

ROLL CALL TRAINING
FROM NORTH CAROLINA'S 24/7 POLICE
ATTORNEY LAW FIRM

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TOPIC:

Two Recent Supreme Court Cases of Interest to Law Enforcement:

Missouri v. Seibert, No. 02-1371 (decided June 28, 2004)

United States v. Patane, No. 02-1183 (decided June 28, 2004).

First-line supervisors will want to have a familiarity with these recent Supreme Court rulings in order to understand their effect on law enforcement operations. Here is a quick summary:

1. MISSOURI V. SEIBERT

Police may not purposefully question an in-custody suspect without benefit of Miranda in order to “get him talking,” and then Mirandize the suspect in mid-stream with the goal of offering the second half of the interview (the Mirandized portion) into evidence. The Court ruled that this tactic is a violation of *Miranda v. Arizona*.

SR&S notes that this “question-first” technique has grown in popularity in recent years, and is actually taught to officers in various interrogation courses. Supervisors should alert their staffs to the Seibert ruling, with particular attention to any officers who have attended such training or are otherwise employing this technique. [NOTE: SR&S has not taught this method, and has consistently advised against its use.]

2. UNITED STATES V. PATANE

This case is a victory for police. Its ruling is that the failure to give a Miranda warning to a suspect whose statements lead police to physical evidence, such as a gun, does not bar the physical evidence from being used against him (although the un-Mirandized statement itself cannot be admitted).

EXTRA! EXTRA! (...free at no extra charge)

“GAS CONSERVATION BY LAW ENFORCEMENT AGENCIES”

By Kevin “Premium Grade” Smith and Ralph B. “Gasman” Strickland, Jr.

Oil prices soar to record high (August 1, 2004)

(LONDON) Oil prices surged to record high points today, fuelled by fears about tight supplies amid a worsening threat of disruption to Russian exports caused by the financial crisis at oil-giant Yukos. New York's reference contract, light sweet crude for delivery in September, reached a new all-time peak of US\$43.60 per barrel.

WHY US?

Surely, you are asking yourself (and even if you are not asking yourself, here are some good questions for you): “Why is **SR&S** interested in our gas mileage? Have you become environmentalist wackos? What do you guys know about conserving gas anyway?” Our answers are: (1) we are interested in improving all aspects of law enforcement, including your highly-deserved pay raises ; (2) no; and (3) Reece is frugal, Kevin is stingy, Greg is a miser, and Ralph is a frugally cheap and stingy miser. So we know our way around the gas pump. And, Hey! What do you care? We are attempting to save you and your agency some money while the gas prices are soaring, money that might be better spent on cost-of-living raises in your remuneration.

IT’S COMING!

As they say during major surgery, let’s get serious. If gas prices continue to rise, and voluntary conservation is not effective, the head of every law enforcement agency in North Carolina will have to impose mandatory methods of conserving the fuel in your agency car. So, for what it is worth, here are some of our ideas to conserve gas in a law enforcement vehicle NOW (and in your personal vehicles as well).

1. Fill up the tank in the morning, and avoid “topping off” as gas tends to expand and overflow the tank in warm weather. This is the South. It is hot here.
2. Keep you tires inflated to the proper level. Properly inflated tires provide less road-resistance and can increase fuel efficiency.
3. Keep engine maintenance current.
4. Lighten your load. Get as much non-tactical gear out of your car as possible (naturally this does not include anything that could adversely affect officer safety!). For example, in a city agency consider removing all spare tires. Many departments did this during the gas crisis in the 1970’s and it worked. If you get a flat, some one can quickly bring you the tire. An extra 100 pounds in the trunk has been determined to cost one to two percent in gas efficiency.
5. Slow down and stay within posted speed limits unless on a call. The amount of resistance put on your car can have an effect on the fuel economy. Fuel economy decreases rapidly at speeds above 55 mph. The faster you drive, the more aerodynamic drag and rolling resistance increases. You may see more, solve more crimes, and make more and better arrests “at lower speeds.”
6. During normal conditions, avoid quick stops and starts. Accelerate smoothly and decelerate the same.
7. Turn off the air conditioning when possible, especially at night. We are aware that most of you will be wearing soft-body armor for self-protection, and this is the South and it is hot. Using common sense, and when you can, conserve gas by using vents and not the air conditioner.
8. Avoid long idles, especially when parked “door-to-door” with another law enforcement officer. If you anticipate being stopped for more than one minute, your best bet is to shut off the car. Simply restarting the car uses up less fuel than just letting it sit with the engine on.
9. Combine operations into one trip when possible. It sounds like a no-brainer, but if you think about it, you can work several non-operational trips into one.
10. For our deputy friends, consider having the air filter changed more often than the manual requires, especially if you often travel in a particularly dusty area, or on dirt or gravel roads.

Thanks to the folks at the Federal Trade Commission, STP and CNN for some of these ideas and suggestions. You didn’t think we knew all of this already, did you? We’re just lawyers, after all.

Go and conserve gas, or it will be conserved for you. In any case, stop sending so much of your agency’s money to Saudi Arabia. Why not keep it for much-deserved pay raises!?

And if you have any gas saving tips, e-mail them to us and we will post them in a future bulletin.