factor, the main reason for the lack of contingency planning was that nobody really knew what to plan for. The Interstate blockage in 1972, for example, had not been attempted or even considered in prior years and certainly was not expected in 1972. It was only after receiving information from individuals in the crowd that the demonstrators were planning to go to the Interstate that law enforcement officials were able to begin their planning. This action taken by the demonstrators, like most of their actions, was not the type that could be planned for by the peace agencies weeks in advance. At the most, officials only had a matter of hours to prepare. To a large degree, the law enforcement agencies were limited to feeling out the situation and taking things as they came.

The level of cooperation and coordination that existed between the various law enforcement agencies was one of the most significant differences between the 1970 and 1972 enforcement operations. In 1970 there was undoubtedly an attempt by the various agencies to cooperate with each other. However, the coordination of actions and intelligence necessary to make the cooperation effective was lacking. One reason for this was the nonexistence of a command post. Another major reason for the lack of coordinated efforts was the breakdown in the command structure that occurred—nobody really knew who was in command at any given moment. There were differences of opinion between the law enforcement agencies and the university officials as to how the operation should be handled. There also existed considerable confusion as to the role that the Highway Patrol was to play when it moved into the city. Lines of authority were not drawn clearly enough to successfully coordinate law enforcement agency actions.

The situation changed drastically with the creation of the EOB. In 1972 there was no question that once the Board was activated, state officials took complete charge. The Police Department and the Sheriff's Office took orders from the Highway Patrol Commander. Neither the Police Chief nor the Sheriff made any decisions on his own concerning the disturbances. By the second day of the disturbances, three-man walking patrols were established.

These teams consisted of one sheriff's deputy, one city policeman and one highway patrolman. Their instructions, orders and assignments were given out by the Highway Patrol Commander. Many decisions were discussed and arrived at mutually, but the Highway Patrol Commander had the final say. There were no attempts to override or disregard his decisions.

There is no question as far as the law enforcement officials in Iowa City are concerned that the EOB was very effective. Things improved immeasurably from 1970 to 1971, out there are still some minor problems to be worked out concerning radio communications to those in the field. Iowa City and Johnson County law enforcement agencies use the same radio frequency. The Highway Patrol, however, is on a different frequency. Their mobile gear and car units can monitor the primary frequency of the local agencies, but they have no portable gear (walkie-talkie units) that are capable of going onto the frequency used by the Police Department and Sheriff's Office. Thus, Highway Patrol information had to go first to their communications van and then be passed over on a hot line hookup to the command center. The city dispatcher at the command center would then relay this information to city and county peace officers in the field. Information coming from the local enforcement officials had to be transferred to Highway Patrol officers by the same process in reverse. The law enforcement agencies all felt that while radio communications were much better than in 1970, the system left a lot to be desired.

Arrest and Conviction Policy

If there was a policy in 1970 with regard to arrests, it seemed to be that if a decision was made by peace officers that an area should be cleared, there was no alternative but

to make mass arrests. The major problem with this policy was that no procedures had been developed for handling mass arrests. In the first place, Iowa City had not designated a suitable place in which to detain the arrestees. The city jail was merely a lockup for about six or seven people. The county jail, which could handle about 30 people, had to house about 120 on one occasion. During 1970 there was substantial property damage, but all of those arrested were being charged only with disorderly conduct. In the end it became apparent that these mass arrests were really an exercise in futility, in that very few were prosecuted as there was no way of establishing identification. Of the total number arrested, only 10 were convicted. All 10 had pleaded guilty. Apparently in 1970 arrests had been made merely to clear the streets, without concern as to whether or not the arrestees would be convicted.

In 1972, if an arrest policy existed, it was one of not making mass arrests unless absolutely necessary. Only about one-fifth of the total number of arrests made in 1970 were made in 1972. Basically, the peace officers followed the movements of the crowd and arrested a few agitators who could be identified without creating an incident.

As a large number of arrests were never made, previously made contingency plans for detaining groups of arrestees at the Oakdale Security Yard or at the local swimming pools were not needed. The major difference between 1970 and 1972 was the refinement in the arrest procedure. After the arrest was made, the arresting officer went with the arrestee down to the police station. At that point photographs were taken. On the back of the photograph, the name of the arresting officer and the arrestee were written, along with any notations to refresh the officer's memory at a later time. In 1972, of the 56 arrested, 21 were found guilty.

STATISTICS ASSOCIATED WITH IOWA CITY STUDENT DEMONSTRATIONS

Law Enforcement Agencies Involved	Number of Men Committed ¹		Federal Agencies Involved in 1972	
	1970 ²	1972 ²		
Iowa City Police Department	40	40	Federal Bureau of Investigation agents were involved in investigations and intelligence operations in Iowa City.	
Coralville Police Department	15	15		
Johnson County Sheriff's Office	15	20		
Scott County Sheriff's Office	40	—		
Linn County Sheriff's Office	15	—		
Polk County Sheriff's Office	40	—		
Washington County Sheriff's Office	1	—		
Benton County Sheriff's Office	1	—		
Cedar County Sheriff's Office	1	—		
Iowa County Sheriff's Office	1	—		
Iowa Highway Patrol	200	200	Salary Costs	
Iowa National Guard	On stand by; never committed.			

¹The figures given above are the largest number of men, regular officers and auxiliary committed on any one night by the agency named.

²Certain figures are close approximations of the true numbers, as no official records of men committed were kept.

Other State Agencies Involved in 1970

	Number of Arrests Made	
Governor's Office		
Kept in close contact with the University	1970:	290
Ordered the National Guard on stand by	1972:	57
State Narcotics Bureau		
Agents were involved in investigations and intelligence operations in Iowa City.		
Bureau of Criminal Investigation		
Agents were involved in investigations and intelligence operations in Iowa City.		

Federal Agencies Involved in 1970

Federal Bureau of Investigation agents were involved in investigations and intelligence operations in Iowa City.

Other State Agencies Involved in 1972

Governor's Office		
Kept in close contact with the University		
Ordered the EOB into effect		
State Narcotics Bureau		
Agents were involved in investigations and intelligence operations in Iowa City.		
Bureau of Criminal Investigation		
Agents were involved in investigations and intelligence operations in Iowa City.		
Department of Public Safety		
Had total charge of the EOB		
Made all news releases		

Breakdown of Arrest Charges

	1970	1972
<i>Felonies</i>		
Arson		2
Assault with intent to inflict great bodily injury		2
Malicious injury to a building		7
<i>Misdemeanors</i>		
Criminal trespass		20
Defacing property		1
Disorderly conduct	290	26
Obstructing officers		1
Resisting arrest		1
	<u>2</u>	<u>1</u>
	292 ¹	60 ¹

¹Some arrestees had more than one charge preferred against them.

Charles City Emergency Disaster Operations

Throughout the years Iowa has experienced its share of natural disasters; floods, fires, wind and hail storms have all taken their toll. But perhaps the most destructive force wrought by nature has been the tornado. In 1860 a tornado in the Clinton-Camache area claimed 134 lives. More than 100 people lost their lives in a tornado at Grinnel in 1882. Fewer lives have been lost since the turn of the century, although there has not been a similar decrease in the number of tornadoes. Fifty-four tornadoes were confirmed in 1964, and the yearly average is about 15. In 1966 the city of Belmond, about 60 miles southwest of Charles City, was struck; 6 dead, 172 injured, 120 homes destroyed, 85 percent of the business district in rubble, and \$7.5 million damage. This was the most destructive Iowa tornado in recent history until May 15, 1968, when a tornado swept through Charles City.

Description of Events

May 15, 1968. Severe storms were experienced all across Iowa. Several communities suffered extensive damage from hail and high winds. Oelwein and the tiny town of Maynard were hard hit by a tornado. In Charles City, however, the weather had been relatively good throughout the day. There were no signs that a tornado would soon devastate the town of 10,419 people. The city had no disaster warning system in operation. Its residents had to rely on commercial radio and television stations for warnings of approaching storms. A Charles City radio newsman had reported to his listeners that tornadoes had been reported in the Dumont, Green and Harcourt areas about 4:00 p.m., at Aredale about 4:10 p.m., and on the edge of Charles City at 4:30 p.m. A tornado had actually touched down in Hansell, Aredale and Marble Rock, all in a direct southwest line from Charles City; only minor damage was done in these towns.

Shortly after 4:30 p.m. the administrator for the Floyd County Memorial Hospital on the south edge of Charles City saw three funnels coming from the south and west. The funnels looked like they were going to merge; they were headed for the hospital, but then passed over the hospital breaking only a few windows. At about 4:45 p.m., directly north of the hospital, the big three-in-one funnel came down on Charles City. It swept through the downtown district devastating an area several blocks wide and about a half mile long. As it moved out of the city, it left behind a total of 13 dead and 450 injured.

Shortly thereafter, the Red Cross in Mason City, a few miles west of Charles City, received an urgent call from

Charles City for assistance. The county hospital was filled with the injured. For almost one hour after the tornado hit, the hospital had only one doctor on duty. More than 20 other doctors and additional nurses could not get to the hospital because the bridges over the Red Cedar River, which divides the town, were blocked. Emergency equipment, doctors and nurses were called from as far away as Rochester, Minnesota. Some 300 were treated for injuries within a few hours after the storm struck. About 40 were still in the hospital late Wednesday night; others had been taken to hospitals in New Hampton, Osage, Mason City and Rochester, Minnesota.

All communications and power in the stricken area had been knocked out by the tornado. Northwestern Bell Telephone had suffered extensive damage but was able to keep a few emergency lines open. Some communications were being handled by the Osage Police Department. They had established contact with the Charles City area through a gas company truck equipped with a mobile radio transmitter. Amateur radio operators handled most of the communications throughout the night.

The heaviest damage from the tornado appeared to be along Main Street, where store fronts had caved in, siding peeled off, traffic signals pulled out of the ground and parked cars demolished. The front of the City Hall and adjoining fire station had been ripped off. Four churches and three elementary schools had been rendered unusable. Many residences were destroyed or heavily damaged.

The Red Cross set up its headquarters in a Lutheran church. To these headquarters came a constant stream of people who needed food, a place to sleep, or who wanted help locating family members. By early evening the Governor had dispatched 40 highway patrolmen and a National Guard company of 120 men from Mason City to the stricken area. A National Guard battalion in Waterloo was alerted for possible duty, and officers from the unit were en route to Charles City Wednesday night to evaluate the situation.

The Sheriff said that the first problem was to get the streets cleared so that any additional injured could be found and traffic could move. A stream of volunteer workers registered at the Sheriff's Office. Trucks, tractors and construction machinery came from as far away as Spencer, Iowa. Highway Patrol and peace officers from other cities and counties manned roadblocks to keep sightseers away. National Guardsmen helped guard a 105-block area to prevent looting. Seven agents of the Iowa Bureau of Criminal Investigation were on hand. Looting did cause some problem until the National Guard and peace

officers blocked off the downtown area.

A block-by-block walking survey indicated the following damage: homes—372 destroyed, 188 with major damage, 356 with minor damage; businesses—58 destroyed, 90 with major damage, 46 with minor damage; autos—1,130 plus destroyed, 129 heavily damaged. Additional damage in adjacent rural areas of the county were listed as: farmhouses—13 destroyed, 13 with major and 8 with minor damage; 7 barns and large outbuildings leveled; 19 trucks and cars destroyed.

The Governor and the Iowa Adjutant General visited the city. The Governor indicated that a disaster program of some kind would be initiated. That night he declared tornado-stricken northeast Iowa a disaster area and wired President Johnson asking for federal assistance.

May 17, 1968. The Mayor of Charles City clamped a strict dark-to-dawn curfew on the 90-block tornado disaster area. The curfew applied to everyone, including residents of the area working at salvaging any remaining possessions. National Guardsmen stood sentry duty at every road leading into the damaged area.

No sightseers were allowed into Charles City. Highway patrolmen and Guardsmen manned all entrances to Charles City. Those involved in the cleanup and other tasks were issued passes each day so they could enter the area. Hundreds of persons were involved in the cleanup on Friday. Every road in the disaster area was now open to some traffic.

There were some signs of normalcy in the devastated town. A variety store on Main Street opened Friday afternoon, as did two drugstores. It was not possible to buy everyday items such as bread, cigarettes and toilet articles. There was still no mail delivery, but individuals could call at the post office for their mail.

Insurance adjustors estimated total damage at about \$20 million.

May 18, 1968. Cold rains hampered the cleanup operations. The official casualty list had 13 names, but some caved-in homes had not yet been checked by rescue workers. The Mayor modified the previously imposed curfew to allow persons to cross through the stricken area on their way to work. The City Council approved a plan to completely clear the block-square Central Park on Main Street and permit local businesses to establish temporary offices there. The Council also discussed the possibility of arranging the leasing of mobile homes for the homeless until they could arrange permanent housing.

The Mayor of Titonka, President of the Iowa League of Municipalities, reported that the League had established a statewide Disaster Aid Task Force to coordinate assistance

from cities and towns in the state for the tornado-damaged areas of northeast Iowa.

May 19, 1968. The cleanup effort continued all day. The National Guard and law enforcement officials kept sightseers from the city. The city had all the help it could use from outside volunteers. One sign of progress was the clearing of the downtown park area where quonset huts were to be built to house businesses destroyed by the storm.

May 20, 1968. Massive cleanup continued. Charles City was opened to sightseers for the first time since the tornado struck. A team of architects and engineers from the Iowa State University in Ames was expected to survey the flattened business district. The Mayor and other city officials conferred with a delegation from Albert Lea, Minnesota, hit by a tornado in 1967.

May 21, 1968. The team from Ames was to visit the residential areas hit by the tornado. The cleanup effort was still continuing.

May 22, 1968. The City Council announced that 10 acres on the edge of the city might become a temporary or permanent mobile home site. Representatives of 12 state and 12 federal agencies met with city and county officials to outline what type of state and federal aid was available to the devastated area.

Related Factors

For about three years prior to 1968 the Floyd County Sheriff's Office, utilizing the Sheriff's Reserve in the county, had the responsibility for sighting and following the progress of storms. When a tornado was actually spotted in the vicinity, a tornado warning was to be issued. When a tornado was spotted, there was an informal arrangement for the Sheriff's Office to notify the Police Department. In this event, the city was to set off all sirens in the area; this arrangement was to have been made public through newspaper and radio coverage to ensure that residents would immediately realize the import of the sirens.

On May 15, 1968, the Sheriff's Department became aware of severe storm activity some distance away by monitoring a Highway Patrol radio unit. The Sheriff's Reserve was deployed 45 minutes before the tornado touched down in Floyd County. One funnel that hit Charles City was spotted while it was still seven miles south of the city. This information was immediately passed on to the Charles City Police Department, but no sirens were sounded. The only warning to Charles City residents came over their local radio station. Those listening were told that

tornadoes had been spotted in the area. When the city administration realized that the tornado was going to hit their city, they also realized that the residents had not been sufficiently instructed as to the meaning of sounding all sirens. Fearing that the sirens would bring the people out into the streets to find out what was going on rather than send people to cover, the decision was made not to turn the sirens on. Although citizens had some warning from the local news station, from sighting the storm on their own, or by word of mouth, the residents of Charles City were not as prepared as they could have been.

Since 1968, four air raid sirens have been installed in different parts of the city. In addition, two corporations in the area have installed their own systems which are coordinated with the city system. All sirens are telephone controlled. Considering the ineffective warning system in effect as of May 15, 1968, Charles City was fortunate that the number of dead was no higher than it was.

Command and Control. No formal command structure existed immediately after the tornado and for the next two or three days. The Sheriff was in charge, but below him there were many people and agencies for whom there were no designated lines of authority. The city administration was in a state of confusion. Their building had for the most part been destroyed. In addition, the Mayor and Council members had been in office for less than five months. These administrators had never worked together as a unit before January, 1968; they had never held any type of public office prior to this. Only beginning to learn to function under normal conditions, they were at a total loss in the emergency situation that prevailed. They did not meet at all the day the tornado hit.

The next day the city administrators held their first meeting and relocated to the courthouse. They held 37 meetings in the next 30 days; but in the extremely crucial first three to five days, no one could tell whether or not they were even functioning. After the tornado struck, the city administrators realized that the Sheriff had taken charge of the various operations; they made no attempt to find out what he was doing to take command of the emergency operations. Their only official act in the first three days was to place officers in the area. It was not until representatives from the League of Municipalities visited the city that the city officials seemed to be made aware that they, and not the Sheriff's Office, should be directing the activities within Charles City. By Monday following the tornado, the Mayor and Council began to reassume control of the city.

The Sheriff technically had no authority inside the city in the sense of superseding the operations of the Mayor or the Council; but since they did not make the necessary decisions, the Sheriff took command. The City Police

Department therefore worked under the Sheriff. Under the circumstances, the Sheriff's Office did a very adequate job; however, the circumstances were far from good.

The major role of law enforcement officials following a natural disaster is naturally that of search and rescue. They are also responsible for roadblocks, traffic control, protection of persons and property, and enforcement of any curfew established in the restricted area. When the tornado struck Charles City, the Sheriff also had to send out emergency requests for assistance, assign labor details, supervise and direct all equipment brought into the city, provide for the necessary supplies and repair for the equipment, keep track of the dead and injured, and make various administrative and procedural decisions. While he was able to delegate some command responsibility to members of the Sheriff's Reserve, it was nearly three days before the Sheriff was able to get any sleep.

The Sheriff's Office at the courthouse became the central command post. It soon became apparent that this location brought additional confusion because it was located in the city, very close to the damaged area. Everyone coming to assist was directed to the courthouse, which didn't even have adequate space to attempt to inventory and keep track of the various agencies, available manpower and equipment constantly flowing into the city.

Therefore, on Friday a second command post for cleanup operations was set up at the city shed on the outskirts of town, thus eliminating some of the congestion. An assistant city engineer and a local businessman directed the cleanup operations from this post. Men and machinery were accounted for and organized on the outskirts of town and then sent directly to the area which needed them. This proved to be a much more efficient and organized operation. The Sheriff was still in command and remained in close communication with the operations at the city shed. When the city administration took over, basic cleanup operations were already under control.

Power and Water. In the aftermath of the tornado, the devastated area was without power. Many power lines were down, and the main power switch was thrown to protect individuals from live wires and to protect the city from fires. Although power was returned to those areas of the city that had not been damaged by the tornado in a relatively short period of time, the courthouse command post remained without power for some time. The city had a standby generator located at the courthouse, but no one knew how to operate it. It was not until sometime the next day that someone was able to get it started; in the meantime, individuals brought in hand generators. The city also received some power through lines at Waterloo. Within 24 hours, however, the city had most of its power restored.

The city was also left without a sufficient supply of

gasoline. Tanks had to be brought in from the surrounding areas.

A serious water problem at the hospital was avoided only because the hospital administrator had made arrangements to have water trucked in from surrounding farms and communities. Additional water was brought in and carried to those working in the devastated area.

Communications. For the first day the city had extensive communications problems. All telephones in the area were out. The Civil Defense Coordinator had to drive over 20 miles in order to contact the Civil Defense headquarters in Des Moines. The telephone company had been severely damaged by the tornado but was able to open a few long distance lines. The first phone lines available went to the Red Cross sometime during the night. The command post at the courthouse was without a phone for about 24 hours.

All radio communications were knocked out by the storm. The Sheriff had to rely on the citizens band units, on which the Sheriff's Reserve operates. For a period of time, information and directions were literally shouted from the command post to those situated in the Sheriff's Reserve cars; they in turn would relay the information to the proper parties.

The Highway Patrol brought in their own communications van when they arrived in Charles City. This unit had several frequencies and alleviated to a degree the problem of outside communications. However, another problem was created. The Highway Patrol van and the citizens band radios used the same channel for local communications. Thus, if the Highway Patrol was on the air, no one else was able to transmit.

By the second day a communications system within the area was pretty well established. Directed through the Sheriff's Office, a system of ham radios began functioning. The operators, accompanied by peace officers, were located throughout the stricken area; they informed those at the courthouse, and later at the city shed, where men and machinery were needed.

Rescue and Cleanup Operations. Rescue operations began immediately after the tornado passed, but they depended to a large degree on cleanup operations. The first few hours were the crucial ones for rescue efforts, and the city was not prepared. It lacked both organized manpower and the necessary equipment, and there was an extensive area to cover. Since the Sheriff's Reserve consisted of only about 30 men and the police force was small, many of those involved in the operations were civilians. The Civil Defense Coordinator was not in a position to offer assistance, partly because the community had shown little interest in a Civil Defense system. An auxiliary had existed at one time, but it had been disbanded several years before.

The County Coordinator was active, but he did not have the needed men or equipment at his disposal.

It was almost an hour and a half before police officers and sheriffs' men from other towns and counties began coming in from about a 50-mile radius. The Highway Patrol and National Guard also began arriving. The rescue operations were slowed down by the large amount of wire, bricks, trees and debris that covered the area. Travel into the area was almost impossible. The injured were carried out on anything available and then transferred to rescue vehicles. At first, rescuers had little to work with except chains and chainsaws but nobody seemed to know exactly what equipment was needed or where they could obtain it most quickly. Tractors and other equipment was later brought in, and construction companies were called out to clear emergency routes to the hospital.

The Sheriff initiated a search of all homes and businesses in the area. Civilians were given instructions and assigned by groups to various sections of the residential area. For the most part, only Sheriff's Reserve and other peace officers checked the downtown area, since several large buildings were slowly collapsing. These operations were hampered by the lack of light in the devastated areas. The best the officers could do was walk through the streets some distance from the walls and listen for the sounds of those injured.

Charles City had all the men and equipment it needed for cleanup operations within a period of hours. The Sheriff's Office coordinated these activities as best it could, but good organization was impossible under the circumstances. It was only after the command post was set up at the city shed that operations began to run more smoothly.

Charles City had all the help it could use for over a month. After the city administration began functioning, the League of Municipalities advised them to make arrangements with various cities and agencies not to send help until it was asked for. The city was thus able to direct the arrival of men and equipment and had a continuous supply over a relatively long period of time.

Security. Along with their other duties, the Sheriff's Office cordoned off the devastated area and guarded all entrances to the city as rapidly as possible. As the Highway Patrol began arriving, they assisted with the blockades and security operations. When the National Guard arrived, they assumed all blockade duties. Because of his involvement in the numerous other operations that were going on within the city, the Sheriff was unaware that the Guard had begun operating until sometime during the morning after the tornado struck. Unable to meet with the Guard and issue instructions as to which individuals should be allowed into the city, how tight security was to be and what agencies were expected sometime during the night, the roadblocks

were not as solid and effective as they could have been. Unauthorized people were allowed into the area; at the same time, several needed individuals, including doctors, were not allowed to pass through the blockade.

Numerous law enforcement officials came from other cities and counties. The Sheriff, however, had no idea which county and city peace agencies were operating in Charles City, exactly what they were doing or how long they stayed. The best the Sheriff's Office could do at the time was to direct the various agencies to the disaster area when they arrived with the instructions to do whatever had to be done.

Fortunately, very little looting occurred in Charles City. It was probably minimized to a degree by the establishment of a dark-to-dawn curfew on Friday, although as of Wednesday night officers in the area were directed by the Sheriff's Office to keep civilians out until daybreak. Beginning on Thursday, individuals had to secure passes from the courthouse before they could enter the disaster area. Guardsmen and other peace officers patrolled the area during the day to protect property from looting in the midst of the clean-up operations. About five days after the tornado hit, the Police Chief assumed security for the city with the continued assistance of the National Guard.

Planning. It is apparent from the ineffective operation of the warning system, the confused state of the city administration and the lack of interest in a Civil Defense system, that very little effective advance planning had been accomplished in Charles City with regard to a natural disaster. Nor was there much planning with regard to the operations during the first few days after the tornado struck. The Sheriff of Floyd County met with the Chief of Police, the County Attorney and two members of the Board of Supervisors shortly after the tornado hit. According to the Sheriff, no plans were actually made; it was merely a matter of going in and doing what had to be done as best they could. Many mistakes were made and many problems arose that could have been eliminated and minimized had there been time to plan the various operations. But after the tornado struck, time was of the essence.

After the first night, various groups met briefly and did some planning for the next day's operations; but it took the city administration five days to develop some type of overall plan for the city with regard to long-range cleanup. With the assistance of the League of Municipalities and the advice of officials from Belmond, Iowa, and Albert Lea, Minnesota, workable plans were established.

Coordination Between Agencies. Coordination of efforts for the first few days was not even attempted. The Sheriff's Office directed what activities it could, but the command post lacked the information and organization to coordinate

operations. The Sheriff's Office was never certain as to how many men and what equipment was available at any one time. Nor were they able to remain current on what operations were in progress, what had been accomplished and what remained to be done. The Sheriff gave general instructions; agencies and individuals followed them to the degree possible and then relied on their own judgment. After the first two or three days, different persons emerged in control of certain operations. Within about five days, the city was functioning as a coordinated unit.

Floyd County Disaster and Emergency Manual. Somewhat ironically, an Emergency Operations Organization had been established in Floyd County in March of 1968. The Sheriff of Floyd County was the chairman of the organization. The purpose of the organization was to prepare for any disaster or emergencies that might occur within the county. A board was to be established to administer, direct and coordinate overall emergency operations. Officials were to be designated to direct individual operations such as storm observation, warning, communications, medical needs, registration, engineering and transportation, law enforcement and fires. The specific duties involved in each operation and the responsibilities of the city administration were to be drawn up. An emergency operations center was to be established in each town of the county. When a disaster occurred, all persons involved in the Emergency Operations Organization were to report to the emergency operations center. A representative from each divisional operation and from the City Council were to be at the emergency operations center at all times. All control was to be through the emergency operations center, and any orders not coming from the center were to be disregarded.

The Emergency Operations Organization was only beginning to formulate its plans at the time the tornado struck Charles City. The plans had been discussed but had not yet been put into writing. The Charles City area, like most of Iowa, was not unfamiliar with tornadoes. They had been hit by tornadoes about every eight to ten years in past, but the damage before 1968 had always been slight. Thus, there was very little interest in the creation of the Emergency Operations Organization. Most citizens and some city administrators, other than a few directly involved in the organization, were unaware that the organization even existed. Others who knew of its existence knew little about how it was to work operationally. When the tornado struck Charles City in 1968, the organization did not function in any way.

Since that time, work on the Emergency Operations Organization has continued under the direction of the Sheriff of Floyd County. It has been better organized and more efficient. A manual was produced in 1972 describing

how the organization was to function in the event of an emergency. Yet the Sheriff doesn't anticipate that the Emergency Operations Organization will function much better now than it did in 1968. Even after the disaster in Charles City, interest in the organization is low. Representatives from 50 percent of the towns in the county do not attend the meetings. The Sheriff has therefore attempted to set up his reserves as the backbone of the Emergency Operations Organization. However, this is not enough. Effective and well organized Mutual Aid between agencies, cities and counties is needed when a disaster occurs. Charles City did not have this in 1968, and apparently it still does not have it. The Emergency Operations Organization established in Charles City is not the total answer to Mutual Aid operations during a disaster. But if it was given support, it would be a beginning.

Recommendations for Improvement of Mutual Aid in Iowa

As this study of Iowa has indicated, the concept and use of Mutual Aid as a law enforcement tool is well established at the local level. The study has concluded that the development of a statewide system will not occur for some time. This is in part due to the existence of many small, scattered communities throughout the state whose law enforcement agencies have limited capabilities. It is also partially due to the fact that planning and appropriate legislation at the state level to support Mutual Aid has only recently been considered by state and local officials. Therefore, it is apparent that the attempt to develop greater local capability to deal with Law Enforcement Mutual Aid situations will remain the pattern in Iowa for quite some time. Efforts should continue to focus on the development of local and regional Mutual Aid capabilities.

Law Enforcement Mutual Aid capabilities can be strengthened at these levels in several ways. The first would be to encourage the development of law enforcement agencies of sufficient size and expertise so as to provide effective law enforcement services. The trend toward contract law enforcement in Iowa should be encouraged and, where necessary, specifically authorized. This would provide better service, improve Mutual Aid capabilities of county and local law enforcement agencies, and lessen the cost of such services.

In addition to contract law enforcement, the move to develop combined law enforcement facilities should be encouraged and expanded wherever feasible. The removal of the \$50,000 limit on county building construction without a referendum in those cases where construction is for joint law enforcement facilities would be a step in this direction.

In order to increase the scope and level of law enforce-

ment services, the best candidates for law enforcement officers must be selected. This means the introduction of an examination and merit system. Elected officials such as the sheriff and appointed heads of major departments, for obvious reasons, should be excluded. In addition, adequate recruit and in-service training should be developed. In order to accomplish the above goals, there should be established minimum standards of selection, performance and training similar to Peace Officers' Standards and Training (POST) that exists in California. Clearly though, these professionalization programs will not succeed if better salaries, working conditions and pension programs are not secured.

Since operational and geographic conditions warrant the continued expansion and strengthening of Mutual Aid capabilities at the local and regional levels, the following recommendations are submitted.

Peace Officer Power. Statewide peace officer powers for officers participating in Mutual Aid operations should be authorized by statute.

Enabling Legislation. Specific authorization should be secured in order to allow local units of government to enter into Mutual Aid agreements. Iowa presently has an intergovernmental cooperation act (Chapter 28E, Code of Iowa) with no statutory reference to Mutual Aid or Mutual Aid agreements. Although Mutual Aid agreements have been entered into under the general authorization of 28E (Joint Exercise of Governmental Powers) and 28D (Interchange of Personnel Between and Among Government Agencies), it is recommended that a bill specifically authorizing Mutual Aid law enforcement contracts and agreements be enacted. This bill should provide that the requesting agency be granted the authority to direct the operations and supervise all personnel involved. The assisting agencies should be responsible for their own costs, for any injuries sustained by their assisting personnel, for disability for workmen's compensation and for any civil liability incurred by their personnel as a result of such operations.

Mutual Aid Agreements. Existing Mutual Aid agreements should be formalized in specific written form. Areas such as jurisdiction, local command and control, and liability should be clearly spelled out.

Funding. Given the financial strains placed on local units of government as a result of Mutual Aid activities, it is recommended that provision be made for the state to provide financial assistance to participating jurisdictions in major incidents.

The above recommendations should secure the maximum Mutual Aid capability possible outside the development of a statewide system. However, this does not mean

that the idea of a statewide Mutual Aid system is unworkable in Iowa. Rather, the recommendations are considered incremental steps in the development of such a system. As state and local law enforcement agencies gain experience in Mutual Aid planning and operations and as they develop

higher degrees of cooperation, a statewide system will eventually emerge. To this end, it is imperative that support for Law Enforcement Mutual Aid through funding, appropriate legislation and contingency planning be forthcoming at the state level.

CHAPTER V.

LOUISIANA

Law Enforcement Mutual Aid in Louisiana

Law enforcement in Louisiana, like that of most states, reflects the history, traditions and juridical characteristics unique to that state. Louisiana's legal system is based on the Napoleonic Code rather than English Common Law. However, the functions of law enforcement, and particularly Mutual Aid, are affected more by Louisiana's rather unique history than by any other factor. In order to fully understand the functioning of Law Enforcement Mutual Aid, it is necessary to briefly describe the governmental system of the state.

The Governmental System of Louisiana. The government of Louisiana currently operates under the State Constitution of 1921, though this Constitution may be significantly altered by the forthcoming Constitutional Convention of 1973. Under the present Constitution, executive power is vested in a Governor, Lieutenant Governor, Secretary of State and other officials elected for four-year terms. Legislative power resides in the bicameral legislature whose members are elected for four years. The Supreme Court is composed of seven members elected for 14-year terms.

The major unit of government is the parish (county), of which there are 64 in the State of Louisiana. Each parish is governed by a police jury which operates much like a board of supervisors or county commissioners.

Municipalities. There are three types of corporate municipalities in Louisiana: cities, towns and villages. Those having 5,000 or more population are classified as cities. Those having less than 5,000 but more than 500 people are classified as towns. Municipalities with more than 150 population but less than 1,000 are classified as villages. (LSA-RS-33:341.) By law, these municipalities may act as governmental bodies, including the power to sue and be sued, to purchase and sell, and to engage in contractual agreements when necessary.

Law Enforcement Agencies

Attorney General (Department of Justice). While the Governor of the State is the chief law enforcement officer of the state, according to statute the Attorney General or one of his assistants is charged with dealing with all legal matters with which the state has an interest. Furthermore, the Attorney General is responsible in those areas to which the state is a party, with power to institute and prosecute or to intervene in any or all suits or other proceedings, civil or criminal, as may be necessary to assert or protect the rights and interests of the state. The Attorney General also supervises the district attorneys throughout the state.¹

While the Attorney General possesses the above-stated powers, in actuality he has not utilized them to any great extent in the past. Recently, the State Legislature refused to grant the Attorney General's Office grand jury powers, peace officer powers or immunity of witness powers.

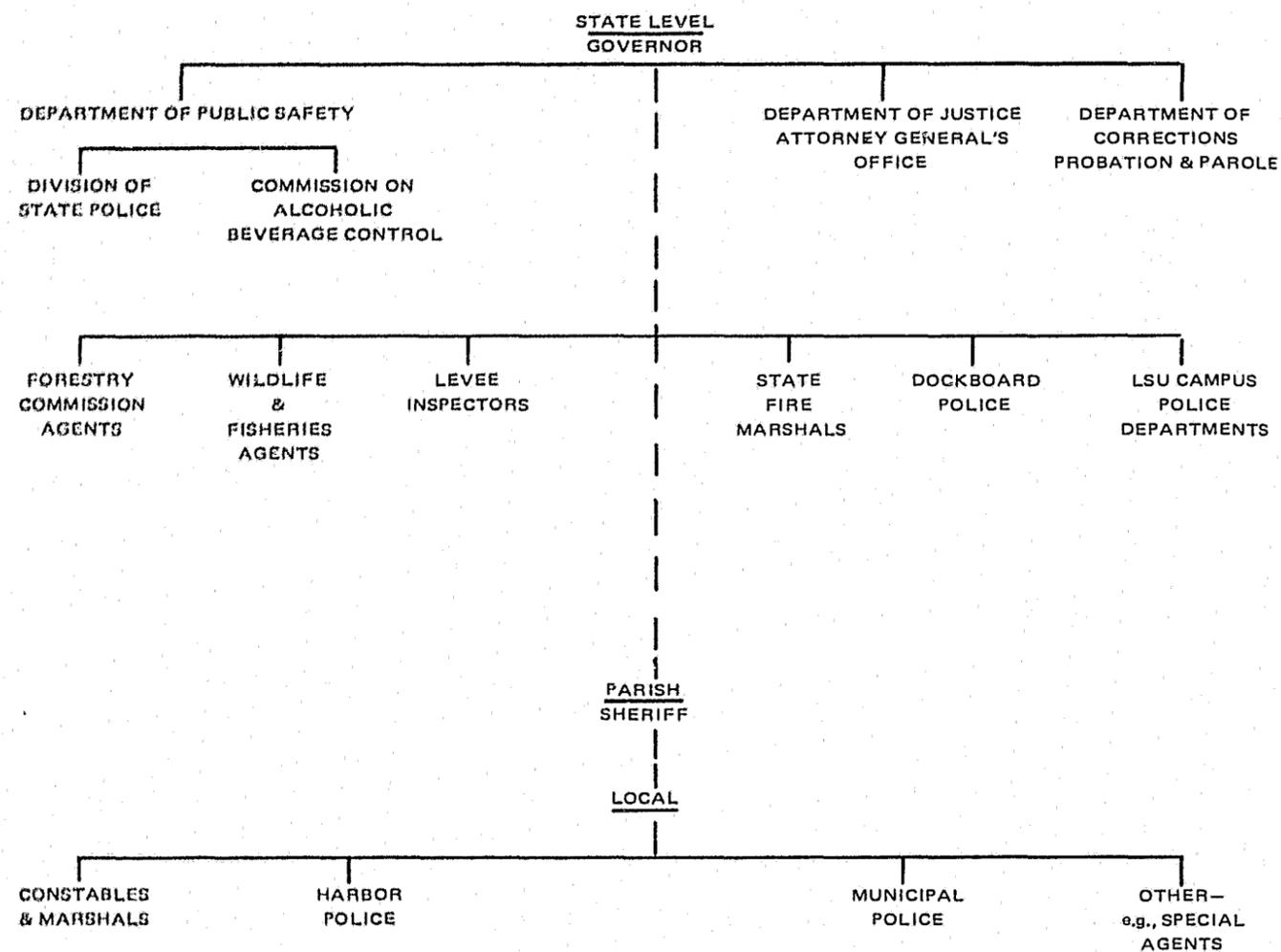
Department of Public Safety. The Director of the Department of Public Safety is in practice the chief law enforcement officer of the state. The Director is responsible for the maintenance of peace and order, and the Department has jurisdiction in the following areas: crime prevention and detection, highway traffic control and highway safety, police and fire training, investigations as conducted by the state but not the municipalities, and enforcement of the regulatory provisions of the law. The Director may commission peace officers as "Special Agents" with statewide peace officer powers.² While there are a number of agencies within the Department of Public Safety possessing peace officer powers, for the purposes of this Mutual Aid study, we shall confine ourselves to those agencies which are directly related to this type of operation.

Louisiana State Police. Within the Department of Public Safety exists the largest of the state law enforcement agencies—the Louisiana State Police. The State Police are authorized to enforce all state and parish laws throughout the state. The powers of the State Police are extensive. They possess full statewide peace officer powers, though operationally they usually confine themselves to traffic law enforcement and motor vehicle inspection. Generally, in

¹ Constitution of the State of Louisiana, Art. 7, Section 56.

² La. R.S. 40:1389.

STRUCTURE OF THE LOUISIANA LAW ENFORCEMENT SYSTEM*



*NSA Chart

criminal law enforcement they limit themselves to a support role, though they have powers commensurate with sheriffs, constables, marshals and other peace officers.³

State Police functions are limited in the areas of industrial disputes and civil disorders. State Police intervention is authorized in the above circumstances at the request of the chief law enforcement officer of the municipality, but only when violence erupts and upon order of the Governor.⁴ The following support services are provided by the State Police to local law enforcement agencies:

- Accident Arrest Records and Statistics
- Auto Theft Bureau
- Bureau of Identification
- Crime Laboratory
- Detective Division
- Training Academy
- Law Enforcement Computerized Communications System (LECCS)

The LECCS has been a major achievement in establishing coordinated communications between law enforcement agencies in Louisiana. The LECCS currently utilizes a Univac 418 computer with 94 incoming lines. All 64 sheriffs' offices, all State Police troops and 11 city police departments are tied into this communications system. The system is also connected to the National Crime Information Center (NCIC).

Campus Police, Louisiana State University System. There are seven campuses in the Louisiana State University system with over 40,000 students enrolled. The LSU system employs some 10,000 faculty and staff. The campus police are duly authorized peace officers within their respective jurisdictions.⁵ Each campus police department is therefore an autonomous agency, authorized to enforce federal, state and local laws, university regulations, and to protect life and property within the jurisdictional boundaries of the campus. These departments are organized along the lines of a small city police force. The chief of police for each campus department is appointed by the LSU Board of Supervisors and retains that position at the discretion of the Board.

Parish Sheriff. The Louisiana State Constitution authorizes the office of sheriff for each of the 64 parishes.⁶ The sheriff of each parish (exclusive of Orleans) is both a civil and criminal officer. His duties include the following: the apprehension and detention of law violators, prevention and suppression of crime, maintenance of the peace, administration and maintenance of the parish jail, rendering services to the courts by providing bailiffs, summoning juries, and executing criminal and civil court writs and orders. In addition, the sheriff is the ex-officio collector of parish and state taxes. The sheriff possesses the right of

posse comitatus and may call for aid and command the services of the able bodied citizens of his parish.⁷ Given the wide range of civil and criminal responsibilities, it is clear that the sheriff in Louisiana is a powerful, if not the most powerful, figure at the local level.

Municipal Police and Constables. Each parish in Louisiana is subdivided into several wards. While the sheriff is the chief law enforcement officer in his parish, rural law enforcement is also vested in a constable who is responsible for general law enforcement in his ward. In actual practice there is little or no friction between these two law enforcement agencies even though their jurisdictions overlap; for it is the sheriff who performs most law enforcement functions. When a municipality is incorporated within a ward, the office of constable is usually abolished and replaced by a marshal or chief of police appointed by the city government. The marshal or chief of police has jurisdiction both in the city and the ward. However, in larger municipalities (New Orleans, Baton Rouge and Shreveport) the city constable still exists. He is charged with civil duties and works closely with the courts.

In parishes with large incorporated municipalities, agreements regarding jurisdiction between city police and parish sheriffs are reached informally. The sheriff's office in large parishes is usually organized along specific functional lines such as homicide, robbery, narcotics and vice, juveniles, traffic, communications, etc. Specialized laboratory work, such as found in large city police departments, usually does not exist in sheriffs' offices in Louisiana. These services are usually provided sheriffs by the Louisiana State Police crime labs.

Historical and Legal Background of Mutual Aid in Louisiana

Provision has been made by statute for the exchange of information between the Division of State Police and other police forces within or outside the state. Furthermore, at the request of a chief of police, sheriff or officer of any local organ of government, the Department of Public Safety may provide assistance in criminal investigations.⁸

The Department of Public Safety, when duly authorized by the Governor, may negotiate interstate compacts for police protection with appropriate officials in other states, as authorized by the Federal Act of June, 1934.⁹ In 1971 the state entered into the Southern State Police Compact. The purpose of the Compact is to provide more cooperation in working against organized crime. The terms of this Compact have been enacted into law.¹⁰

In addition to the specific provisions noted above providing for additional support in times of emergency and

³La. R.S. 40:1397.

⁴La. R.S. 40:1391, and R.S. 40:1387.

⁵Louisiana State Constitution, Art. 12, Section 7, and La. R.S. 17:1451.

⁶Statutes governing the operations of this office are as follows:

La. R.S. 33:3851-1461, 13:3851-3382, 15:701-708, and 41:2051-2230 inclusive.

⁷La. R.S. 33:1436.

⁸La. R.S. 40:1391.

⁹U.S.C.A. Title 4, Section 11; and R.S. 40:1391.

¹⁰R.S. 40:1312 to 1312.27.

contract law enforcement, Louisiana also has a general statute under which police mutual assistance can be given. The enabling legislation provides that:

Any parish, municipality, police jury, harbor and terminal district, or any combination thereof may make agreements between or among themselves to engage jointly in the exercise of any power, the construction or acquisition or improvement of any public project or improvement which each of the participating authorities may exercise or take individually under any provision of general or special law. Such arrangements may include but are not limited to activities concerning: (1) Police, fire and health protection¹¹

The intent of the Legislature is clear in that the above section is to be "construed liberally."¹² The section was effected because of recognition of the fact that cooperative activity on the part of parishes and municipalities is conducive to more efficient and economical local government. Also, the Legislature recognized the benefits accruing to citizens by having services extend beyond local governmental boundaries.

All agreements are to be in writing and are to be published in the same manner as other proceedings of the governing bodies involved. Agreements must also include a statement of financial obligations incurred by each of the parties to the agreement.¹³

Arrest powers are not specifically mentioned in R.S. 33:1324, even though the Legislature granted authority for parishes and municipalities to act jointly. If joint actions by law enforcement agencies do not include powers of arrest, then the statute has little or no meaning for Mutual Aid purposes. Even though the statute is to be liberally construed, police powers in Mutual Aid situations should be clarified further.

Mutual Aid, as it currently exists in Louisiana, operates on an informal (unwritten) basis. However, formal compacts exist in the organized crime and drug abuse areas, chiefly through S.E.L.E.A. (Southeast Louisiana Law Enforcement Association). Generally, Law Enforcement Mutual Aid, requiring large numbers of personnel and equipment, immediately involves the use of the State Police and/or the National Guard. In this regard, the Department of Public Safety, through the Military Department, has instituted a series of procedures for requesting this type of support.

One of the characteristics of Law Enforcement Mutual Aid in Louisiana is the propensity for local law enforcement agencies to rely upon State Police and National Guard when confronted with situations requiring additional manpower and/or equipment. Parish sheriffs' offices normally will request assistance from the state rather than from

adjoining parishes. However, in times of civil disorder (and most Mutual Aid operations in Louisiana have occurred on college and university campuses), there is no lack of cooperation between jurisdictions.

Perhaps the single most apparent weakness existing in this area of Law Enforcement Mutual Aid is that of planning. Contingency planning at the parish and local level is practically nonexistent, though it is quite well developed at the state level. Matters such as training, command and control, communications, assignment of duties, establishment of equipment pools, etc., have not been adequately addressed by local law enforcement agencies.

State Police and National Guard have been involved in most Mutual Aid operations in Louisiana chiefly because these operations have been conducted on state property (i.e., college and university campuses) or have been of major proportions, such as hurricanes and floods. Once these agencies are involved, local command devolves upon them, though they consult closely with local agencies. Only the State Police, and by proclamation the National Guard, specifically possess statewide peace officer powers.

There does exist, however, a rather comprehensive piece of enabling legislation regarding Mutual Aid. This statute reads as follows:

- D. During any period during which a state of emergency exists, the proclaiming officer may appoint additional peace officers or firemen for temporary service, who need not be in the classified lists of such departments. Such additional persons shall be employed only for the time during which the emergency exists.
- E. During the period of the existence of the state of emergency, the chief law officer of the political subdivision may call upon the sheriff, mayor or other chief executive officer of any other parish or municipality to furnish such law enforcement or fire protection personnel, or both, together with appropriate equipment and apparatus, as may be necessary to preserve the public peace and protect persons and property in the requesting area. Such aid shall be furnished to the chief law enforcement officer requesting it insofar as possible without withdrawing from the political subdivision furnishing such aid the minimum police and fire protection appearing necessary under the circumstances. In such case, law enforcement and fire protection personnel acting outside the territory of their regular employment shall be considered as performing services within the territory of their regular employment for purposes of compensation, pension and other rights or benefits to which they may be entitled as incidents of their regular employment. The political subdivision receiving such aid shall reimburse the cost thereof to the other political subdivision which furnished the aid, including the

¹¹R.S. 33:1324.

¹²R.S. 13:1323

¹³R.S. 33:1325, and R.S. 13:1331.

cost of compensation of personnel, expenses incurred by reason of the injury or death of any such personnel while rendering such aid, expenses of furnishing equipment and apparatus, compensation for damages to or loss of equipment or apparatus while in service outside the territory of its regular use, and such incurred by any

such political subdivision furnishing such aid. Law enforcement officers acting pursuant to this section outside the territory of their regular employment have the same authority to enforce the law as when acting within the territory of their own employment.¹⁴

¹⁴R.S. 14:329.6.

CASE STUDIES: LOUISIANA

The following two case studies are presented as examples of Mutual Aid operations. In each study the specific responses of law enforcement agencies to the emergency are noted. Problem areas are identified, and a summary of the operation is provided. It must also be noted that these case studies point out the need for accurate record keeping and debriefing of officers. Case studies of emergencies are often difficult to document due to lack of complete, detailed information. Memories dim after the fact, and few have the time to write facts down during an emergency. Despite these obstacles, case studies can provide valuable practical information and guidelines for future operations. They are presented in this light.

CELEBRATION OF LIFE FESTIVAL, JUNE 18-21, 1971

This case study examines the Mutual Aid operations related to the rock festival held in Point Coupee Parish, Louisiana. Significantly, this "Festival of Life" was not spontaneous. Rather, it was organized and promoted by professionals for profit. The Mutual Aid operation incident to this event is a good example of how state and local law enforcement agencies react when they are confronted with the many problems posed by the influx of great numbers of people in a small, concentrated area for a brief period of time.

Overview

The "Festival of Life" was an idea promoted chiefly by a New Orleans businessman along with a few associates. Through an extensive advertising campaign, some 50,000 people paid \$28.00 each for tickets to the eight-day event. Originally, the festival was to be held in Mississippi; however the Governor, supported by appropriate legislation, was able to thwart the festival plans. Then the promoters sought sites within the state of Louisiana. Local communities were able to discourage landowners and merchants from negotiating with the promoters. But apparently the promoters negotiated to keep the actual festival site secret until the last possible moment, when it would be too late to issue or pass ordinances regulating the event or to issue permits for mass meetings.

Finally in June it became known that land had been leased in Point Coupee Parish. On June 18th the Parish Police Jury began a series of public sessions to discuss ways of dealing with the influx of people and the attendant problems that might arise. The Superintendent of State Police and members of his staff also attended these Police Jury meetings.

Clearly, State Police forces were necessary to augment

local law enforcement personnel. Point Coupee Parish is a rural parish, and the Parish Sheriff employs only five deputies. Municipal police agencies numbered from one to seven officers per department. It also became apparent that supporting service facilities (i.e., water, sanitation and health services) were required given the nature of the event. Officials from state, local and parish government developed plans for implementing these services. The use of the National Guard was contemplated, and the State Adjutant General made appropriate moves to activate the Guard if necessary. However, the Guard was never called or utilized.

State Police and the Parish Sheriff agreed that the State Police would handle traffic control throughout the parish. In addition, the State Police would be responsible for dealing with narcotics control and would furnish backup forces to the Sheriff on request. Policing the festival site was to be the Sheriff's responsibility. In the event that additional forces were necessary, the Sheriff would call on adjoining parishes for assistance.

Despite legal maneuvers, which included an injunction and a federal court hearing, government officials could not prevent the festival's opening. Subsequently, the State Department of Health inspected the festival site's health and sanitation facilities and approved the festival for a maximum of 18,000 people.

On June 19th State Police forces arrived at the festival scene. They immediately assumed traffic control and general police duties. Main highways in adjoining parishes were also policed by additional officers from the State Police. These forces were to remain on the scene until June 28th. A total of 120 officers with additional support personnel was utilized. The State Police worked two 12-hour shifts. During daylight hours an 11-man backup unit was available. During the hours of darkness a 20-man unit was held in reserve. Direct cost to the State Police for the operation was \$105,000, including salaries.

The most immediate problem faced by law enforcement officers was traffic control. During the course of the festival several hundred vehicles were impounded in order to keep traffic lanes open.

Law enforcement problems inside the festival grounds were minimal. This does not mean that there was not widespread use of drugs and the commission of other illegal acts. But law enforcement officers adopted a hands-off policy regarding minor offenses; only more serious offenses were handled by the on-site officers. It was determined that the presence of uniformed officers moving in the crowds would only provoke confrontations and violence. In one instance an attempt to make a narcotics arrest resulted in the wounding of a festival-goer. Following this incident narcotics arrests were only made as suspected violators left the festival site. Undercover agents worked inside the

grounds in order to identify suspected law-breakers. Basically, this lenient arrest policy was a wise decision. Given the size of the crowd and the number of available officers, a civil disorder would have been disastrous.

The festival was to be self-policed. The promoters hired private security guards and even employed a New Orleans motorcycle gang to maintain internal order. The security guards did little; they had no crowd control training, no weapons and no authority. The motorcycle gang, though few in number, created their own style of violence. They terrorized the festival-goers; and widespread reports of beatings, rapes and theft reached the Sheriff and the State Police. Finally, upon the order of the Sheriff, State Police removed the gang members from the site and escorted them to the parish line.

Conclusion and Specific Problem Areas

On June 28th, some 10 days after the beginning of the festival, the crowd had left the parish. The forces participating in the Mutual Aid operation returned to their normal duties. During the course of the festival some 200 arrests were made. Hundreds were treated for drug overdoses at a makeshift on-site hospital and at the hospital in New Roads, Louisiana. One person died of a drug overdose. At least two drownings were reported.

Clearly, festivals of this type are not unique. They have occurred in almost every section of the United States. Generally they occur in areas where no prior crowd control planning exists. Assuming that such events will occur and will not be blocked by court orders, the recommendations made by a State Police report as a result of the Louisiana experience are of some interest. The report recommended that health and sanitation facilities be of primary importance and be provided before the festival is held. In addition, the State Police recommended that notice of at least 10 days be given prior to a festival's opening date and that adequate insurance bond be posted by the promoters, as well as publication of the leasing arrangements for the land and other facilities.

ST. TAMMANY PARISH EMERGENCY COOPERATIVE ROADBLOCK PLAN

In the latter part of 1969 a cooperative agreement was entered into between the St. Tammany Parish Sheriff's Office and other nearby law enforcement agencies. The purpose of this plan, devised in response to an armed bank robbery in Covington, Louisiana, was to provide emergency police assistance to requesting agencies and to establish traffic checkpoints and procedures in the event of similar felonies requiring inter-agency cooperation. Since 1969 the plan has been implemented on two separate occasions. In

both cases apprehension of suspects resulted. The plan is rather innovative in that it involves local jurisdictions of adjoining states. It is also possible, within the framework of the plan, for Mutual Aid operations to be conducted to cope with civil disorders and crowd control situations. Clearly, it has led to increased communication and cooperation between the agencies involved. Participants in this plan include the following agencies: the Parishes of St. Tammany, Washington and Tangipahoa; the Louisiana State Police; Pearl River and Hancock Counties in Mississippi; the police departments of Slidell, Madisonville, Mandeville and Pearl River in Louisiana.

The plan details the type of response which each agency shall make in the event of an emergency requiring roadblock and pursuit actions. It further sets out the radio communications procedure. (In this case all departments operate on the same frequency, so there is no communications problem.) Equipment for participating officers is provided by each agency. Expenses for operations are borne by each agency as well, though liability has not been clearly spelled out.

Participation in the plan is voluntary, though it must be noted that since the sheriff of each parish or county is the chief law enforcement officer, the responding Mutual Aid forces must have his permission to operate in his jurisdiction. This has not been a problem to date. Generally, Mutual Aid forces operate as perimeter traffic control and roadblock forces. Actual pursuit and apprehension is to be left to the requesting jurisdiction, though obviously this may not be the case in actual practice. Mutual Aid forces remain on emergency duty until relieved by their respective department chiefs. They may be removed at any time by their superiors and recalled to their own jurisdictions. Clearly, the major share of assistance has come from the State Police and the sheriffs' officers; it is expected that this will continue to be the case.

Conclusions and Specific Problem Areas

Basically, this plan is just a step beyond the informal, *ad hoc* arrangements that have characterized Law Enforcement Mutual Aid operations throughout the United States for such a long time. It details response to emergencies but does not address itself to the possible consequences of response to these situations. While the plan envisions command to be exercised by the requesting agency, clearly in the case of Louisiana the sheriff must be a party to the plan's implementation or the effort will not succeed.

In addition, specific jurisdiction of responding officers has not been spelled out, particularly if officers have to cross state lines in other than fresh pursuit situations.

The crucial question of liability also has not been adequately treated. Supposedly, participating departments

are responsible for all claims or extraordinary expenses incurred by their officers. This may indeed be an unworkable situation.

The plan has enabled agencies to develop a higher degree of cooperation in certain areas of law enforcement. However, it only deals with the mechanics of response and communication. While it is a step toward the development of an interlocal Mutual Aid system to meet all contingencies, only if the above problem areas are effectively treated can the plan develop into a comprehensive Mutual Aid system.

Recommendations for the Improvement of Mutual Aid in Louisiana

The foregoing study has indicated that Louisiana has the necessary enabling legislation to permit law enforcement agencies to engage in Mutual Aid operations. Furthermore, contingency planning does exist at the state level. It is at the parish and local level where efforts should be concentrated. Clearly, it will be some time before Louisiana possesses a statewide Mutual Aid system. Therefore, the achievement of greater local and regional capability should be of primary importance.

Planning. Planning should be initiated at the parish and municipal levels in consultation with state authorities in order to ensure the maximum utilization of local law enforcement capability in Mutual Aid situations. This planning should cover the following areas: definition of an "emergency," call-up procedures, command and control, state involvement, communications, duty assignments, termination of "emergency," and any other operational details needed by the jurisdictions involved.

Recruitment and Selection. Recruitment and selection of the best qualified law enforcement personnel must be coupled with the development of an adequate salary scale and merit system. Recruit and in-service training should be developed and standardized. At present there are no uniform minimum statewide standards of qualification for holding a law enforcement position. It is recommended that a statewide minimum standard of selection, performance and training, similar to the California POST system, be initiated, along with a merit system, in order to upgrade professionalization.

Arrest Powers, Command and Control. While officers have arrest powers when participating in a Mutual Aid operation, and while local units of government informally have engaged in Mutual Aid agreements, interlocal agreements should specifically spell out command and control procedures. Also, police powers of assisting agencies should be clarified by statute.

Funding. According to R.S. 14:1329.6, in a time of emergency requiring the use of law enforcement personnel from other jurisdictions, the receiving agency must bear the entire cost of liability and extraordinary expenses incurred by assisting personnel. This fact may in part be the reason why local jurisdictions call upon the state for assistance rather than one another. A suggested solution to this funding problem would be to provide for state financial assistance to participating agencies.

Role of State Agencies. The practice of the State Police and/or National Guard assuming command and control during a Mutual Aid operation should be examined carefully. Generally, this nationwide study has determined that on-site control and command of Mutual Aid forces is best left in the hands of the chief law enforcement officer of the requesting jurisdiction. Furthermore, only in extreme emergencies should the National Guard be utilized in a law enforcement capacity rather than a support role.

Equipment. Equipment pools and communications vans should be established at strategic points throughout the state in order to ensure that Mutual Aid operations will be adequately supported.

The foregoing recommendations, if implemented, would provide maximum law enforcement capability during times of emergency. There is acceptance of the concept of Mutual Aid in Louisiana, but acceptance is not widespread. Clearly, the Louisiana Sheriffs' Association and Sheriffs for Better Law Enforcement support the idea. However, inter-agency and inter-jurisdictional rivalry at the state and local levels mitigate against the establishment of an effective statewide system at this time. In order to achieve inter-agency cooperation at every level, it is necessary that state government clearly support the concept of Mutual Aid both in principle and through contingency funding. This, coupled with incremental, cooperative steps between jurisdictions in the planning for and implementation of Law Enforcement Mutual Aid, will contribute to increased effectiveness of law enforcement services in the state.

CHAPTER VI.

MICHIGAN

Law Enforcement Mutual Aid in Michigan

Policing functions throughout the state are shared by the Michigan State Police and 650 local police and sheriffs' departments.¹ These agencies range in size from one-man, part-time operations to the 5,645-man Detroit Police Department. The 1970 *Uniform Regional Data Survey* listed the total number of sworn personnel in local law enforcement agencies at 15,695 (12,597 full-time, 1,597 part-time, and 1,501 on call). Approximately half of all full-time sworn officers are employed by departments in the state's 10 largest cities (Detroit, Grand Rapids, Flint, Warren, Lansing, Livonia, Dearborn, Ann Arbor, Saginaw and St. Clair Shores), and in Wayne County.

According to latest figures, there were 5,057 radio equipped police vehicles, including 566 operated by the Michigan State Police; 565 law enforcement agencies were dispatched from 271 facilities. Some 2,061 portable radio units were available throughout the state. The *Uniform Regional Data Survey* further indicated that there were 284 motorcycles (including scooters), 40 trucks and buses, and 50 portable base stations. Other equipment available included 312 watercraft, six helicopters and five fixed-wing aircraft.

Michigan State Police. One basic role of the State Police is that of motor vehicle traffic control. The State Police also assist local jurisdictions in planning, conduct criminal investigations, operate a crime laboratory, conduct polygraph examinations, and provide communications and support to local agencies in times of emergency. Powers and duties of the State Police are enumerated in Michigan Statutes Annotated.² The Commissioner and each of his officers are commissioned as peace officers having jurisdiction throughout the state. Ultimate control and command rests with the Governor. The Commissioner also has the authority, upon orders from the Governor, to call upon any sheriff or other police officer of any county, city, township or village within the limits of their respective jurisdictions for aid and assistance in the performance of any duty im-

posed by the Act cited below. Furthermore, the Commissioner and all officers have and exercise all the powers of deputy sheriffs.³

While the Michigan State Police provide police services throughout the state, Michigan, like most states, experiences wide degrees of overlapping jurisdiction, i.e., areas served by more than one police agency. Each of Michigan's 83 counties has a sheriff possessing jurisdiction throughout the county. In addition, there are approximately 565 other law enforcement agencies which provide services to their respective jurisdictions.

County Sheriffs. The sheriff is the chief law enforcement officer in his county. He is charged with preservation of the peace, executing orders, judgments and processes of the courts, service of papers in actions, and the arrest and detention of persons charged with commission of public offenses.⁴

The total personnel of sheriffs' departments in Michigan is 2,590 full-time deputies and 925 part-time deputies. Thirty-four departments have sheriffs' posses totaling 660 men and horses. These groups serve without compensation, provide their own uniforms, mounts and equipment, and are used in crowd control and search and rescue missions.

The sheriff's power to enforce the law is county-wide and does not end at the corporate limits of a city or town within his county. His authority may be state-wide when acting at the request of the State Police. Furthermore, (aside from the usual provisions such as fresh pursuit) the sheriff may exercise authority in another jurisdiction at the request of any peace officer of the jurisdiction.⁵ This authority is also conferred on municipal police officers.

City Police. City police have full peace officer powers within their respective jurisdictions. City police officers also have authority to make arrests for misdemeanors outside their city and in another county, if requested by the Michigan State Police.⁶ Powers and duties of city police departments are contained in the following statutes: M.S.A. 5.1749-5.1754, C.L. '29 1954-1959. It is interesting to note

¹This summary is based on the State of Michigan's *Comprehensive Plan*, Office of Criminal Justice Programs, Executive Office of the Governor, Lansing, Michigan, 1972.

²M.S.A. 4,431-4,448(6); C.L. '48, 28.2-28.15 and C.L. '48, 28.52-28.56.

³M.S.A. 4,436-(C.L. 28.6).

⁴Michigan Constitution of 1963, (Art VII, Sec. 4 and 5) and M.S.A. 5.861-5.946.

⁵M.S.A. 28.861 (1) C.L. '48 764.2a and M.S.A. 28.861 C.L. '48 764 (2).

⁶Op. Atty. Gen., April 27, 1948. No. 712, and M.S.A. 28.861 (1).

that in Michigan the chief of police and his officers have the powers of constables as well. There are approximately 565 city police departments in Michigan employing about 11,000 full-time officers.

Historical and Legal Background of Mutual Aid in Michigan

At present the State of Michigan does not have a state-wide Mutual Aid system or plan. Some formal pacts exist for the control of civil disorders and natural disasters. These are usually based on local and area needs and are primarily concentrated in the Detroit Metropolitan Area and other more urbanized parts of the state. In addition, there are several informal (unwritten) agreements between jurisdictions.

Authority for the establishment of Mutual Aid pacts and agreements is provided in Public Act 236 of 1967. This Act authorizes cities, villages and townships to enter into mutual police assistance agreements, to define the terms of the agreements and to provide for compensation. However, the Act makes no reference to the Michigan State Police or to sheriffs' departments. As a result, most formal agreements (written) omit sheriffs' departments as direct participants. Sheriffs' offices are not signatories to such pacts. Along with the State Police, the sheriffs are usually referred to as possible emergency backup forces.

On the other hand, most informal agreements utilize sheriffs' departments not only as direct participants but as the dominant agencies in such agreements. This situation usually occurs in predominantly rural areas. Significantly, in instances where Mutual Aid pacts have been established under the authority of Act 236, participating agencies have been able to apply for and receive assistance grants from both the state and national government for specialized training and equipment. The equipment thus obtained is available to the participants but not controlled solely by any one signatory.

In cases of agreements that lie outside Act 236, participating agencies must apply for such assistance on an individual basis. Their chances of receiving such assistance are less than those which have established Mutual Aid pacts pursuant to Act 236. Even if additional equipment is obtained, there is no guarantee that it will be available to all participants in the agreement. Communications assistance may compound problems for some agencies rather than improve their effectiveness. Directly related to this problem is the necessity to provide matching funds from single units of government rather than funds from the pooled resources of signatories to a Mutual Aid pact.

Several other Michigan statutes have an impact on Mutual Aid in the state. While it is probable that they were not enacted with the specific idea of developing Mutual Aid, they do provide certain requisite authority in specific

areas of law enforcement. One act provides for the exercise of authority of a peace officer outside his jurisdiction.⁷ Another empowers townships to establish police departments or, by resolution, appropriate funds and contract with the county sheriff for special police protection.⁸ Still another statute defines the powers and duties of the Michigan State Police. Among these is the power, "... upon order of the Governor, to call upon any sheriff or other police officer of any county, city, township or village, within the limits of their respective jurisdictions, for aid and assistance in the performance of any duty imposed by this act . . ."⁹

One act is related to the question of liability of persons drafted into municipal service. While it deals with the liability incurred by jurisdictions providing and receiving assistance from fire department personnel, it could possibly be extended by interpretation to include law enforcement personnel as well.¹⁰

Clearly, however, Act 236 is not all inclusive since it omits reference to the two major elements of law enforcement in Michigan—the State Police and the county sheriffs' departments. In addition, there is no clear-cut statutory authority to grant statewide peace officer powers, with the exception of the Michigan State Police. Enabling legislation for the formation of Mutual Aid pacts does exist in Act 236, but it is far from being all inclusive.

Examples of Law Enforcement Mutual Aid in Michigan

Mutual Aid in Michigan, until recently, has usually involved minimal assistance from other jurisdictions. However, the need for such assistance in modern times has grown to the extent that even large city police departments will summon hundreds of additional officers to assist in controlling riots, demonstrations and other forms of civil disturbances. This need has also been evidenced in recent years due to tornadoes, fires, floods, lake storms and increasingly large crowds attracted to tourist and festival areas. The following briefly describes in general terms some of the responses to such emergencies.

St. Clair County Mutual Aid Agreement

A unique illustration of an informal Mutual Aid agreement in Michigan is that which exists in St. Clair County. The St. Clair County Sheriff's Department, Port Huron Police Department and the Police Department of Sarnia, Ontario, Canada, regularly assist one another. These jurisdictions are contiguous and are connected by the International Blue Water Bridge between Sarnia and Port Huron. Control of vice and narcotics is a central function of this unwritten agreement, though mutual assistance has been evident for other purposes as well.

One of these is the Blue Water Festival held in Port

Huron each summer. Thousands of visitors enter the area for this event. During this time, the Port Huron Police Department has provided up to 35 officers for traffic control in the environs of the city. Dispatch desks are located in both the Port Huron Police Department and the St. Clair County Sheriff's Department. Each desk is manned by one member of each department. Both departments use the same radio frequencies. The Sheriff's Department also handles dispatch duties for four small communities in the county. For emergencies, the jurisdictions involved can muster as many as 200 officers in about 30 minutes.

Ingham County Mutual Aid Agreement

Another unwritten, highly effective Mutual Aid agreement involves Ingham County, the Cities of Lansing, East Lansing, and the Michigan State University Department of Public Safety. This agreement has developed a continuing program to combat drug abuse. Each agency provides manpower for a Metro Squad. Salaries and expenses are borne by the participating agencies. By combining forces, the Metro Squad arrangement is not confined to specific jurisdictional boundaries. Exchange of information has improved, and duplication of effort has been reduced to a minimum.

This Mutual Aid agreement also covers the area of civil disorders—most of which have emanated from Michigan State University. Participating agencies have cooperated completely. Command, by mutual agreement, rests with the chief law enforcement officer of the requesting jurisdiction.

Role of the Michigan State Police

Due to the generally large numbers of students involved in demonstrations and civil disorders, the Michigan State Police have in most instances been called upon for additional manpower and equipment. Indeed, because of the overwhelming size of these civil disorders, it has become questionable that any Mutual Aid agreement can be effective without the assistance of the State Police.

In order to meet this contingency, the State Police Civil Disorder Center was established. At the Center, research is conducted to develop and update Mutual Aid plans and to coordinate assistance to local jurisdictions. The Center serves as a clearinghouse for Mutual Aid reference data and provides planning assistance as well. Another function of the Center is to work closely with the Michigan State Law Enforcement Officer's Training Council in order to standardize civil disorder training throughout the state. Through this Center, coordination is also achieved in planning and operations with the various units of the Michigan National Guard.

Contract Law Enforcement

Michigan is experiencing a phenomenon not unlike that occurring in other large, urbanized, industrial states—suburbanization. While county and city boundaries have

remained fixed, their law enforcement needs have changed. Large city police departments must meet requirements for greater police protection, while at the same time the city's tax base is usually eroding. On the other hand, county, township and other departments are experiencing similar demands for greater services as their jurisdictions rapidly increase in population and complexity. The rise of new centers of population which adjoin the larger, older, urban areas is part of this phenomenon of change. The fact that law enforcement problems usually transcend jurisdictional boundaries has become painfully clear to many police agencies in Michigan. In partial response to this, Public Act 236 was passed by the Legislature in 1967.

Some communities have attempted to deal with the increased demand for police services through the use of contract law enforcement. There are three basic types of contract law enforcement systems in operation in Michigan. The first of these is one in which several townships, each acting independently, contract with the sheriff for training, equipment and support. This type of arrangement is currently in effect in Ingham County. Under this system, a township contracts and provides an unequipped vehicle and a peace officer candidate. If the sheriff finds the candidate acceptable, he is trained, commissioned and equipped. The vehicle is equipped by the sheriff, but the township name or seal is placed on the door. The officer then operates in the township and has a wide range of backup support available to him. The sheriff technically becomes the township's chief of police but agrees not to call on the officer for assistance outside the township except during an emergency. No compensation is paid the sheriff's office. The officer is paid by the township and enjoys all benefits of a township employee.

A second form of contract law enforcement arrangement involves the use of a private contract police agency. One man, usually the agency operator, is sworn as the police chief for each unit of government. He is authorized to commission officers to serve in these jurisdictions. The contracting agency, for an agreed fee, provides a fixed amount of hours of patrol per week. Patrol time normally ranges from 32 hours a week to 150 hours per month. When additional man-hours are necessary beyond those specified in the contract, the agency bills the unit of government for overtime at a fixed hourly rate. When services are required beyond normal patrol and investigation, the agency calls upon the sheriff or State Police.

A third arrangement is one in which one police agency agrees to provide police services to another jurisdiction or jurisdictions. These services are provided for a fixed sum and are computed on the basis of an available unit of service, such as one vehicle-one man on duty at all times, or variations of this formula.

⁷C.L. 48 No. 764.2 (M.S.A. 38.861 (1)).

⁸C.L. 48 No. 41.181 (M.S.A. 5.45 (1)).

⁹C.L. 48 No. 28.6 (M.S.A. 4.36 Sec. 6).

¹⁰C.L. 123.401 through 403 inclusive (M.S.A. 5.3431 -2 and -3).

CASE STUDIES: MICHIGAN

The following two case studies are presented as examples of Mutual Aid operations. In each study the specific responses of law enforcement agencies to the emergency are noted. Problem areas are identified, and a summary of the operation is provided. It must also be noted that these case studies point out the need for accurate record keeping and debriefing of officers. Case studies of emergencies are often difficult to document due to lack of complete, detailed information. Memories dim after the fact, and few have the time to write facts down during an emergency. Despite these obstacles, case studies can provide valuable practical information and guidelines for future operations. They are presented in this light.

MICHIGAN STATE UNIVERSITY
MUTUAL AID OPERATION—MAY 1972

For a number of years, the Cities of Lansing and East Lansing, the County of Ingham, and the Department of Public Safety of Michigan State University have been parties to a Mutual Aid agreement, although no written pact has been signed by the participants. The success of the agreement and operations under it are directly traceable to the degree of cooperation among the police agencies involved. This spirit of cooperation has been carried by the various agency heads into the political structures of the communities which they serve, enabling them to obtain funds for salaries, replacement of equipment, insurance coverage and other expenses.

It should be noted that the Ingham County Sheriff's Department is a full participant in the agreement. In other agreements within Michigan, the local sheriff's department may not be an integral part of a Mutual Aid agreement; they are utilized only as a reserve or backup force, if required at all.

The east-west dividing line between the City of East Lansing and the campus of Michigan State University is Grand River Avenue, which also serves as East Lansing's main street. Abbott Road is directly across from the main entrance to MSU and intersects with Grand River Avenue. The City Hall of East Lansing, which contains the police headquarters and the central fire station, is approximately one and a half blocks north of Grand River on Abbott Road. A public office of Michigan Bell Telephone Company is located on the same street.

At approximately 2:00 p.m. on May 8, 1972, a group of approximately 200 students from MSU marched on the

Michigan Bell office, apparently to protest the President's announcement of the mining of Haiphong Harbor. The small crowd was orderly, and after presenting protests to the phone company about 4:00 p.m. began to return south on Abbott to the campus. By this time the crowd had almost tripled. The majority was not organized and in general exhibited a fairly jovial mood. Seven or eight East Lansing police officers were in attendance, primarily as observers, but were in general ignored by the crowd. As the demonstrators were crossing Grand River, many heeded a cry to sit down, thus resulting in a blockage of Grand River and Abbott to traffic.

A private car, in attempting to negotiate its way through the crowd, struck several of the participants. The East Lansing Police called for the city's ambulance and loaded those injured. The nature and extent of the injuries were not immediately ascertained at the scene. As the ambulance began to move out with the injured, one boy blocked its progress by standing directly in front of it; and he was forcibly removed by the police. This action incensed the crowd.

The East Lansing Police had alerted the other participants in the Mutual Aid agreement and the Michigan State Police that help might be required. Since the alert was made at approximately the time shifts change, the other agencies were able to hold their day shifts over. The State Police and the other agencies immediately sent observers.

The crowd grew by the hour, and by early evening it was estimated that about 2,000 young people were involved. The bulk of the crowd consisted of university students, but it was reliably reported that they were joined by students from East Lansing High School and other people from Lansing.

During the night there was breakage of windows in some of the businesses on Grand River Avenue, but apparently no major confrontation took place. Some tear gas was used. The Mayor made the decision at this time that no attempt would be made to clear the streets. He also announced to the crowd via a bull horn that no arrests would be made, and it is reported that one or two of the city councilmen backed his decision. However, this decision has since been severely criticized in the news media and by several command officers who were present.

Throughout May 9th the situation remained fairly stable; law enforcement officials, the Mayor and the Governor's Office were in consultation regarding their next move. Several thousand young people still maintained control of Grand River Avenue, having set up camp during the night in the street.

Early that morning Mutual Aid forces had begun moving into the area. Sheriff's deputies were assigned traffic

control around the area to assist during the morning rush hour. Many citizens were unaware of the previous day's activities and were very disgruntled at being detoured around the trouble area. Other duties assigned the deputies included guarding building rooftops and prisoner transport, should the need arise. (It should be noted that the Ingham County Jail is located in Mason, Michigan, some 10 miles from East Lansing, and it is the only such facility capable of handling mass arrests.)

The Campus Police remained on the university grounds to direct traffic and patrol university property. Traffic control on campus was gradually turned over to students, which relieved regular officers for other duty.

By the evening of the 9th, the following law enforcement personnel were activated and present at the scene:

City of Lansing	70 officers—(15 command)
Campus Police (M.S.U.)	35 officers—(3 command)
Michigan State Police	535 officers—(25 command)
Sheriff's Department	17 officers—(7 command)
East Lansing Police	40 officers—(12 command)

The crowd of demonstrators had grown to about 5,000. It was reported that the Governor's Office was considering, but decided against, imposing a curfew. The Governor was flown over the scene in a State Police helicopter to make an appraisal of the situation. One observer reported that the Governor ordered that no tear gas be used.

The scene of the street had become fluid; bike chains, rocks, bottles and other possible missiles were in evidence. In general, the crowd became more militant and more windows were smashed. Large fires were burning in the street. In the midst of it all, a rock group set up and began playing about two blocks away. A near riot was narrowly averted later in the evening when the group's amplifiers went dead. During the night isolated instances of rock throwing and vandalism occurred.

At approximately 12:30 a.m. on the 11th, a strategy meeting of top police and civilian officials was held at the East Lansing Police Department. Police officials argued in favor of clearing the street. But the Mayor, exercising his powers under the City Charter as the chief law enforcement officer of the city, vetoed this plan. Partially in response to that decision but also because of the long hours already served in the field with inadequate food and without sleep, the Michigan State Police began to withdraw their men to barracks and motels in the area. The Sheriff's Department began withdrawing as well and instructed the Campus Police to also withdraw, since the Campus Police are in fact deputy sheriffs and derive their police powers from the Sheriff.

It is reliably reported that the Mayor was informed that

Grand River Avenue is a state highway and that any blockage of the street was illegal without a permit from the Michigan State Highway Department. A top command officer of the State Police then stated that Grand River Avenue would be opened one way or the other by noon.

There appears to be a difference of opinion as to just who ordered the street cleared that morning. The actual order apparently was issued by the Mayor, possibly of his own volition or under pressure from the Governor, or because of public pressure, which had mounted daily as the street had remained blocked to traffic.

In any event, the State Police and the East Lansing Police began a sweep of Grand River beginning about 10:00 a.m., moving west toward the University's main entrance at Abbott Road. By 11:00 a.m. the street was cleared. Individual officers were stationed at measured intervals lining each side of the street to prevent re-entry. Department of Public Works trucks and bulldozers moved in to clean up the debris left in the street, and auto traffic was resumed.

In general, the crowd dispersed. But after a short open-air meeting on campus, approximately 200-300 marched to the university administration building with the avowed purpose of taking it over. Some did gain entry; but as a result of effective intelligence, most were stopped at the doors by units of Campus Police, East Lansing Police and the Sheriff's Department. This show of force deterred any further attempts to enter the building. After some damage to the interior of the building, those inside were ordered out by officials. The order was complied with, and the incident was over.

One further incident occurred on the 12th. A group of about 150 students staged a bicycle ride through East Lansing on Grand River Avenue. They rode en mass and very slowly, which caused a tie-up in traffic. While it lasted, it was very effective; but the spirit of the demonstration had died, and this group finally dissolved.

Conclusions and Specific Problem Areas

While no exact figure can be given, it is reliably estimated that the total cost of this operation approximated \$250,000 to \$300,000. While five departments shared in the cost, it was not shared equally; the major share was borne by the Michigan State Police.

Quick and efficient response was made upon the alert and request for help from the East Lansing Police Department. The Mutual Aid forces, having had previous experiences with campus disorders, were capable of handling the situation in an orderly and professional manner.

While no direct statements were made in the interviews, some dissatisfaction was expressed regarding what was felt to be interference in command officers' duties. The announcement to the demonstrators that no arrests would

be made, the decision to "let the kids have the street," and the alleged decision not to use any more tear gas, all apparently contributed to an appearance of official indecision on the part of the law enforcement forces.

One of the major problems confronted by command officers was providing food for the officers serving in the field. Rotation of the men to State Police barracks was worked out but was workable only because of the proximity of the State Police headquarters.

Two communication problems were encountered. The first was caused by the diversity of wave bands used by the departments. Officers assigned to intelligence would give their reports via walkie-talkies to their own department's command officer, who might or might not be in the field. By the time a request for assistance arrived at the joint command post, the situation could have become much more critical. Those interviewed believed that there was too much of a time lag, thus diminishing effectiveness of the Mutual Aid forces.

The other communication problem concerned "command cars" used by the demonstrators. Several subjects in these cars monitored the calls over the police radio. Using hand receivers, they would then rebroadcast the ordered movements of officers to demonstrators carrying receivers in the crowd. Thus they provided an effective warning system which nullified efforts of the police in several instances.

Intelligence reports were good. The basis for the Mutual Aid force intelligence system was the Metro Squad. The Squad is composed of representatives from all five departments involved and is a continuing joint effort to control the flow of narcotics. Many of its members are young; they could move freely in the crowds and were capable of reporting movements of the demonstrators, as well as identifying the more militant leadership.

A member of the East Lansing Police Department was assigned to each participating unit on duty for the purpose of arrest and identity. This is a standard procedure in most Mutual Aid agreements. Since the State Police were called in from all sections of the state, it would have posed a tremendous problem in providing prosecution witnesses without this system.

One other factor should be noted. The State Police provide support for Mutual Aid forces as a matter of policy. Their ability to muster several hundred men, plus vehicles and equipment, and their expertise in handling such situations made it possible for them to assume control of Law Enforcement Mutual Aid efforts to a certain extent. No evidence has been discovered that the East Lansing Police Chief was overridden or vetoed in his command decisions by the State Police, but there appears to have been a large

measure of acquiescence by civilian officials and command officers of the other units. The outcome of the demonstration might have been different had the State Police and their top command officers not been present.

Police recruit training laws in Michigan require 286 hours prior to an officer assuming his duties, but only a very small portion of this time is devoted to riot training. Those interviewed believe that in-service training should be provided to the departments on a regular basis.

Improvement of methods has been brought about by several activations of the Mutual Aid forces in the area, but it appears that no real effort has been made to establish plans for future activities. The plans that do exist are not formalized. An after-incident report filed by each department containing criticisms, constructive suggestions and all necessary data would be constructive. In conjunction with these reports, a meeting of the top command officers should be held to review and discuss the items covered in an attempt to improve efficiency and plan for possible future situations.

RIVER ROUGE RACIAL DISTURBANCES—APRIL 1970

Fourteen municipal police departments in Wayne County entered into a Mutual Aid agreement in 1967. This report covers an activation of the Downriver Mutual Aid Task Force (MATF) during April 27-28, 1970.

On Friday, April 24th, the River Rouge youth officer reported disturbances and fights at the River Rouge High School. After a minor confrontation between two opposing student factions in the afternoon and sporadic violence over the weekend, an alert was issued on Monday, April 27th, prior to the opening of school. The night shift of the River Rouge Police Department was held over until 9:00 a.m. When it appeared that all was quiet at the high school, they were relieved from duty.

At mid-morning of the same day, police received a report from the high school that an unauthorized gathering was being held in the gymnasium. An alert was sent out mobilizing all off-duty River Rouge police officers. The Detective Bureau was mobilized to handle possible mass arrests and station security.

Reports from the scene indicated that the situation at the high school was deteriorating. Consequently, River Rouge Police requested backup assistance from the Ecorse and Lincoln Park Police Departments. Ecorse responded with three cars and Lincoln Park sent six cars.

By noon, officers with portable radios were deployed at the high school, six on each floor. School was dismissed early, but it became obvious what was to take place. One group of students formed at the east door while an opposing group formed at the front door.

toward the Visgar Road section of River Rouge. At 10:45 a.m., Task Force No. 1 of MATF was moved to Visgar Road and a stand-off confrontation between students and police resulted.

By 1:00 p.m. the students had left Visgar Road and moved toward West Jefferson Avenue, stating publicly that they were going to take over that street. Another MATF Task Force (No. 2) contained the crowd on nearby Salliotte Street and began moving them back to Visgar Road, where Task Force No. 1 was located. This proved a difficult undertaking since there were groups of 50 to 100 people at each intersection. Some of these groups attempted to charge police lines while others pelted officers with missiles. Charges were held off with tear gas.

At 2:55 p.m. sniper fire was reported from an automobile on Visgar Road. The MATF officers held their positions until 6:00 p.m., when a curfew went into effect. A unit of eight vehicles, 38 officers and a bus moved in for a sweep-and-arrest operation early in the evening. Several skirmishes ensued, and 29 arrests were made. By 9:00 p.m. River Rouge was reported peaceful. No crowds remained, and the emergency ended.

Conclusions and Specific Problem Areas

As a result of two days of civil disorder, one business had been destroyed by fire, nine were looted. Fifteen automobiles were destroyed, along with eight private dwellings. Some railroad property had been damaged. The River Rouge Police Department expended an additional \$26,116.65 in extraordinary expenses.

While response by all participating departments was expeditious and effective, communications between the command post and the field were not adequate. Field commanders often lost their grasp of events unfolding on the streets. Some appeared too busy to maintain radio contact. Clearly, liaison must be continuously made with forces in the field. Aides were not utilized to transmit and receive orders, and thus overall command of the operation was hampered.

Command post security was less than adequate, especially when the detectives who were responsible for post security left the post to perform mass arrest and intelligence duties. At times there were no security personnel on duty at the command post.

With regard to intelligence, there was little communication and cooperation between local intelligence officers and the State Police Intelligence Unit. In addition, field forces were not briefed on the identity of intelligence officers operating in the area.

Press relations were not well planned. Members of the press roamed at will through the command post. No

When the dismissal bell rang, both groups began to move toward one another. A group of about 25 officers attempted to keep the opposing groups of students apart. Amid shouting and pushing, the officers managed to interperse themselves between the two groups. Suddenly, both groups broke around the police flanks. Fighting and stone throwing erupted in front of the school. The skirmish lasted about 15 minutes, until police could arrive in sufficient numbers to begin dispersal operations. After some 45 minutes the crowd was dispersed. A few arrests were made. However, vehicles coming from the City of Detroit by way of Coolidge Street were being damaged by rocks and missiles thrown by students. The Detroit Police Department was notified to stop traffic on Coolidge Street at an intersection near the Detroit-River Rouge border.

By about 2:30 p.m. police thought they had enough force to clear the students from the streets. However, after an initial attempt, the officers found themselves being pelted by rocks from three sides. Bottles and railroad spikes were also hurled at the police. The central command post notified police agencies that all responding officers were to bring tear gas, shotguns and rifles.

The students continued to harrass the police; and the MATF officers found that not only did they possess insufficient manpower, but their tear gas supply was running low. Police attempted to talk to some of the self-appointed student leaders, but this proved unsuccessful. Fighting broke out again between students and police. A timely arrival of 50 more officers with tear gas enabled the police to move the students from their position on Coolidge Street to another street about a block away. Police kept the students from blocking this thoroughfare to Detroit. Meanwhile the Fire Department had to extinguish fires set by students to railroad sheds and a boxcar.

At 6:15 p.m. three community leaders requested that officers permit them to talk to the students. Police loaned them a bull horn, but their attempts to persuade the students to disperse met with failure. At 6:45 p.m. police reported window breaking and looting on Visgar Road. Units were moved to the intersection of Visgar and West Jefferson to await the arrival of a 60-man Michigan State Police backup unit.

At 7:05 p.m. a building was reported on fire on Visgar Road. Sniper fire was also reported. A foot patrol of MATF and the sniper squad, supported by State Police, made a sweep of Visgar Road. The Fire Department and Department of Public Works moved in to conduct cleanup operations. The Visgar Road section remained calm throughout the night.

On Tuesday morning, April 28th, the Detroit Police Department reported an estimated 500 students moving from Detroit's Southwestern High School on Fort Street

structured policy toward the press in general seemed to exist, nor were news releases issued.

While equipment used was adequate, officers learned that the Pepper Fogger gas dispersal machines merely slowed advancement and often blinded officers temporarily. Officers interviewed recommended the use of the triple-charge and blast dispersion tear gas.

Arrest and processing procedures were not clear. Following the disorders, the MATF recommended the procedure of taking pictures of the arresting officer with his prisoner at the time of placing the prisoner on the police vehicle, thus eliminating problems of false arrest and ensuring a higher conviction rate.

Generally, it must be said of this operation that all agencies cooperated fully in quelling the disturbance. However, had the demonstrators been organized or had the disturbance attracted larger numbers of demonstrators, the Mutual Aid forces would have been in serious trouble. The major weaknesses appeared to be at the command coordination level and in the security area. A Mutual Aid operation's command post and feeding and housing facilities must be secure at all times. Provision must be made in the Mutual Aid plan for the security aspects of the operation. Likewise, command coordination, communication and liaison are crucial to an operation's success. In this particular operation, fortunately none of these problems led to the failure of the Mutual Aid effort.

Recommendations for Improvement of Mutual Aid

Generally, as this study has indicated, there are several areas of Law Enforcement Mutual Aid that need to be strengthened. The concept of Mutual Aid has gained wide acceptance in Michigan, both at the state and local levels. However, there are gaps in planning and training; and there are inter-jurisdictional problems that must be overcome. Furthermore, there are large areas of the state that are ill-prepared to mount a Mutual Aid operation. The sudden popularity of snowmobile races, motorcycle outings, family camping and tourism, coho fishing and other events, all serve to drain local law enforcement resources. This is especially true in the northern counties of Michigan. There is clear evidence of state support for Mutual Aid, and this is a plus for Michigan. However, in order to strengthen Mutual Aid operations in the state, the following recommendations are submitted.

Enabling Legislation. Act 236 should be amended to provide for the participation of county sheriffs and the Michigan State Police as signatories to written Mutual Aid pacts. Furthermore, statutory authority granting statewide peace officer powers to local law enforcement officers under clearly specified conditions should be enacted.

Clearly, no large scale Mutual Aid operation will meet with success without the participation of all segments of the law enforcement community.

Planning. Operational planning is greatly aided by the State Police Civil Disorder Center. However, there must be a greater planning effort at the local level. The state can encourage and assist in this, but the impetus must come from local law enforcement agencies and their respective organs of government. Clearly, operational details such as definition of emergency situations, sequence of call-up, command and control, and the many physical details involved in the employment of large numbers of law enforcement officers in emergencies need to be covered on a systematic, planned basis.

Training. In this regard, Michigan is again fortunate due to the lead in training taken by the Michigan State Police and the Michigan Sheriffs' Association. There also exists in Michigan a set of minimum training standards for all law enforcement officers in the state. It is recommended that this training be continued and expanded in the area of crowd control. It is important that local law enforcement officers become trained in working with officers from outside their own jurisdiction.

Funding. Like every other state, the funding of Mutual Aid operations is of crucial importance. And like every other state, this problem area has not been adequately addressed. Small units of government simply are not capable of bearing the costs of Mutual Aid operations.

A substantial amount of money is already available from the state but is not being utilized to the best advantage. The Department of Natural Resources is utilizing fees from boat licensing and registrations to finance a patrol system jointly with county sheriffs' departments. The program approximates \$600,000 to \$700,000, and administration costs approximately another \$250,000. This is the Marine Safety Program. Through this system, two-thirds of a county's budget item for marine safety is contributed by the state and one-third is contributed by the county. It is obvious that on the occasion of a request for assistance by the DNR, a participating county must respond or face the prospect of losing its state funds. Enlargement of this program is in progress through the utilization of snowmobile licensing and fees, with the state again channeling the funds through the DNR.

It becomes difficult to justify the establishment of yet another civilian managed policing agency. It is apparent that the state has already recognized the need for Mutual Aid, but is bypassing existing and established law enforcement agencies to provide it. Furthermore, the aid provided is in a very narrow field of need, i.e., boating and snowmobiling.

Another substantial contribution to Mutual Aid is given by the state through the budget of the Michigan State Police. Here at least the monies provided are used for Mutual Aid planning and support services, and the funds are channeled through a recognized and capable police agency. However, as highly commendable as this program is, it does not take into account the financial problems of local law enforcement agencies in the field of Mutual Aid.

Thus it should be apparent that the state should review its policies regarding the programs of the DNR specifically, and Mutual Aid in general, in light of the need for Mutual Aid financing throughout the state. It should provide legislation and monies to ensure a workable, adequately financed program within the framework of existing law enforcement agencies.

Therefore, it is recommended that a state Mutual Aid fund be established through legislative appropriation. This

fund should be used to defray extraordinary expenses of local jurisdictions incurred as a result of Mutual Aid operations.

Jurisdictions that receive aid should not be responsible for salaries, overtime and operating expenses of officers from assisting jurisdictions. These additional costs should be absorbed by those jurisdictions providing assistance in proportion to their commitment. Extraordinary costs should be borne by a state Mutual Aid fund.

The above recommendations should greatly strengthen Michigan's Mutual Aid capabilities. Clearly, Michigan has the capacity to develop a statewide Law Enforcement Mutual Aid system. Regional systems already exist in the state and a great deal has been learned from them. While a statewide system is a worthwhile goal, in the interim the development of additional regional systems, especially in the northern part of the state, would be of great benefit.

CHAPTER VII.

MUTUAL AID PLANNING AND IMPLEMENTATION : RECOMMENDATIONS

In order to establish an interlocal or statewide Mutual Aid system that would involve all available law enforcement resources, there are three basic steps which should be taken. These are:

1. Design and passage of necessary enabling and supporting legislation.
2. The drawing up of an operational plan which describes the proposed system and outlines its functioning in detail.
3. Implementation of the system in accordance with the original plan.

The following discusses in detail how these steps may be taken.

Step 1: Design and Passage of Necessary Enabling and Supporting Legislation

Before a state and/or its political subdivisions may enter into reciprocal agreements there must be, in many states, enabling legislation specifically authorizing such agreements. This authority need not be a lengthy, detailed document. Indeed, in some states a single paragraph of the state code grants such authority. However, in order to adequately provide for the particular provisions necessary for an interlocal or statewide Mutual Aid system, the enabling legislation or additional bills should cover the following areas: (See also model Mutual Aid enabling legislation which follows this section.)

A. Organization. In order to effectively apply, administer and coordinate Law Enforcement Mutual Aid, a state should be divided into specific operational areas, regions or districts. In the case of interlocal agreements, this may not be necessary. However, the general guideline should be to establish operational areas that can be effectively administered.

B. Definition of Emergency Conditions and Types of Proclamations. Emergency proclamations grant state and local officials extraordinary powers and authority during certain emergencies. These could range from the granting of

authority to local officials to enact curfews, forbid the sale of liquor, gasoline or weapons, to the granting of authority for the Governor to exercise total police powers in the state. The powers and authority granted should be clearly spelled out, as well as the specific conditions under which these would be exercised. In addition, proclamations might also entitle citizens who are adversely affected or injured by these emergencies to compensation or financial assistance from local, state or the federal government.

C. Designation of Officials. Certain local and/or government officials who would be directly involved in, or responsible for, the operation of the Mutual Aid system should be identified in the legislation. If a statewide Mutual Aid system is to be developed, a State Mutual Aid Coordinator should be designated along with the necessary regional coordinators. If a regional or interlocal Mutual Aid system is contemplated, the responsible coordinating officials should likewise be designated.

D. Privileges and Immunities. Those personnel directly involved in the Mutual Aid system's operation, *i.e.*, peace officers, agents or employees of the state or its political subdivisions, should be covered by all privileges, immunities and benefits that they would normally enjoy in the performance of their regular duties. This would include such areas as pensions, disability, overtime pay and workmen's compensation.

E. Statewide Peace Officers' Powers. All officially designated peace officers should be granted statewide peace officers' powers under the conditions set forth in the enabling legislation and subsequent Mutual Aid agreements entered into under the authority granted by such legislation. (See model statute granting statewide peace officers' powers which follows this section.)

F. Command. Overall responsibility for command and control of Mutual Aid forces at the scene of the emergency should remain with the responsible local official (chief of police, county sheriff or other city or county official). Command personnel from assisting agencies should only act in an advisory capacity.

G. **Cooperation of Assisting Agencies.** In order to ensure proper functioning of the Mutual Aid system, public officials in all designated political subdivisions should be required to offer reasonable assistance to another subdivision when a proper request for assistance is made.

H. **Use of State Resources.** Provision should be made in this legislation for the Governor to make available to local authorities certain specified state resources and/or facilities which might be required during a Mutual Aid operation.

Step 2: Operational Planning

A formal, written plan which completely describes the operation of the Mutual Aid system should be developed. The plan should contain the following:

A. **Statement of Purpose.** This section should describe the purpose of the plan, justification for devising the plan and what the plan will accomplish.

B. **Organization of the Mutual Aid System.** A detailed description of the Mutual Aid system should be provided, possibly accompanied by an organizational and functional chart; the location of the Mutual Aid regions or districts, if any, should be diagrammed.

C. **Procedures for Obtaining Mutual Aid.** The exact procedures for requesting and responding to a Mutual Aid request should be outlined. In addition, command and communications channels should be provided, along with the steps to be followed within these channels.

D. **Operational Guidelines.** In this section the basic policies and procedures for the use of Mutual Aid should be established. This includes such areas as command of Mutual Aid forces, Mutual Aid intelligence, and procedures for review and updating of the Mutual Aid plan.

E. **State Agency Annexes.** A section of the Mutual Aid plan, whether it be in the main document or an appendix, should be devoted to a description of the actions and responsibilities of state agencies in the Mutual Aid system. This includes agencies such as the State Police or Highway Patrol, Attorney General's Office or State Department of Justice, National Guard, Office of Civil Defense and any other agencies that would become involved.

The Mutual Aid Operational Plan should be written with the advice and assistance of the state and local law enforcement agencies that will become involved in the system. This will ensure a greater degree of inter-agency cooperation and provide for successful implementation.

Step 3: Implementation of the Mutual Aid System

Armed with the necessary enabling legislation, a formal agreement and a written plan, the only remaining step is actual implementation of the system. The following procedures are recommended to ensure the maximum results

from the implementation effort.

A. If a statewide Mutual Aid system has been developed, an office should be established at the state level (preferably directly under the Governor) to coordinate and administer the system. If a regional (interlocal) system has been established, a Mutual Aid Coordinator should be designated also. In either case, it is essential that the system be administered through one central office.

B. All law enforcement agencies within the boundaries of the Mutual Aid system should be included. An inventory of all personnel and equipment resources should be made and periodically updated.

C. The Mutual Aid Coordinator must explain the system and its benefits to all concerned law enforcement agencies in order to achieve their full cooperation. In addition, resolutions of support should be gained from the various police and governmental associations. Such groups include State Sheriffs' Associations, Peace Officer Associations, Police Chiefs' Associations, Bar Associations, City and County Management Associations, etc.

D. In order for the system to function properly, there should be some communications network that would include the Mutual Aid Coordinator. This could be either a teletype or radio link.

E. Either a permanent or *ad hoc* committee composed of representatives of the agencies and organs of government involved in the system should be established. This committee would advise the Mutual Aid Coordinator and would serve as a direct link between the Coordinator and the involved agencies and governments.

F. Provision should be made for the development and maintenance of equipment stockpiles. Preferably, these should be located in strategic locations throughout the Mutual Aid system's territory and possibly at the office of the Mutual Aid Coordinator.

G. It has been demonstrated that one of the major impediments to the successful operation of a Mutual Aid system is that of finance. Generally, cities and counties simply do not have the necessary financial base to engage in Mutual Aid operations continuously. The California experience has made this amply clear. Consequently, every effort must be made to establish a fund, backed by state resources, to augment or completely cover extraordinary costs involved in the conduct of a Mutual Aid operation. This fund may be established by legislative appropriation, or in some states the fund may be created through a restructuring of the system of fines levied. There are a number of possible ways that a Mutual Aid fund can be established. The important fact is that no Mutual Aid system, no matter how well constituted and implemented, can long survive without adequate contingency funding.

H. Mutual Aid planning and implementation should

Associations, etc., can have significant impact on the planning and implementation processes. Indeed, in many states, support from these organizations is crucial to the success of a Mutual Aid system.

Summary and Conclusions. The foregoing discussion attempts to outline in detail the necessary steps to be taken to successfully design and implement a Mutual Aid program. It is recognized that some of these steps have already been taken by many states and local units of government. The steps outlined, and the model legislation and interlocal agreement which follow this section, are designed to meet most Law Enforcement Mutual Aid requirements. It must be left to the judgment of officials in each state and locality as to which aspects of these recommendations they wish to adopt.

It must be emphasized that comprehensive Mutual Aid coverage, either statewide or interlocal, will not be achieved without the active cooperation of all levels of government. The problems identified in this manual, such as command and control, liability and funding, cannot be overcome without this cooperation. In this regard, the Advisory Committee on Mutual Aid (Section E) will play a crucial role. Only in this way can all major interests become involved. And only in this manner can inter-agency and inter-jurisdictional rivalries be broken down. A Law Enforcement Mutual Aid system must be developed *before* an emergency. The need for such a system is obvious. It has proven to be a beneficial law enforcement tool during emergencies. It can also be a major incremental step toward higher levels of law enforcement professionalization and public service.

actively relate to other criminal justice programs in the state and its political subdivisions. In this regard it is essential that the State Planning Agency be included in the planning and implementation phases. This applies to either statewide or interlocal Mutual Aid systems. In addition, should states consider developing interstate Mutual Aid arrangements, the Regional Offices of the Law Enforcement Assistance Administration should become involved.

The reasons for involving the Law Enforcement Assistance Administration's state and regional offices are sound. By involving these offices, the Mutual Aid system will best reflect the needs of the geographical area covered by the system. Duplication of effort will be minimized, and the resources of this agency of the U.S. Department of Justice can be of great value in establishing and operating such a system. Support for planning and implementation may be in the form of technical assistance, training, equipment stockpiling, etc. In addition, the involvement of state and regional offices will enable the Mutual Aid system to be fully integrated into overall state criminal justice plans which are drawn up each year by the State Planning Agencies. It is essential that Law Enforcement Mutual Aid fit into the broad spectrum of law enforcement tools. The concept should not be divorced from other areas of law enforcement. Rather, it should complement them.

Since total planning is required for the successful implementation of a Mutual Aid system, contact should be made with other organizations which have specific experience, expertise or interest in Mutual Aid. These organizations, such as professional law enforcement associations, State Bar Associations, Associations of Counties, Municipal

MODEL MUTUAL AID ACT

Be It Enacted by the Legislature of the State of _____:

Article 1—Title

This chapter may be cited as the “_____ Mutual Aid Act.”

Article 2—Purpose

In recognition of the State’s responsibility to mitigate the effects of natural or man-made emergencies which result or may result in extreme peril to life and property; to protect the public peace and safety in times of riots, civil disturbances, natural disasters and other situations presenting major law enforcement problems; to insure that preparations within the state will be adequate to protect the health, safety and property of the people of the state in times of such emergencies, it is hereby found and declared to be necessary:

(a) To confer upon the Governor and upon law enforcement officers and governing bodies of political subdivisions of this state the power provided herein; and to provide for state assistance in the organization and maintenance of the mutual aid program required by this act.

(b) To provide for a state agency to be known and referred to as the State Mutual Aid Council.

(c) To create state, regional and local law enforcement mutual aid plans which provide for the rendering of mutual aid by the state and political subdivisions of the state in carrying out the purposes of this chapter.

(d) To authorize the State Mutual Aid Council to enter into mutual aid law enforcement agreements with states or political subdivisions thereof having a common border with this state.

(e) To authorize the establishment of such organizations and the taking of such actions as are necessary and proper to carry out the provisions of this chapter.

Article 3—Definitions

Section 1. Unless the provision of context otherwise

requires, the definitions contained in this Article govern the construction of this chapter.

Section 2. (a) “Governor” means the Chief Executive of the State or the person upon whom the powers and duties of the office of Governor have devolved pursuant to law.

(b) “Council” means the State Mutual Aid Council.

(c) “Director of State Mutual Aid” means the chief executive and administrative officer of the Council.

Section 3. (a) “Mutual Aid Region” means one or more counties designated by the Council as a unit for mutual aid planning and operation.

(b) “Regional Mutual Aid Coordinator” means the sheriff elected by a majority vote of the sheriffs in the region who coordinates mutual aid planning and operations in the region.

(c) “Mutual Aid Operation” means the utilization of law enforcement officers during a state or local emergency in areas other than the area in which they are normally employed.

(d) “Mutual Aid Plan” means emergency procedures previously approved by the Council which are to be followed by law enforcement officers during a state or local emergency.

Section 4. (a) “State Emergency” means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within one or more mutual aid regions of the state caused by natural disasters, riots, civil disturbances or other situations presenting major law enforcement problems, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single mutual aid region and require the combined forces of additional mutual aid regions to combat.

(b) “Local Emergency” means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the territorial limits of a political subdivision of the state caused by natural disasters, riots, civil disturbances or other situations presenting major law enforcement problems, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equip-

ment and facilities of that political subdivision of the state and require the combined forces of other political subdivisions of the state located within the mutual aid region to combat.

Section 5. (a) “State Agency” means any department, division, independent establishment, or agency of the executive branch of the state government.

(b) “Political Subdivision” includes any city, county, district or other local governmental agency or public agency authorized by law.

(c) “Governing Body” means the legislative body, trustees, or directors of a political subdivision.

(d) “Public Facility” means any facility of the state or a political subdivision, which facility is owned, operated, or maintained, or any combination thereof, through monies derived by taxation or assessment.

Article 4—State Mutual Aid Council

Section 1. There is hereby created a State Mutual Aid Council, to consist of the following: (a) the Governor, who shall be chairman of the Council; (b) the Attorney General, who shall be vice chairman of the Council; (c) the Commanding Officer of the State Highway Patrol (or State Police); (d) the Commanding Officer of the National Guard; (e) the ranking official of the Office of Civil Defense; (f) the ranking official of the State Department of Correction; (g) five sheriffs appointed by the Governor; (h) five municipal or city chiefs of police appointed by the Governor; (i) five private citizens representative of community interests appointed by the Governor.¹

All members of the State Mutual Aid Council shall serve at the pleasure of the Governor or until their successors are selected and assume office.

Section 2. No member of the Council shall receive compensation for his services thereon but shall be reimbursed for his actual and necessary expenses incurred in connection with his duties as a member of the Council.

Section 3. The Council shall meet on call of the chairman or vice chairman, not less frequently than once every three months.

Section 4. The Council shall by majority vote appoint a Director of State Mutual Aid and such subordinate employees as it deems necessary. All such appointments other than that of the Director of State Mutual Aid shall be subject to civil service and other laws applicable to state employees generally. The Director of State Mutual Aid shall serve at the pleasure of the Council and shall be compensated at the rate of _____ per annum. All other employees of the Council shall be paid salaries identical to those paid to other state employees of similar grade and qualification.

Section 5. It shall be the duty of the Council, and it is hereby empowered to act as an advisory body to the Governor in times of state emergency and to administer this

chapter. The powers and duties of the Council shall include the following:

(a) To consider and approve the boundaries of such mutual aid regions of the state as may be designated.

(b) To establish policies governing the administration and operation of the state, regional and local mutual aid plans.

(c) To consider and approve state, regional and local aid plans and all programs thereunder, including such agreements with nations or states or political subdivisions thereof having a common border with this state.

(d) To consider and recommend to the Governor and the Legislature such additional orders, regulations or legislation as it may deem appropriate.

(e) To consider and approve the expenditures of money appropriated for any of the objectives or purposes of this chapter.

(f) With the approval of the Governor, to establish such organizations and to amend and rescind orders and regulations necessary to carry out the provisions of this chapter. Such orders and regulations shall have the force and effect of law. The Council shall cause widespread publicity and notice to be given to all such orders and regulations, or amendments or rescissions thereof.

Article 5—Mutual Aid Organization

Section 1. It is the purpose of the Legislature in enacting this article to facilitate the rendering of aid to areas stricken by emergency and to make unnecessary the execution of written agreements customarily entered into by public agencies exercising joint powers. Emergency plans duly adopted and approved by the Council shall be deemed effective mutual aid compacts.

Section 2. The state shall be divided into as many mutual aid regions as the Council shall direct. In each region there shall be a mutual aid coordinator who shall be a law enforcement official elected by a majority vote of the law enforcement officials in the region and who shall be known as the Regional Mutual Aid Coordinator. In each region there shall be a law enforcement mutual aid coordinating center which shall be equipped to perform its emergency functions.

Article 6—Operations

Section 1. (a) Within each county, each sheriff, chief of police and the head of any state or local organization having police power shall:

1. Establish and maintain liaison with the Regional Mutual Aid Coordinator, in order to relate local, regional and state plans for law enforcement mutual aid and disaster services.
2. Develop and implement local plans and procedures

¹ If a Department of Public Safety exists in the state, the head of the Department of Public Safety should be included as a member of the State Mutual Aid Council.

and facilitate effective law enforcement participation in law enforcement problems of major consequence.

3. Establish liaison with local commanders of the State Police (Highway Patrol) for the purpose of coordination and the development of law enforcement assistance plans.

4. Assist the Director of State Mutual Aid in compiling and maintaining lists of special law enforcement equipment and specially trained personnel, which will include the strength of regular and auxiliary reserve personnel. Copies of these lists will be sent by the Director to chiefs of police and sheriffs as soon as compiled and corrected at least annually thereafter.

5. Request law enforcement mutual aid from other jurisdictions and agencies in accordance with established procedures, but in doing so shall retain full authority over law enforcement activity within his jurisdiction.

6. Establish liaison with local units of the National Guard, Office of Civil Defense and Department of Corrections to facilitate use of their resources in emergency situations.

7. Establish procedures to insure the rapid flow of information concerning law enforcement problems of major consequence to the Regional Mutual Aid Coordinator.

(b) Chiefs of police and sheriffs should integrate special emergency functions into the normal functions of their respective departments.

Section 2. Each Regional Mutual Aid Coordinator shall:

(a) Establish and maintain an effective law enforcement coordinating center and shall alternate centers as are deemed necessary.

(b) Maintain lists of special law enforcement equipment and specially trained personnel and the strength of regular and auxiliary or reserve personnel of the law enforcement agencies within the region.

(c) Initiate contact with law enforcement administrators within the region to assist in collection of intelligence and information relating to major law enforcement activities and furnish such information to the Director of State Mutual Aid.

(d) During a state emergency or a local emergency:

1. Perform assigned law enforcement functions.
2. Provide the necessary law enforcement representation at the regional mutual aid coordinating center.

Section 3. The Director of State Mutual Aid shall:

(a) Coordinate, integrate and implement law enforcement planning and activities for the use of mutual aid and state resources.

(b) Maintain lists of special law enforcement equipment, specially trained personnel, and all regular and auxiliary or

reserve law enforcement personnel and equipment within the state.

(c) Organize, direct and supervise the law enforcement services of the State Mutual Aid Plan.

(d) Coordinate and implement the gathering and collection of information and intelligence relating to possible requirements of law enforcement mutual aid or for assistance from state agencies to support local law enforcement agencies in state or local emergencies.

(e) Maintain liaison with the Commanding Officer of the State Highway Patrol (State Police) in order to coordinate and integrate plans for traffic control and participation in a state or local emergency.

(f) Maintain liaison with the Governor, federal and state departments and agencies, and local law enforcement officials, in order to achieve close coordination and cooperation in planning and operations.

(g) Facilitate the flow of law enforcement information from federal and state organizations to regional and local law enforcement officials.

(h) Maintain law enforcement emergency equipment vans and provide equipment, upon request, to departments in need of specialized equipment.

(i) Maintain law enforcement communication vans and facilitate their availability to jurisdictions requiring supplemented law enforcement mutual aid communications.

(j) Maintain liaison with the Attorney General in order keep him informed of changes in law enforcement plans and regulations, mutual aid agreements, and current developments in mutual aid operations.

Article 7—State Emergency

Section 1. The Governor is hereby empowered to proclaim a state emergency in an area affected or likely to be affected thereby when:

(a) He finds that circumstances described in Article 3, Section 4 exist; and either

(b) He is requested to do so (1) in the case of a city by the mayor or chief executive, (2) in the case of a county by the chairman of the board of supervisors or the county administrative officer; or

(c) He finds that local authority is inadequate to cope with the emergency.

Section 2. Such proclamation shall be in writing and shall take effect immediately upon its issuance. As soon thereafter as possible, such proclamation shall be filed in the office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given such proclamation.

Section 3. During a state emergency the Governor shall, to the extent he deems necessary, have complete authority

over all agencies of the state government and the right to exercise within the area designated all police power vested in the state by the Constitution and the laws of the State of _____, in order to effectuate the purposes of this chapter. In exercise thereof, he shall promulgate, issue and enforce such orders and regulations as he deems necessary, in accordance with the provisions of this chapter.

Section 4. During a state emergency the Governor may direct all agencies of the state government to utilize and employ state personnel, equipment and facilities for the performance of any and all activities designed to prevent or alleviate actual or threatened damage due to the emergency; and he may direct such agencies to provide supplemental services and equipment to political subdivisions to restore any services which must be restored in order to provide for the health and safety of the citizens of the affected area. Any agency so directed by the Governor may expend any of the moneys which have been appropriated to it in performing such activities, irrespective of the particular purpose for which the money was appropriated.

Section 5. The Governor shall proclaim the termination of the state emergency at the earliest possible date that conditions warrant. All of the powers granted the Governor by this chapter with respect to state emergency shall terminate when the state emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature declaring it at an end.

Article 8—Local Emergency

Section 1. A local emergency may be proclaimed only by the governing body of a county, city and county, or city or by an official so designated by ordinance adopted by such governing body. Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body. The governing body shall review, at least every fourteen days until such local emergency is terminated, the need for continuing the local emergency and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant.

Section 2. In periods of local emergency, political subdivisions have full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements therefor.

Section 3. State agencies may provide mutual aid, including personnel, equipment and other available resources, to assist political subdivisions during a local emergency or in accordance with mutual aid agreements or at the direction of the Governor.

Section 4. During a local emergency the governing

body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice.

The authorization granted by this chapter to impose a curfew shall not be construed as restricting in any manner the existing authority of counties and cities, and any city and county to impose pursuant to the police power a curfew for any other lawful purpose.

Article 9—General Fiscal Provisions

Section 1. There is hereby created in the state treasury a mutual aid fund which is hereby appropriated, without regard to fiscal years, exclusively for costs of administration and for grants to local governments pursuant to this chapter.

Section 2. On and after the effective date of this section, there shall be levied a penalty assessment in an amount equal to ten percent of every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses. After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the state treasury to be deposited in the mutual aid fund. The transmission to the state treasury shall be carried out in the same manner as fines collected for the state by a county. In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment, the payment of which would work a hardship on the person convicted or his immediate family.

Section 3. The Council is empowered to make expenditures from the mutual aid fund to cover the costs of administration of the provisions of this chapter provided, however, that any grant made to any political subdivision of the state as reimbursement for costs incurred in any mutual aid operation shall be restricted to costs arising as a result of the use of, damage to, or destruction of real or personal property, or the extraordinary costs of local officers participating in a mutual aid operation in an area other than the one in which they are normally employed.

Section 4. Political subdivisions of the state that have voluntarily become a party to a state, regional or local mutual aid plan approved by the Council and have pursuant thereto participated in a mutual aid operation, may make application to the Council for a grant covering reimbursement of costs as provided for in this chapter, subject to

such rules and regulations as the Council may make. Decisions of the Council as to which, if any, of such grants are to be made and in what amounts are final and unappealable.

Section 5. In addition to any appropriation made to support activities contemplated by this chapter, the Governor is empowered to make expenditures from any fund legally available in order to deal with actual or threatened conditions of a state emergency or a local emergency.

Section 6. In carrying out the provisions of this chapter, the Council may:

(a) Procure and maintain offices in such parts of the state as may be necessary or convenient.

(b) Acquire property, real or personal, or any interest therein.

(c) Cooperate and contract with public and private agencies for the performance of such acts, the rendition of such services, and the affording of such facilities as may be necessary and proper.

(d) Do such other acts and things as may be necessary and incidental to the exercise of powers and the discharge of duties conferred or imposed by the provisions of this chapter.

Section 7. Political subdivisions shall procure or extend the necessary public liability insurance to cover claims arising out of mutual aid assistance rendered by its law enforcement officers.

Article 10—Powers, Privileges and Immunities

Section 1. Whenever the employees of any political subdivision are rendering aid outside their political subdivision and pursuant to the authority contained in this chapter, such employees shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in the political subdivision in which they are normally employed.

Section 2. The political subdivision which furnishes any equipment pursuant to this chapter shall bear the loss or damage to such equipment and shall pay any expense incurred in the operation and maintenance thereof. The political subdivision furnishing aid pursuant to this chapter shall compensate its employees during the time of rendering

of such aid and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such political subdivisions may claim reimbursement as provided in Article 8, Section 3.

Section 3. All of the privileges and immunities, from liability, exemption from laws, ordinances and rules, all pension, insurance, relief, disability, workmen's compensation, salary, death and other benefits which apply to the activity of such officers, agents or employees of any such agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree, manner and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this mutual aid agreement. The provisions of this section shall apply with equal effect to paid, volunteer, and auxiliary employees.

Article 11—Liberality of Construction

This chapter shall be construed liberally in order to effectuate its purposes.

Article 12—Penalties

Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful rule, regulation or order promulgated or issued as provided in this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months, or by both such fine and imprisonment.

Article 13—Severability

If any provisions of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter, or the application of such provision to other persons or circumstances, shall not be affected thereby.

PEACE OFFICERS' POWERS

Be it enacted by the Legislature of the State of _____:

Whenever any sheriff or other officer having the power of arrest shall, pursuant to the request of the sheriff of another county or the head of any law enforcement organization of any political subdivision therein, render assistance in such county he shall have the same powers, duties, rights, privileges and immunities as if he performed such duties in the political subdivision in which he is normally employed.

INTERLOCAL AGREEMENT

Be it enacted by the Legislature of the State of _____:

Section 1. Any political subdivision of this State may contract with any other political subdivision or subdivisions of this State or state having a common border with this State, or any political subdivision thereof, to provide mutual law enforcement assistance in the event of an emergency involving conditions of extreme peril to the safety of persons and property.

Section 2. Such contracts as authorized by this chapter shall be made or ratified by the governing bodies of the political subdivisions involved.

Section 3. Any officer having the power of arrest who performs duties under such contracts shall have the same powers, duties, rights, privileges and immunities in the jurisdiction where such duties are performed as if he performed such duties in the political subdivision in which he is normally employed.

Section 4. Any political subdivision of this State entering into such a contract shall procure or extend the necessary public liability insurance for its own officers to cover claims arising out of action taken pursuant to such a contract.

MODEL LOCAL INTER-GOVERNMENTAL MUTUAL AID AGREEMENT

This agreement, made and entered into this _____ day of _____ 1973, by and between the political subdivisions of the State of _____, who are signatories hereto.

WHEREAS, the political subdivisions of the State of _____ have determined that the provision of law enforcement mutual aid across jurisdictional lines in emergencies will increase their ability to preserve the safety and welfare of the entire area; and

WHEREAS, the political subdivisions of the State of _____ are authorized by Public Law _____ (or other statutory designation) to provide law enforcement mutual aid,

NOW, THEREFORE, the parties hereto do agree as follows:

1. When a state of emergency involving conditions of extreme peril to the safety of persons and property exists within the boundaries of any of the parties hereto, the party or parties shall notify the other party or parties to this agreement of such emergency and its need for law enforcement assistance. Such assistance shall be rendered according to the procedures established in the operational plans developed and agreed to by all of the parties to this agreement pursuant to the provisions in paragraph 2 herein. Each party shall designate an appropriate official within its jurisdiction who is empowered to request assistance under this agreement.

2. The mutual assistance to be rendered under this agreement shall be available upon the development and approval by the parties hereto of an operational plan. The plan shall outline the exact procedure to be followed in responding to a request for assistance. Upon execution of this agreement, the parties hereto shall designate an appropriate official in each jurisdiction to participate in the development of the operational plan. The parties shall meet at least annually to review and, if necessary, to propose amendments to the operational plan. Any proposed amendments shall not be effective until approved in writing by all the parties to this agreement.

3. The services performed and expenditures made under

this agreement shall be deemed for public and governmental purposes. All immunities from liability enjoyed by the local political subdivision within its boundaries shall extend to its participation in rendering mutual aid under this agreement outside its boundaries unless otherwise provided by law.

Each party to this agreement shall waive any and all claims against all the other parties hereto which may arise out of their activities outside their respective jurisdictions while rendering aid under this agreement.

Each party shall indemnify and save harmless the other parties to this agreement from all claims by third parties for property damage or personal injury which may arise out of the activities of the other parties of this agreement outside their respective jurisdictions while rendering aid under this agreement.

4. All the immunities from liability and exemptions from laws, ordinances and regulations which law enforcement officers employed by the various parties hereto have in their own jurisdictions shall be effective in the jurisdiction in which they are giving assistance unless otherwise prohibited by law.

All compensation and other benefits enjoyed by law enforcement officers in their own jurisdictions shall extend to the services they perform under this agreement.

5. Law enforcement officers rendering assistance under this agreement shall do so under the direction and control of the appropriate official designated by the jurisdiction requesting the aid.

The parties shall notify each other of the name, address and telephone number of the official authorized to direct mutual aid activities within their jurisdiction.

6. This agreement shall remain in effect until terminated by all the parties hereto upon written notice setting forth the date of such termination. Withdrawal from this agreement by any one party hereto shall be made by thirty days' written notice to all parties but shall not terminate this agreement among the remaining parties.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first above written.

(To be signed by the Mayor, County Manager or other appropriate official having government-wide jurisdiction in each political subdivision.)

CONTINUED

1 OF 2

APPENDIX I.

EXECUTIVE AGREEMENT BETWEEN
THE STATES OF CALIFORNIA AND ARIZONA

(NOTE: This Agreement was signed by the Governor of California on May 14, 1973, and by the Governor of Arizona on May 21, 1973.)

THIS AGREEMENT is made and entered into by and between the STATE OF CALIFORNIA and the STATE OF ARIZONA, in behalf of their various departments and agencies, and the various political subdivisions, municipal corporations, and other public agencies of such States.

The STATE OF CALIFORNIA and the STATE OF ARIZONA are experiencing increased common problems in those areas adjoining their contiguous borders which require mutual cooperation between such States.

It is desirable that each of the parties hereto should voluntarily assist each other in the event of disasters or emergencies by the interchange of law enforcement services and facilities, to cope with the problems of the emergency protection of life and property.

It is necessary and desirable that a cooperative agreement be executed for the interchange of such mutual aid on an interstate basis.

Article II, Section 1 (3) of the Constitution of the United States permits a state to enter into an agreement or compact with another state, subject to the consent of Congress.

Congress, through enactment of Title 42 U.S.C. sections 4401(b), 4416, and Title 50 U.S.C. sections 2281 (g), 2283, and the Executive Department, by issuance of Executive Orders No. 10186 of December 1, 1950, 15 C.F.R. 8557, and No. 11051, Part II, section 208(b) of September 27, 1962, 27 C.F.R. 9683, as amended, encourages the states to enter into emergency, disaster and civil defense mutual aid agreements or pacts, and Congress, through enactment of Title 4 U.S.C. section 112, expressly consents to compacts between the states for mutual assistance in the prevention of crime and enforcement of criminal laws and policies.

The Government Code of the STATE OF CALIFORNIA provides in Section 8619 that the Governor of the STATE OF CALIFORNIA on behalf of such State may enter into

reciprocal aid agreements for the protection of life and property with other states.

Arizona Revised Statutes section 41-101.02 authorizes the STATE OF ARIZONA to enter into agreements for a joint or cooperative effort with an adjoining state.

THEREFORE, pursuant to the authority hereinabove set forth and in consideration of the mutual benefits to be derived by the STATE OF ARIZONA and the STATE OF CALIFORNIA; it is hereby agreed by the Governors of the STATE OF ARIZONA and the STATE OF CALIFORNIA:

- I. The parties shall act under a common plan or plans. Such plan or plans are a part of this agreement covering the exchange of law enforcement mutual aid services, resources, facilities and related matters in behalf of and between the STATE OF ARIZONA and the STATE OF CALIFORNIA.
- II. Each party agrees to furnish law enforcement mutual aid services, resources and facilities in accordance with the provisions of the Arizona-California Law Enforcement Mutual Aid Plan as hereafter adopted and as it may be revised.
- III. Said Arizona-California Law Enforcement Mutual Aid Plan shall include but not be limited to such matters as delineation of the law enforcement mutual aid procedures, functions, duties and responsibilities, that shall apply among the parties.
- IV. The signatory states, their political subdivisions, municipal corporations, public agencies and their officers or employees shall not be liable for the exercise or performance or failure to exercise or perform a discretionary function or duty in carrying out the terms of this agreement.
- V. The signatory states, their political subdivisions,

municipal corporations and other public agencies shall save harmless the corresponding entities and personnel thereof from the other state, with respect to the acts or omissions of its own agents and employees that occur while providing assistance pursuant to the common plan.

- VI. Interstate Mutual Aid requests will not be initiated unless the requesting entity is committed to the mitigation of an incident or emergency, and other resources within the state are not immediately available.
- VII. The requesting entity will utilize Interstate Mutual Aid only until adequate supplemental resources within the stricken state are mobilized at the location of occurrence.
- VIII. It is understood that this agreement and the Arizona-California Law Enforcement Mutual Aid Plan adopted pursuant thereto shall not supplant existing statutes or existing agreements.
- IX. All law enforcement powers, all of the privileges and immunities from liability, exemptions from law, ordinances, and rules, all pension, relief disability, workman's compensation, and other benefits which apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this agreement.
- X. This agreement shall become effective when ap-

proved and executed by the parties and shall remain effective between the undersigned states unless the Governor of one of the signatory states files written notice of termination of participation in this agreement with the Governor of the other signatory state. This agreement and all common plans developed pursuant to this agreement will terminate twenty (20) days following the receipt of such notice.

I have hereunto set my hand at _____ in the State of Arizona, and caused to be affixed the Seal of the State of Arizona, on this _____ day of _____, 197_____.

Governor of the State of Arizona

By the Governor:

Secretary of State

I have hereunto set my hand at Sacramento, in the State of California, and caused to be affixed the seal of the State of California, on this _____ day of _____, 197_____.

Governor of the State of California

By the Governor:

Secretary of State

MUTUAL AID PLAN BETWEEN THE STATES OF CALIFORNIA AND ARIZONA

Arizona Department of Public Safety
Department of California Highway Patrol

I. PURPOSE

The purpose of this plan is to provide for mutual assistance between the Arizona Department of Public Safety and the California Highway Patrol.

II. OBJECTIVE

The objective of this plan is to formalize procedures that will facilitate the utilization of extraterritorial law enforcement resources at any time when local resources are insufficient to adequately protect life and property.

III. LIMITATIONS

Responses to requests for law enforcement Mutual Aid outlined in this agreement shall be limited to that area included in that area within 25 statute air miles of any point along the ARIZONA-CALIFORNIA border and within those two states.

IV. REQUESTS

Requests for Interstate Mutual Aid shall be made through presently established communications systems within the border zone.

Emergency requests for one patrol unit, for incidents of anticipated short duration, may be made to any employee of the assisting Department.

Emergency requests requiring more than one patrol unit, for incidents of anticipated short duration, shall be directed to the Senior Ranking Officer on duty in the Command area contiguous to the location of the occurrence.

Requests for assistance involving major occurrences which may require a large number of officers, resources, or a considerable expenditure of time, shall be made to a Department Officer of Command status.

V. RESPONSES

The assisting Department shall immediately acknowledge the Mutual Aid request, and may deploy officers in accordance with this plan and respective Departmental policies.

Assisting units shall be uniformed personnel in plainly marked vehicles, unless mutually determined otherwise.

Assisting units shall furnish support, protection and services within the scope of their primary responsibilities and as permitted by law or executive agreement.

Resources provided by the assisting Department shall remain under the command and control of that Department.

VI. RESPONSIBILITIES OF REQUESTING DEPARTMENT

The requesting Department will assign personnel to advise responding officers of statutory, administrative, and procedural requirements within the jurisdiction of the occurrence.

Officers of the requesting Department will be primarily responsible for making and processing arrests and the impounding or safeguarding of lives or property within the territorial boundaries of their state. When a responding officer while in the requesting state takes a person or property into custody, he shall relinquish custody of said person or property at the earliest convenience to an officer of the requesting Department for disposition in accordance with the laws of the requesting state.

VII. RELATED FUNCTIONS

Officers of the assisting Department, who are subpoenaed to court as a direct or indirect result of providing assistance, shall honor all subpoenas under the conditions set forth in the agreement.

VIII. COORDINATION

To implement this plan, Commanders of bordering Department organizational units shall confer with their counterparts and coordinate respective tactical and administrative procedures.

Officers may travel into the signatory state to participate in planning and/or intelligence meetings.

APPENDIX II.

MUTUAL AID QUESTIONNAIRE METHODOLOGY

The questionnaire was designed to obtain basic and preliminary information on the state of Law Enforcement Mutual Aid planning efforts and implementation, as well as to determine the overall attitudes of those officials who would be or are already involved in these programs.

The majority of the questions (17 out of 21) are closed, for the convenience of the respondent and to simplify tabulation of results.

The following law enforcement officials were selected to receive the questionnaire:

1. The sheriff of every county with a population over 25,000. This group was chosen in part because of the availability of data from large counties and the likelihood that these individuals would be involved in Mutual Aid operations.
2. The heads of state enforcement agencies throughout the country (approximately 68), e.g., Highway Patrol and Departments of Public Safety.
3. National Sheriffs' Association state association members; past and present office holders of the national association.
4. A random selection of sheriffs from counties with a population of fewer than 25,000 (approximately 125). Three were chosen from each where three were available for use.
5. Chiefs of police of cities with a population of over 100,000, and those that had experienced civil disorders; and heads of campus police departments of those institutions that had experienced civil disorders.

Following is a breakdown of answers to those questions that are pertinent to this study. Question numbers correspond to those that were used on the questionnaire.

4. Are there any regional Law Enforcement Mutual Aid systems in operation in your state? (i.e., between counties, cities and towns, etc.)

n=700		Percentage
Yes:	447	64%
No:	208	30%
Don't know:	15	2%
No response:	<u>30</u>	<u>4%</u>
	700	100%

5. Does your law enforcement agency have any Law Enforcement Mutual Aid arrangements with any other law enforcement agencies?

n=700		Percentage
Yes:	486	69%
No:	182	26%
Don't know:	13	2%
No response:	<u>19</u>	<u>3%</u>
	700	100%

8. If the answer to the above questions is YES, briefly describe these arrangements. Are they formal (written), or informal (verbal)?

n=497 (those who answered YES to No. 5; note that although 486 responded YES to No. 5, 497 responded YES to No. 6)

n=497		Percentage
Formal:	185	37%
Informal:	239	48%
Both informal and formal:	40	8%
Not specific in response:	<u>33</u>	<u>7%</u>
	497	100%

What specific types of situations are covered other than fresh pursuit?

		Percentage
General (e.g., would answer any call for assistance):	322	65%
Crowd control/civil disorder:	126	25%
Natural disaster:	53	11%
Crime:	45	9%
Narcotics control:	24	5%
Search and rescue:	16	3%
Intelligence:	7	1%
Equipment and facilities:	5	1%
Vice:	4	1%
Communications:	5	1%

Appendix II

Prison problems:	3	1%
Contract policing:	2	4%
Civil defense:	2	4%
7. Have you or your agency ever been involved in Mutual Aid operations?		
n=700		Percentage
Yes:	467	67%
No:	184	26%
No response:	49	7%
	700	100%
10. If your state or county does <i>not</i> have a Law Enforcement Mutual Aid program, does it have the necessary enabling legislation to provide the legal basis for such a program?		
n=700		Percentage
Yes:	192	27%
No:	177	25%
Don't know:	51	7%
No response:	266	38%
Question is not applicable:	14	2%
	700	99%*
11. In your opinion, which law enforcement agencies and government officials <i>should</i> be involved in the planning and implementation of a Mutual Aid program?		
Sheriffs:	384	55%
Municipal police:	343	49%
Local executive officials:	194	28%
State police:	176	25%
Highway patrol:	128	18%
State executive officials:	92	13%
All law enforcement officials:	86	12%
Attorney general:	46	7%
National Guard:	40	6%
District attorneys:	37	5%
State sheriffs' associations:	28	4%
State departments of law enforcement:	25	3%
State legislatures:	22	3%
Civil defense:	22	3%
Governors offices:	21	3%
County police:	21	3%
Departments of public safety:	20	3%
Federal Bureau of Investigation:	20	3%
State police chiefs associations:	16	2%
Federal officials:	15	2%

*When a percentage does not add up to 100, it is due to rounding.

State bureaus of investigation:	14	2%
University police:	12	2%
State planning agencies:	10	1%
County attorneys:	9	1%
Fire departments:	9	1%
Courts:	8	1%
State departments of correction:	7	1%
Town marshals:	5	1%
State military departments:	5	1%
State disaster office:	5	1%
All law enforcement agencies in the area:	5	1%
Utilities:	4	1%
Military police:	4	1%
Conservation authorities:	4	1%
State departments of highway safety:	3	4%
Borough police:	3	4%
Regional planning commission:	3	4%
Ambulance services:	3	4%
Hospitals:	3	4%
Narcotics units:	2	2%
Coroners:	2	2%
ONE each: county probation, LEAA, insurance representatives, school officials, forest service, Indian police, U.S. Coast Guard:	1	1%
No response:	99	14%

12. Do the following law enforcement agencies have statewide peace officer powers in your state?

n=700		Percentage
Sheriffs:		
Yes:	242	35.0%
No:	421	60.0%
Don't know:	2	.2%
No response:	34	5.0%
Question is not applicable:	1	.1%
	700	100.3%*
City & Town Police or Marshals:		
Yes:	113	16.0%
No:	513	74.0%
Don't know:	6	1.0%
No response:	66	9.0%
Question is not applicable:	2	.2%
	700	100.2%*

Appendix II

13. Does your state Highway Patrol have statewide police officer powers?

n=700		Percentage
Yes:	555	79.0%
No:	128	18.0%
Don't know:	1	.1%
No response:	15	2.0%
Question is not applicable:	1	.1%
	700	99.2%*

14. To your knowledge, is there a planning effort currently underway in your state to develop a Mutual Aid system?

n=700		Percentage
Yes:	201	29.0%
No:	340	49.0%
Don't know:	46	7.0%
No response:	90	13.0%
Program already in operation:	4	.6%
Question is not applicable:	19	3.0%
	700	101.6%*

*When a percentage does not add up to 100, it is due to rounding.

17. What in your opinion are the major obstacles confronting the implementation of an effective Law Enforcement Mutual Aid program? Please check as many items as you wish.

n=654		Percentage
Problems arising over liability (fatalities, injury, false arrest, etc.):	425	61%
Reimbursement of participating agencies and personnel (i.e., wages, equipment loss, damage, etc.):	348	50%
Conflicts over jurisdiction, command, and coordination between participating law enforcement agencies:	282	40%
Jurisdictional limitations imposed on officers by the law:	280	40%
Equipment shortages:	257	37%
Processing arrestees through the courts:	200	29%
Confinement facilities inadequate:	213	30%
Transportation capability for large numbers of people inadequate:	205	29%
Cumbersome administrative procedures:	203	29%
No response:	46	7%

Sheriff I. Byrd Parnell
President
Sumter, South Carolina

Ferris E. Lucas
Executive Director
Washington, D.C.



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MUTUAL AID QUESTIONNAIRE

Name: _____ Position: _____
City or Town: _____ County: _____
State: _____ Zip Code: _____

1. How long have you been in the law enforcement profession?

Years: _____ Months: _____

2. What positions have you held during this period? Please list below.

3. Does your state have a Law Enforcement Mutual Aid program?

Yes: _____ No: _____

4. Are there any regional Law Enforcement Mutual Aid systems in operation in your state? (i.e., between counties and towns, etc.)

Yes: _____ No: _____

5. Does your law enforcement agency have any Law Enforcement Mutual Aid arrangements with any other law enforcement agencies?

Yes: _____ No: _____

6. If the answer to the above questions is YES, briefly describe these arrangements. Are they formal (written), or informal (verbal)? What specific types of situations are covered other than fresh pursuit?

7. Have you or your agency ever been involved in Mutual Aid operations?

Yes: _____ No: _____

8. If you have been involved in Mutual Aid operations, what has been the average length of time that your agency has been involved?

Days: _____ Hours: _____

9. Briefly list the others that have been involved in those Mutual Aid operations in which you or your agency participated? (i.e., State Police or Highway Patrol, other sheriffs' departments, city police, etc.)

10. If your state or county does not have a Law Enforcement Mutual Aid program, does it have the necessary legislation to provide the legal basis for such a program?

Yes: _____ No: _____

11. In your opinion, which law enforcement agencies and government officials should be involved in the planning and implementation of a Mutual Aid program? Please list below.

12. Do the following law enforcement agencies have statewide peace officer powers in your state?

Sheriffs: Yes: _____ No: _____

City & town police or marshals: Yes: _____ No: _____

13. Does your state Highway Patrol have statewide police officer powers?

Yes: _____ No: _____

14. To your knowledge, is there a planning effort currently underway in your state to develop a Mutual Aid system?

Yes: _____ No: _____

15. If the answer to the above question is YES, and you have the information, briefly list who is in charge and the agencies involved in this planning effort.

16. Are you involved in any planning or coordination effort to institute a Mutual Aid system? If so, please state briefly your title and duties.

17. What in your opinion are the major obstacles confronting the implementation of an effective Law Enforcement Mutual Aid program? Please check as many items as you wish.

- ___ Problems arising over liability (fatalities, injury, false arrest, etc.)
- ___ Reimbursement of participating agencies and personnel (i.e., wages, equipment loss, damage, etc.)
- ___ Conflicts over jurisdiction, command and coordination between participating law enforcement agencies
- ___ Jurisdictional limitations imposed on officers by the law
- ___ Equipment shortages
- ___ Processing arrestees through the courts
- ___ Confinement facilities inadequate
- ___ Transportation capability for large numbers of people inadequate
- ___ Cumbersome administrative procedures

18. Please note any other obstacles to the implementation of an effective Mutual Aid program.

19. In your opinion, which law enforcement and governmental agencies would most likely support the development of a Mutual Aid program in your state?

20. Please list any groups or agencies which you think might not support the development of a Mutual Aid program in your state.

21. Comments: Please use the space below and the back of this page for any comments you may care to make regarding any of the preceding questions. In addition, any other information or opinions which you might care to provide regarding Mutual Aid will be especially helpful.

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