

# FBI



## *Law Enforcement Bulletin*

*APRIL 1975*

*Federal Bureau of Investigation*

*Clarence M. Kelley, Director*



# FBI

## Law Enforcement Bulletin

APRIL 1975  
VOL. 44, NO. 4



Published by the  
FEDERAL BUREAU of INVESTIGATION  
UNITED STATES DEPARTMENT of JUSTICE  
Washington, D.C. 20535

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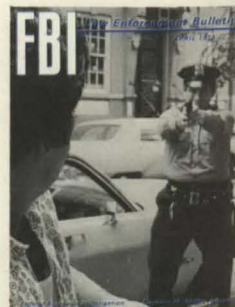
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An armed confrontation between a uniformed and plainclothed police officer, as this month's cover photo suggests, can be an extremely hazardous affair. See article beginning on page 16 for remedies.





## Message from the Director . . .



FEW WORDS IN OUR LANGUAGE have received as much attention in recent months as has privacy. It has come to express for many the perception that their well-being is threatened—indeed their lives controlled—by the highly institutionalized nature of our society and the power technology is exerting over it.

There is reason for concern. Most of us would admit to an awareness that a certain erosion of our individuality has taken place in recent years. One sign is the proliferating identification of people by numbers in credit card, bank account, social security, tax, motor vehicle, census, and telephone records, to name only a few. The realization that these numbers are consumed, correlated, matched, and exchanged by computerized data processing systems, which store and retrieve vast quantities of information instantly, is unsettling to some.

For far too many persons, however, the term “privacy” has acquired a far different connotation. To them, it has become a code word to discredit legitimate law enforcement procedures. These critics are quick to characterize law enforcement practices with sinister, fifth-column terms like surveillance, infiltration, informer, spying, and dossiers. They harbor the notion that law enforcement has no business inquiring into

the activities of persons who cannot be clearly shown to be involved in violations of the law.

Such a notion is wrong. For one reason, it ignores the function of investigation: to conduct logical inquiries to establish the facts in a given situation. For another, it suggests that exceptions be made in the investigation of crime.

While the presumption of innocence for a defendant before the court is a valued concept in our legal heritage, it is inconceivable during the investigative process. Vigorous, logical, and objective investigation can no more presume innocence than it can presume guilt. It can only consider the possibility of one or the other.

Where privacy is concerned, I am confident there is no group more genuinely committed to its preservation than law enforcement personnel. Over the years, no others have had in their possession more potentially damaging information about fellow citizens and few, if any, others have guarded such privileged data more carefully.

Endangered personal privacy is far too important an issue to obscure its source. If persons feel threatened in our society, it is far more likely the result of rampant crime than of law enforcement efforts to protect the community from lawlessness. Privacy is meaningless when it cannot be enjoyed, secure from the growing attacks of

## MESSAGE

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terrorists, murderers, bombers, burglars, rapists, and robbers. If law enforcement is to stop crime and protect true personal privacy, then it must be permitted realistic weapons to combat lawlessness.

If we have learned anything from the dramatic national events of the past few years, it is that no one can be above the law. Neither can anyone be beyond investigation. Privacy must not become a refuge for crime.

APRIL 1, 1975

  
CLARENCE M. KELLEY  
*Director*



# What About DUMDUMS?

- Were they actually outlawed in warfare?

- Is there a humane bullet with which to shoot people?

- Should police try to control the type of bullet or the use of weaponry?

I am neither promoting nor recommending any specific type of bullet nor trying to influence the firearms policy of any department. I am simply concerned at the lack of correct information and logic used in the charges of individuals and organizations against the police for the use of so-called "dumdum" bullets in police work. Recent news articles have charged various police departments with using such bullets which "*are banned in warfare by international law*," are "*outlawed by the Geneva Convention*," are generally not accepted under the conditions "*agreed to by most nations*" at The Hague Conferences of 1899 and 1907, etc.

We must lay to rest some of these old cliches and historically twisted "old wives tales." To help set the record straight, I would like to share some observations of history, draw a few conclusions, and give the ideas of our department on the proper approach to this problem.

Several years ago, I became interested in the subject of bullets with hollow points. It was necessary to conduct research to answer the questions of my students in police classes and to develop a popular discussion topic of "Stopping Power versus Firepower." Reference material, available in any major library, quickly revealed the common misconceptions surrounding the dumdum.

One of the earliest international considerations for limiting the use of certain types of weapons appears in the Declaration of St. Petersburg in 1868. The Czar of Russia called a meeting of 17 European powers to consider an agreement to limit weapons causing "unnecessary suffering" by combatants during war. This was based upon the theory that the purpose of war was served by *any* wound which would render a combatant or soldier "hors de combat" (out of action) and that such wound should not cause unnecessary suffering. Considering the extent of medical knowledge of that time, even a flesh wound could deprive the army or navy of the services of a man in combat.

The Declaration of St. Petersburg dealt with the use of "any projectile of a weight less than 400 grammes (about 13½ ounces), which is either explosive or charged with fulminating or inflammable substance." This related to the use of musketry.

As the military rifle developed, it became common practice to manufacture rifle bullets which were fully jacketed to make a clean perforation.

By  
**IRVIN K. OWEN\***

Director  
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About 1897, the British found that such jacketed bullets failed to stop the charges of fanatical tribesmen on the Indian frontier. As a result, a modified rifle bullet was manufactured at the British arsenal at Dumdum, India.

\*Mr. Owen was appointed to his present position in 1970, following a more than 20-year career as a Special Agent of the FBI.



This new bullet, referred to as the dum-dum, obtained expansion by leaving the lead core exposed at the tip and weakening (by making thin) the casing around the shoulder of the bullet. Improvised forms of expanding bullets were used in India and the Sudan by filing down the point and making longitudinal slits in the envelope. All such forms of bullets, which were not fully encased with a hard jacket, were described colloquially, and even in diplomatic correspondence, as dum-dum bullets.

The commonly referred to "Geneva Conference" actually had nothing to do with dum-dum or expanding bullets. The Geneva Conference was a series of meetings at Geneva, Switzerland, between 1863 and 1864 that established the Red Cross and drew up the first code for the care of the sick and wounded soldiers irrespective of the side on which they fought.<sup>1</sup> Expanding bullets were dealt with in The Hague Conferences of 1899 and 1907.

Once again, in 1898, the Czar proposed an international conference which was to consider (1) limitation of armaments, (2) restrictions upon new methods of warfare, (3) prohibition of firing from balloons, (4) prohibition of submarines and rams, (5) adaptation of principles of the Geneva Convention of 1864 to naval warfare, (6) neutralization for vessels saving those overboard after battles at sea, (7) revision of rules of war on land, and (8) acceptance of principles of mediation and arbitration with a view to preventing armed conflicts. Following the suggestion of the Czar, representatives of 26 powers met at The Hague over a period of more than 2 months,<sup>2</sup> beginning in May 1899.

The Hague Conference of 1899 drew up three declarations, and the one pertinent to this discussion was Declaration IV, 3,<sup>3</sup> which states (marginal notes added to facilitate reference):

## DECLARATION (IV, 3) CONCERNING EXPANDING BULLETS

Signed at The Hague, July 29, 1899

The undersigned, plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core, or is pierced with incisions.

The present Declaration is only binding for the contracting Powers in the case of a war between two or more of them.

It shall cease to be binding from the time when, in a war between the contracting Powers, one of the belligerents is joined by a non-contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratification shall be deposited at The Hague.

A *proces-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the contracting Powers.

The non-signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other contracting Powers.

In the event of one of the high contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the plenipotentiaries have signed the present Declaration, and have affixed their seals thereto.

Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the contracting Powers.

(Here follow signatures.)

Preamble.

Abstention  
from use of  
expanding  
bullets.

Powers  
bound.

Exemption.

Ratification.

Deposit  
at The Hague.  
Notification  
to Powers.

Adhesion.

Denunciation.

Notifying  
Power only  
affected.  
Signing.

Deposit of  
original.  
Certified copies  
to Powers.



## RATIFICATION, ADHESIONS AND RESERVATIONS

The foregoing Declaration was ratified by all the signatory Powers on the dates indicated:

Austria-	
Hungary	September 4, 1900
Belgium	September 4, 1900
Bulgaria	September 4, 1900
China	November 21, 1904
Denmark	September 4, 1900
France	September 4, 1900
Germany	September 4, 1900
Greece	April 4, 1901
Italy	September 4, 1900
Japan	October 6, 1900
Luxemburg	July 12, 1901
Mexico	April 17, 1901
Montenegro	October 16, 1900
Netherlands	September 4, 1900
Norway	(See Sweden and Norway.)
Persia	September 4, 1900
Roumania	September 4, 1900
Russia	September 4, 1900
Servia	May 11, 1901
Siam	September 4, 1900
Spain	September 4, 1900
Sweden	
and Norway	September 4, 1900
Switzerland	December 29, 1900
Turkey	June 12, 1907

### Adhesions:

Great Britain	August 30, 1907
Nicaragua	October 11, 1907
Portugal	August 29, 1907

### Reservations: None

The United States did not sign this Declaration. The hesitation of Great Britain and the continued refusal of the United States to sign were due to the same cause. Both countries drew a distinction between explosive and expanding bullets and maintained that the latter *did not inflict* unnecessary cruelty, especially in certain conditions of warfare.

***"One of the earliest international considerations for limiting the use of certain types of weapons appears in the Declaration of St. Petersburg in 1868."***

All of this historical data brings us to a number of pertinent observations:

1. Practically all bullets used by police today are classified as dum dum since they have no full hard metal jacket encasing their lead core. The lone exception would be the armor-piercing shell, which has limited use.

2. Expanding bullets, referred to as dum dum, were never outlawed by international agreement in any war in which the United States participated. As a matter of fact, one would be hard pressed to identify a war, among the hundreds of wars in history, in which such bullets were outlawed since most have had combatants who were not bound by the Declaration. The Declaration itself has never been enforced.

3. No one has paid much attention to the dum dum ammunition issue in recent years when the use of claymore mines, fragmentation grenades, anti-personnel bombs, flamethrowers, and many other far more devastating warfare weapons than expanding bullets have been in common use.

4. The Geneva Convention dealt with treatment of prisoners and formation of the Red Cross. The use of expanding bullets was addressed only as one of many topics in The Hague Conferences of 1899 and 1907, which also outlawed the use of submarines and firing from balloons! Certainly, this would be a shallow justification for dismantling our air and submarine forces on whose might the safety of the free world has relied since World War II.

5. The Hague Conference Declaration was not agreed to by most nations of the world. Only 24 nations agreed, and 3 adhered to the principal. There were approximately 67 nations in the world in 1899. There are about 135 nations recognized by the United Nations today.

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***"It is astonishing that certain people cling to the idea that there may be some humane way of shooting a person with a bullet."***

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6. Warfare is indiscriminate. Anyone may be shot in a battle and whole cities annihilated. Killing is general rather than selective. Police use of handguns, in contrast to the barrage technique commonly employed by the military, is highly selective of its targets to afford maximum protection to innocent bystanders. Moreover, police personnel are not only accountable to their departments for the proper use of their weapons but, more importantly, to the law.

The list could go on, but it becomes clear that there is no meaningful relationship between police weaponry in the United States and The Hague Declaration of more than 75 years ago.

It is astonishing that certain people cling to the idea that there may be some humane way of shooting a person with a bullet. There are many who decry the use of a so-called dum dum bullet in a pistol, but think nothing of the use of "OO" buckshot or "slug" shot from a shotgun or, for that matter, the use of flamethrowers in international warfare.

If we truly wish to address ourselves to this matter, let us at least use logic and proper definition. In doing so, we must face several unalterable facts:

1. Police officers *do not want to kill* anyone.

2. Police officers (or anyone else) *cannot* be trained to use a handgun in a manner that insures they only will wound or disarm a person in the crisis



circumstances which require the weapon's use.

3. In most cases where firearms are used, the officer has only a split second to make his decision. Upon this decision will frequently rest his own life and the lives of others.

4. As long as criminals have ready access to firearms, police must be properly armed and trained to defend society with reasonable force at least equal to that employed by the lawless.

5. Technology has failed to invent a more reliable police weapon than the handgun or significantly improve its operation in almost a century.

Let us treat each of these separately. In my 25 years of teaching police firearms, I have never seen a police officer who wanted to kill anyone. If there is one in any department, he should be identified and dismissed. Police officers generally are solid members of society and quite commonly are devout. They are usually dedicated, much more than the general public, to the preservation of peace and order in our society. They only want to use that force necessary to legally accomplish their assigned mission of the protection of society and, incidentally, themselves.

The second problem is harder to explain without taking each citizen out to the firing range. A handgun is a difficult weapon to master, much harder than a rifle or shotgun. The pistol is necessary, however, for portability, dependability, fast action, and an accurate selection of fire to separate the criminal from the citizens being protected. Only a single bullet can be directed at a specific target. Furthermore, the pistol is much less powerful than most rifles which endanger innocent persons beyond their targets and much more selective than the shotgun which is extremely hazardous to anyone in the nearby vicinity of its target.

The difficulty lies in teaching accurate pistol shooting. The art of shooting an old .44 Colt single-action revolver from the hip while riding on a galloping horse through stampeding buffalo and hitting the gun hand of the villain 75 yards away can only be done with cameras and trick photography. I have only heard of a handful of experts who would even think of trying to shoot a gun out of a man's hand or to disarm him by wounding him in a gun battle. Even these experts would discuss such action only under clinical conditions and not when they had to "bet their life" on the action. The fact remains that a person must be taught to "shoot to kill" when it becomes unavoidable to use a pistol.

One must also realize the highly emotional nature of gun battles. All participants are extremely tense in such a situation. Usually the police officer has only a split second in which to read the situation, justify legally and morally the extent of force to be used, and make a decision of life or death. To handle such decisions in such a short period, he should have the most extensive training to react properly. The officer will have to make a quick, final, and irrevocable decision.

The next necessity for police carrying sidearms is a fact over which there is little control. Police are here to protect society, your loved ones and mine. As long as criminals prey on society with force, as long as they murder, rape, kidnap, bomb, and intimidate society, we must have a defending force to control and fight this element. The only alternatives to the police are an armed citizenry, vigilantes, the survival of the fittest, and anarchy—all unacceptable.

The last fact, concerning technology, may give us a lead to another answer. I am not qualified to answer this, only to raise the question. I ask

the scientist, "Why have we been unable to change the basic design of sidearms for police in almost a century? Why can we invent rockets, lasers, computers and not a new type of sidearm? Why not a type of weapon that will instantaneously immobilize a person, even through a door or wall, for 10 minutes without ill effects?"

In my conclusion, let me suggest methods to use rather than go through a futile exercise of choosing one bullet over another. First, we must recognize that there is no humane way of shooting an individual without causing pain and suffering. If this is accepted, the weaponry becomes secondary. Then we should recognize that we can try to train and control the officer, not the weapon. If we can properly do this, we have solved the problem to the extent that it can be solved by present day circumstances and technology.

In addition to this training, the officer should be provided with a written statement of departmental policy, a regulation governing the use of firearms, and a statement for him to sign indicating he understands the policy and regulation.

By following these methods, it is hoped that we can attack this problem of weaponry by controlling how and when the firearm is used. After all, if we do not want to hurt the criminal or endanger his life, we will not shoot at him in the first place. Once it is determined, under law and policy, that it is necessary to shoot, the officer must carry out his duty to society to the best of his ability. To do this, he must be given the most effective weaponry and training available as well as clear, understandable policies.

#### FOOTNOTES

<sup>1</sup> Encyclopedia Britannica, 1968 ed., vol. 7, p. 832.

<sup>2</sup> Encyclopedia Americana, CR 1949, vol. 15, pp. 257, 258.

<sup>3</sup> Carnegie Endowment for International Peace, Division of International Law, 1915, Pamphlet No. 9. (U)



# FALSE Identification

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The history of crime is replete with incidents of persons using false identities to commit illegal acts and to avoid subsequent apprehension. While the utilization of false identification has always been exploited fully by criminals, they now have, due mainly to the proliferation and centralization of personal identification data, far greater potential to establish a "verifiable identity," one which defies detection.

False identification is used to support and reinforce an alias. As such, it is merely another tool of the trade for the criminal. Recent investigations clearly reveal that today's criminal is making full use of this tool. To cite an example, following the arrest of a Top Ten Fugitive during 1973, the FBI determined that the individual had utilized several false identification documents, including a Social Security account card, a State of Louisiana resident hunting license, and a Louisiana driver's license. Other false identification documents for both male and female use were found in the fugitive's apartment.

*"To avoid arrest or the detection of their illegal acts, criminals have found it necessary to cloak themselves in false identities."*

The modern-day criminal, by taking the centuries old technique of the alias and molding it to conform to today's living, has created a most formidable investigative challenge for all of law enforcement. To avoid arrest or the detection of their illegal acts, criminals have found it necessary to cloak themselves in false identities. For decades, the law enforcement officer has successfully met the challenge of the use of aliases by criminals. However, today officers are confronted in the false identification problem with a more refined and sophisticated version of the alias problem.

## Techniques

The criminal element, in adopting the false identity technique, is fully cognizant that the birth certificate is the pivotal basis for securing complete documentation which will pass the severest of tests. Two types of birth certificates are primarily obtained, the deceased infant birth certificate and the counterfeit certificate. Regardless of the type, both serve their purpose well.

To secure a deceased infant birth certificate, certain information is needed in advance, specifically a name, date and place of birth, and, if possible, the names of the parents. This type of information usually is secured by reviewing obituary columns in newspapers published, for the most part, in metropolitan cities, from tombstones, or from actual review of birth records.

Now, armed with the required information, the criminal confidently proceeds to write or visit the appropriate vital records office, requesting



*"False identification . . . is merely another tool of the trade for the criminal."*

the desired birth certificate. Once secured, this certificate becomes the foundation for a new identity. Using the birth certificate as a springboard, the criminal may obtain a Social Security account card, driver's license, Selective Service card, hunting and fishing licenses, library card, and other documentation with considerable ease. In a number of instances, investigations have revealed that the criminal, feeling completely secure in his new identity, makes application for and receives a passport under this identity, thus opening the gate to travel abroad.

If the criminal chooses to utilize a counterfeit birth certificate, investigations have recently uncovered several instances where underground-type printing firms are offering copies of various documents (birth certificates, high school diplomas, Social Security and Selective Service cards, etc.) for a nominal fee. The end products have generally proven to be of high quality.

### **Examples**

Law enforcement agencies daily receive or develop evidence of the extensive use of false identification by individuals who are fugitives from justice or are involved in terrorist activities, bombings, check passing, fraud schemes, or various other felonious activities. In many instances, these individuals utilize more than one set of false identification, which is borne out by the results of coordinated investigative efforts of Federal, State, and local law enforcement agencies in the case involving The Brotherhood of Eternal Love (BEL).

On October 3, 1973, before the Subcommittee to Investigate the Administration of the Internal Security Act and other Internal Security Laws of

the Committee on the Judiciary, U.S. Senate, testimony was given that investigations conducted revealed the BEL's primary efforts were directed toward drug-related activities. It was estimated that the BEL profited by over \$200 million in its illicit operations. Further, some of the individuals arrested had as many as four complete sets of identification, including birth certificates, passports, driver's licenses, Social Security account cards, and Selective Service System cards.

Additional testimony revealed that by June 1, 1973, 120 passport frauds were detected in connection with the BEL investigations. Mr. William E. Duggan, Chief, Legal Division, Passport Office, Department of State, Washington, D.C., testified in part:

"There is no mystery as to why persons engaged in criminal activities desire U.S. passports and will go to any lengths to obtain them. In most cases, these individuals are already known in their true identities by law enforcement agencies, and some of them are being sought as criminals by law enforcement agencies. To continue their illegal activities, they need new identities."

To cite one of many examples of adoption of the technique of false identification by the criminal today, during the summer of 1972 reliable information was received that an unknown individual secured a deceased infant birth certificate and thereafter promptly obtained other identification documents by which to solidify his false identity. Included as part of this false documentation was a U.S. passport. Subsequently, an individual was arrested by the FBI on the charge of obtaining this fraudulent passport. Further investigation has revealed that this person is a direct participant in a car theft ring involving expensive automobiles. This theft ring appears to have been in operation for at least the last 5 years, and the possibility exists

that as many as 55 to 60 vehicles, valued from \$15,000 to \$20,000 each, were involved in this operation.

Additionally, on November 11, 1974, when FBI Director Clarence M. Kelley spoke in St. Petersburg Beach, Fla., he stated that terrorists and violence-prone extremists are a major threat to our internal security. He added: "Among these groups is the so-called Weathermen or Weather People." Mr. Kelley commented: "Since early 1970, the Weather People have been underground. By underground we mean their adherents live under aliases, using false identification papers and fabricated life histories."

### **Outlook**

Current investigations leave little doubt that the criminal's use of false identification will greatly increase in the foreseeable future. Underground newspapers regularly carry advertisements pointing out the ease with which false identification can be secured. Pamphlets are being printed and widely distributed describing in every detail how to avail oneself of false identification.

Through its extensive use by the criminal, false identification is a serious challenge to the law enforcement officer. This challenge can be met through logical investigation and also, in part, through timely Federal and State prosecutions of individuals who fraudulently obtain and/or use documents for illegal gain or benefit. Where gaps exist which prevent successful prosecutions, new legislation should be considered to remedy this. Further, there must be appropriate administrative safeguards present which will act as barriers to curtail the issuance of documents which may

*"Through its extensive use by the criminal, false identification is a serious challenge to the law enforcement officer."*



be secured as part of false identification.

### Current Efforts

In an effort to develop a better course of action with which to curtail the extensive use of false identification, a conference on false identification was sponsored by the FBI at the FBI Academy, Quantico, Va., in May 1974. Representatives from 14 Federal investigative agencies, the International Association of Chiefs of Police, Inc., and the National Sheriffs' Association were in attendance. Mutual investigative problems as they relate to the use of false identification were discussed, and from these discussions it is apparent that the represented agencies are experiencing considerable difficulty as a result of the criminal's use of false identification and that they are deeply concerned over this problem.

Although the conference could not solve this complex investigative problem, it is believed it laid the cohesive groundwork necessary among interested agencies so that concerted and united efforts will eventually result in concrete methods and programs. Participants were in complete agreement that through cooperation and coordination a course of action can be implemented to combat this serious problem.

One of the primary recommendations of the conference representatives was the establishment of an inter-agency committee for the purpose of coordinating and implementing activities relative to combating the false identification problem. This recommendation was promptly furnished to the Attorney General, who proceeded to implement steps toward the establishment of a committee to thoroughly look into all aspects of the illegal use of false identification.

Then Attorney General William B. Saxbe, in a speech in Columbus, Ohio,

*"... 'offenders range from terrorists to narcotics dealers and from illegal aliens to those who use false identification to pass bad checks, sell phony securities, and swindle with fraudulent credit cards.' "*

on October 14, 1974, announced the establishment of the Federal Advisory Committee on False Identification. Mr. Saxbe indicated this committee will be "a joint Federal, State, and local effort to bring about greater resources to bear on offenders, ranging from terrorists to narcotics dealers, who scheme to phony up their names and backgrounds to swindle you, to terrorize you, to victimize you in many, many ways."

The committee's charter, as filed in accordance with the Federal Advisory Committee Act of 1972, identified the objectives, in part, as follows:

To develop a coordinated Federal plan for meeting the threat Federal agencies face as a result of the use of false identification.

To assist State and local law enforcement agencies and bureaus of vital statistics in developing effective measures to prevent the obtaining and criminal use of false identification.

To afford an opportunity to exchange false identification information, to document the false identification problem, and develop written proposals for dealing with it at all levels of Government.

The initial meeting of the committee was held in Washington, D.C., on November 14, 1974, with approximately 75 individuals in attendance. Membership in this committee includes representatives of Federal, State, and local law enforcement agencies, State and local registrars of vital statistics, and representatives from private business firms.

Mr. Saxbe, in remarks made at the initial meeting of the committee, stated that "offenders range from

terrorists to narcotics dealers and from illegal aliens to those who use false identification to pass bad checks, sell phony securities, and swindle with fraudulent credit cards.

"These people terrorize you, swindle you, and victimize you. And their fraud drives up the price of the goods you buy.

"No one knows the exact extent of the use of false identification by criminals, but initial studies indicate that it is a substantial and growing problem."

In her remarks before the committee, Miss Frances G. Knight, Director, Passport Office, stated: "We in the Passport Office have seen the problem of false identification increase a hundred-fold in the past twenty-five years. We have spoken out repeatedly on the subject, warning Congress and the Executive Branch of the Federal Government of the phenomenal cost and serious damage being done to our country. Like an octopus, the tentacles of document fraud and false identification have hit a score or more of Federal agencies, many of which are represented here today."

### Conclusion

Through the years, the law enforcement profession has faced many complex challenges—and has continually overcome them. The future of the profession, likewise, contains difficult situations which will require considerable expertise to solve. The false identification problem is certainly one of the most challenging matters confronting the profession today. However, with the support of informed citizens and concerned lawmakers, this problem also can be solved, and society can be afforded greater protection.



## SOIL AS EVIDENCE

Examination in the FBI Laboratory of soil taken from a suspect's shoes may prove to be invaluable evidence placing the suspect at the crime scene.



The application of mineralogical methods to the study of soils is not new. Soils have been studied for years by Government, State, and private organizations, mainly from an agricultural viewpoint. Within the past 35 or 40 years, forensic geologists have viewed soils and other mineral matter in a new light and have turned these almost universal materials into a new channel of use—the detection and prosecution of the criminal.

Mineralogy may be defined as that branch of geology which deals with minerals, their crystallography, physical and chemical properties, classification, and the ways of distinguishing them. Forensically, this definition has been construed and broadened to cover the study of soils and certain artificial materials. These artificial materials can, and usually do, include such commercial products as safe insulation, plaster, cement, concrete, ceramics, and other materials encountered on the earth's surface.

The FBI Laboratory has done, and continues to do, a considerable amount of research in this field, studying soil variations, commercial mineral products, and natural and synthetic minerals with the object in mind of assisting the investigator in placing the criminal at the scene of a crime, destroying or supporting the suspect's alibi, and aiding in the successful prosecution of the crime.

### Methods

Many methods are presently used in the forensic laboratory for the comparison of soils, including X-ray diffraction and chemical analysis. The method used in the FBI Laboratory is the mineralogical method which has proven itself to be of great diagnostic value in forensic comparisons and which is universally accepted as such.

Perhaps the best way to visualize the method used is to follow a submission of soil evidence as it is processed by the Mineralogy Unit of the Laboratory.

A sheriff submits a request to the Laboratory to compare soil samples taken from the scene of an assault with soil adhering to the shoes of a



suspect. The sheriff has also submitted soil samples taken in the immediate area of the crime scene and along the route which the suspect would have had to use to effect his escape. Soil was also taken from the general area of the crime scene to be used as control samples representative of the nearby soils.

In the Laboratory, the soil is removed from the suspect's shoes and dried. The color and texture of the lumps of soil will be noted first, along with any peculiarities such as plant matter and seeds, mottled coloring, cinders, slag particles, or building materials. At this point, the soil from the shoes lacks sufficient identifying characteristics to be classified as either similar or dissimilar to the soil from the crime scene.

A subsample is then taken from the gross shoe and crime scene samples, and these are "washed" in a special water bath which utilizes high-frequency sound waves to literally scrub each individual grain. The "washed" samples are now separated into "light" and "heavy" mineral fractions by the use of a heavy liquid. The light minerals such as quartz and feldspar will float on the liquid's surface, whereas the heavy minerals such as hornblende and zircon will sink through the liquid. By carefully draining the separatory funnels in which the separation is effected, the light and heavy minerals are individually drawn off for further comparison.

The examiner now studies the mineral fractions of both the known and questioned soils, identifies the minerals, and estimates the relative amounts of these minerals in each sample. The identification is effected by use of binocular and petrographic microscopes, admittedly a slow, painstaking procedure requiring a human examiner with mineralogic experience, rather than an instrument. Upon completion of the examination, the



The microscope is one of the most important tools of the soil examiner in the FBI Laboratory.

examiner will, based on his findings, draw a conclusion as to whether or not the soils could have originated from the same source area, and the sheriff will be advised of these findings in the form of a written Laboratory report. The evidence will then be packaged and returned to the sheriff.

In the majority of cases, the above procedures will be sufficient for the experienced examiner to be certain as to the similarity or dissimilarity of two soil samples. But, this is not considered as being the "last word" in the examination of soil evidence. The FBI Lab-

oratory, as part of its ongoing research program, conducts a continuing search for better procedures and equipment which could possibly supply additional points of comparison between soils.

### **Identification Factors**

The FBI Laboratory seldom considers a few points of similarity as being conclusive for identification. Color alone, or the presence of a few common minerals in two soils, does not warrant a conclusion that they are sim-



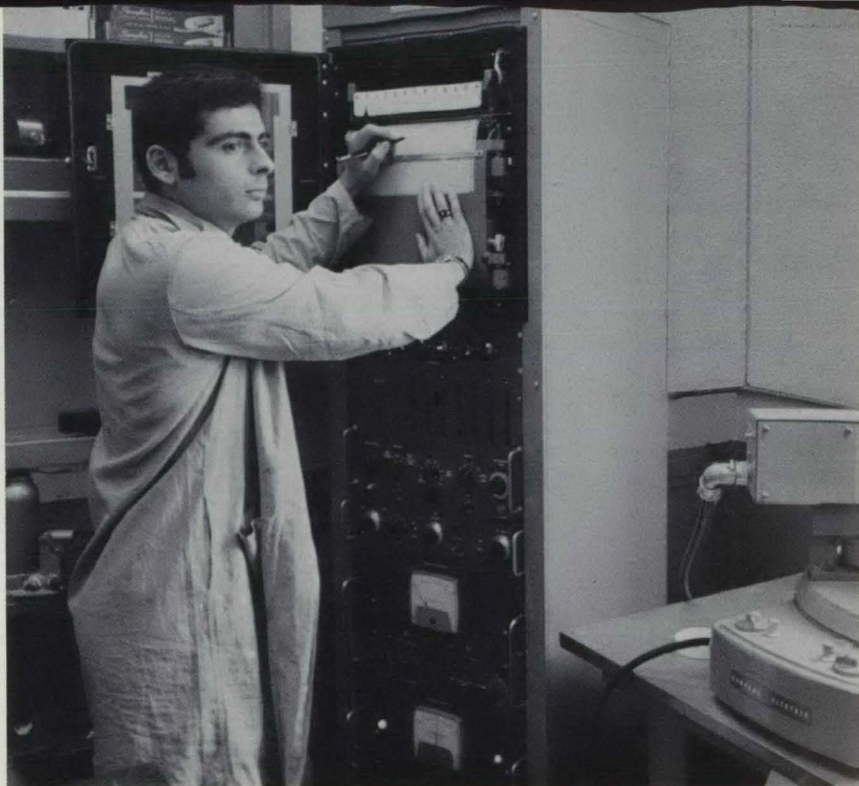
ilar. By the same token, no certain number of points of similarity are required for positive identification because each soil comparison must be made in the light of the environment of the soil and the condition and validity of the sample.

### **Application**

The value of soil examination depends largely upon the number of samples available for study. The more data obtained from an area under investigation, the more readily one can determine the variations to be expected. The more variations there are in the area, the more conclusive are the results.

The value of soils as evidence depends wholly upon the fact that soils differ in various characteristics over the surface of the earth. It has been found from actual surveys and the study of evidence specimens that there are variations among soils. It has also been found that soils vary more in some areas than in others. For instance, soils and sands of outwash plains and beaches and other areas where they are worked and reworked by wave and wind action will tend to vary less than in areas where soils are formed "in place" or deposited from several mineral provinces without extensive reworking. In some instances, recourse to foreign materials in the soil is necessary, that is, industrial debris such as slag balls and ash, and other materials associated with the activities of man.

In view of the variations found in soils, they can and are being used as circumstantial evidence in crimes of violence, such as murder and rape, and less serious crimes against property, such as breaking and entering and burglary. Soil is particularly valuable when used in conjunction with other evidence. For example, a few years ago the body of an elderly woman was found stuffed under a



An examiner studies an X-ray diffraction pattern to identify mineral components of soil.

bench in a park in a large eastern city. There were signs of violence on her person and in the immediate vicinity. No one was located in the immediate area who had witnessed the crime, however, a person was found who had seen a man leaving that particular section of the park the evening before the discovery of the body.

The witness was able to give a general description, and as a result, a logical suspect was apprehended by the local police. The suspect was drunk and in a rather disheveled condition. There were bloodstains on the front of his shirt, and a relatively large amount of soil was found on his trousers and in the trouser cuffs. He claimed he had been in a fight, and the blood was from a nose bleed he had suffered as a result. He also stated that the soil was from the area in which the fight had taken place. He further stated it had been several years since he had been in the section of the park where the body was found.

The clothing with the bloodstains and soil on it was submitted to the FBI Laboratory for examination. The police also submitted known blood samples of the suspect and victim, as well as a large number of soil samples from around the crime scene and from the area in which the suspect claimed the fight had taken place.

The Laboratory findings disproved the suspect's alibi as to the source of the bloodstains and soil on his clothing, as well as his statement that he had not been in that section of the park. The findings aided the investigating officers in placing the suspect at the scene of the crime, and, subsequently, assisted in the prosecution of the suspect.

From the foregoing, it can be seen that soil and other mineral matter which have been properly collected, packed, and submitted to the FBI Laboratory can furnish the law enforcement officer with a valuable aid in the successful solution and prosecution of many crimes.

(FBI)



# Dealing With the Victim During Investigation

By

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The City University of New York  
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and

LT. JOHN M. BURNEY

Police Department  
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Police departments have long realized that a large portion of their work involves providing a variety of services not directly related to their law enforcement function. Between 70 and 90 percent of the work that police do can be classified as service functions: service to the public in the form of emergency help or crisis intervention. Many police academies have begun to train officers for these functions. However, courses on interviewing, in which they have dealt with the victim of a

violent crime, have focused on obtaining information about the offender or ferreting out false complaints. Only recently has there been any systematic training that focuses on dealing with the impact that crime, accident, or tragedy has on the victims and on their families. This emphasis has come from the growing realization that understanding of the situation as the victim experiences it, and appropriate treatment by the police officer based on that understanding, can be useful to the police in two ways. It not only contributes to a smooth investigation by increasing the victim's willingness, and indeed, ability, to cooperate, but also often can make a tremendous difference in that victim's ability to recover psychologically from the inci-

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*“ . . . the response of the first authority figure on the scene at a crisis-producing situation has a tremendous effect, even in a few minutes, on the outcome of that situation.”*

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dent and return to his or her everyday life. Thus, the two police roles of crime control and service to the public are both advanced.

The major emphasis for special police training in the psychology of the victim has been in the area of forcible sex crimes.<sup>1</sup> In fact, many departments have established special training programs for rape investigators.

From our theoretical knowledge of crisis and our practical experience in talking with officers and with victims of violent crimes, we realized that the reactions of all these victims had much in common. We also realized that the actions of the first officer to respond to the scene often set the tone for the entire investigation and may facilitate further investigation or provide a substantial barrier to be overcome. This can have strong repercussions for the police image and the court case.

In the summer of 1974, we approached the police academy of the city of Passaic, N.J., about offering a course in understanding and dealing with the victims of violent crimes and similar crisis situations which fall within the province of the police. After consultation with members of the academy staff, it was decided to offer a 1-day course focused primarily on the situations encountered by the officer on patrol.

### **Course Content**

The theoretical background for the course was drawn from the discussion by Bard and Ellison<sup>2</sup> of crime as a crisis, with crisis defined as “a sub-

jective reaction to a stressful life experience.” We stress that crisis may be seen as a turning point, one from which the individual may emerge either weaker or stronger.

Given this background, we discuss some crisis-producing situations with which officers are familiar: normal, developmental stresses, such as marriage, birth of children, death of parents, and retirement; other predictable stresses, such as combat; and sudden, unpredictable stresses, such as accidents, natural disasters, and crime. We ask the officers for examples of behavior in crisis from their own experiences, both personally and in their official capacities. The responses of the officers nicely illustrate the point that different people react differently in what appears to be similar situations, and we are able to emphasize that both hysteria and extreme calm are crisis reactions.

Going further into the psychology of the person in crisis, we deal with the various stages of the crisis reaction and their implications for the officer's ability to aid in a successful court case.

Throughout the seminar, we stress the advantages of the police as crisis intervention agents and the practical

implications for the officer of understanding and dealing appropriately with the victim in crisis. The course, as it has developed, combines theory and practical information. Methods include lecture and discussion; we rely heavily on the participants for case material. We have also found that a victim of violent crime who is willing to come to the seminar to discuss his experiences is an extremely powerful teaching device. We have, of course, considered the possible effects of this experience on the victim very carefully and take great care in choosing such an individual.

Although we deal with the entire crisis process, we realize that the officer on patrol is involved with the victim for only a matter of minutes in most cases. Still, the course stresses the need for understanding the victim's experiences and typical reactions throughout the crisis, even though, in any one incident, the officer may need only a small part of his expertise. We make an analogy to medicine. For most of his day, the general practitioner deals with routine problems: flu, gastrointestinal problems, and the like; for this he needs only a small part of his training. However, it is essential for the well-being of his patients that he have the knowledge and expertise to recognize unusual diseases or problems that he may encounter and to deal with them, or to refer the patient to a specialist who can. Similarly, in the few minutes he deals with the average complainant, the patrol officer usually brings to bear only a small portion of his expertise. When he needs it, however, the more sophisticated training will allow him to deal

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*“Only recently has there been any systematic training that focuses on dealing with the impact that crime, accident, or tragedy has on the victims and on their families.”*

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with the situation appropriately. The authority of the officer is recognized—as is that of the physician in the different context—and expertise enhances the police image.

Over the course of several seminars, as a summary of the experience of the participants and of material drawn from other sources, we developed the following brief guidelines for techniques in dealing with victims:

1. The officer should show a calm, objective manner.
2. The officer should have an air of authority, of knowing what to do.
3. The officer should express concern and understanding for what the victim is feeling.
4. The officer should avoid appearing overly forceful, if possible.
5. The officer should adopt a nonjudgmental attitude.
6. The officer should encourage the victim to talk about the incident in his own way.
7. The officer should explain what he is doing and what the victim can expect.
8. The officer should explain the circumstances to the family, if necessary.
9. The victim usually should be interviewed alone, if possible.
10. The officer should never make any promises he cannot keep.
11. The focus of the officer should be on the victim. Too often, a number of officers will congregate around the victim and laugh and joke with each other. The victim may feel deserted, or unimportant, and may even feel that the officers are laughing and talking about him.

*“... we stress the advantages of the police as crisis intervention agents and the practical implications for the officer of understanding and dealing appropriately with the victim in crisis.”*

### **The Officer in Crisis**

Finally, we include in the course a section on the police officer in crisis. We discuss the situations which officers may find hard to handle, such as dealing with a battered or molested child, and apply our knowledge of the needs of the person in crisis to these situations. The importance of predictability in lessening crisis impact is emphasized.

The response to the course has been excellent. Not only have we received very positive evaluations from the Passaic officers, but other jurisdictions are continuing to send their men to take part in the seminar in increasing numbers: 9 people participated in the first class; by the fourth, the maximum number of 20 was reached, and others were turned away.

We are, of course, always adding new material as the knowledge in the field of victimology increases. While the 1-day format has the advantage of fitting into the busiest of schedules, and will be continued, we are also planning additional courses to elaborate on the material we have been presenting. We are beginning to obtain and develop for ourselves audiovisual materials to illustrate the points we make. We also wish to expand the section on the officer in crisis, and perhaps make it into a separate course.

In summary, we believe that the response of the first authority figure on the scene at a crisis-producing situation has a tremendous effect, even

in a few minutes, on the outcome of that situation. Because the officer on patrol often fills that role, we believe that training him to respond appropriately to crisis can increase his effectiveness and the effectiveness of the entire department in both law enforcement and service functions.

#### FOOTNOTES

<sup>1</sup> For more details on such programs, see Bard, Morton, and Ellison, Katherine, “Crisis Intervention And Investigation Of Forcible Rape,” The Police Chief, May 1974, and Cottell, Louis C., “Rape: The Ultimate Invasion of Privacy,” FBI Law Enforcement Bulletin, May 1974.

<sup>2</sup> Bard and Ellison, op. cit., p. 68.

### **THE FBI LABORATORY**

The FBI Laboratory, which conducts scientific examinations of evidence without charge for law enforcement agencies throughout the United States, conducted approximately 541,000 examinations during 1974.

### **ORGANIZED CRIME**

The FBI's continuing drive against organized crime in the United States in 1974 resulted in nearly 1,100 convictions of hoodlum, gambling, and vice figures, and the confiscation of more than \$6 million worth of cash, property, weapons, and wagering apparatus.

The FBI also disseminates intelligence data to other law enforcement agencies. During 1974, such information developed by the FBI in the course of its racketeering investigations and furnished to State, local, and other Federal agencies resulted in more than 3,100 arrests and the seizure of, or assessment of liens against, \$20 million worth of cash, property, narcotics, and wagering paraphernalia.



Some Sound Advice . . .

## Plainclothed Police Personnel:

### *An Identification Problem*

By  
**SGT. JAMES J. GREEN**  
Police Department  
New York, N.Y.



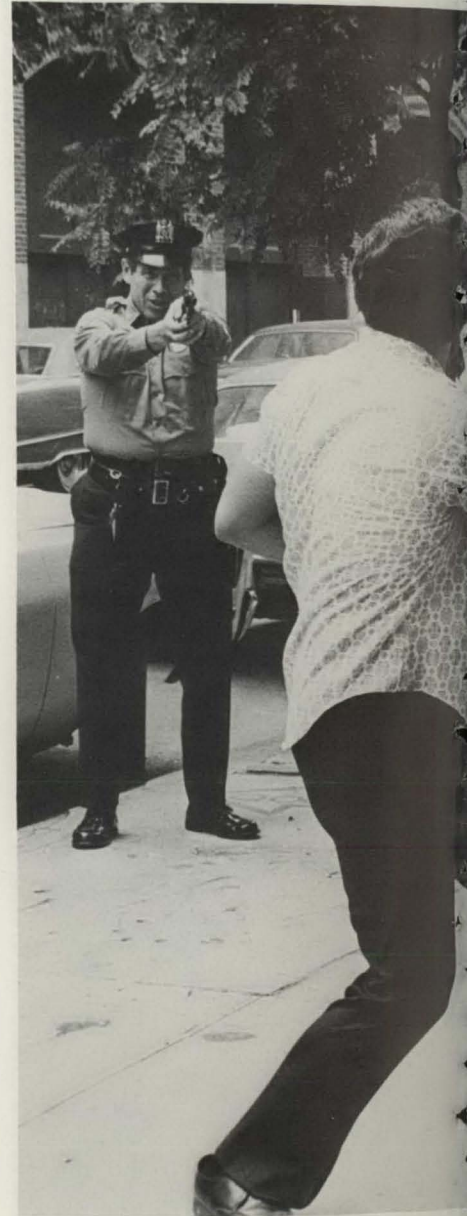
**R**ising levels of lawlessness have required the assignment of more plainclothed law enforcement personnel on many of our cities' streets. In New York City, particularly, the number of police officers carrying out assignments in civilian attire has greatly increased in the last few years.

With this increase in numbers has come the obvious problem of identi-

fying the police to the police. The problem is complicated by the fact that many of these police officers are no longer attired in just "plain clothes" but are disguised by dress and manner. While the use of disguises has proven tactically successful, it has sometimes resulted in dire consequences because of mistaken identity. During the past 2 years, nine sworn members of the New York City Police Department were shot and seriously injured because of encounters of the uniformed police with their civilian-clothed counterparts whose identities were unknown to them.

On an average day, in the New York City area, literally thousands of law enforcement officers are working in civilian clothes. The varied anticrime units (whose members dress in disguises while on patrol) of the New York City Police Department alone assign hundreds of people to field duty daily, and their appearances are, of necessity, acclimated to their working environments. The presence of these anticrime officers, in addition to other plainclothed police personnel, combined with the recent upsurge in attacks on police officers by extremist

The sudden turn of an armed undercover police

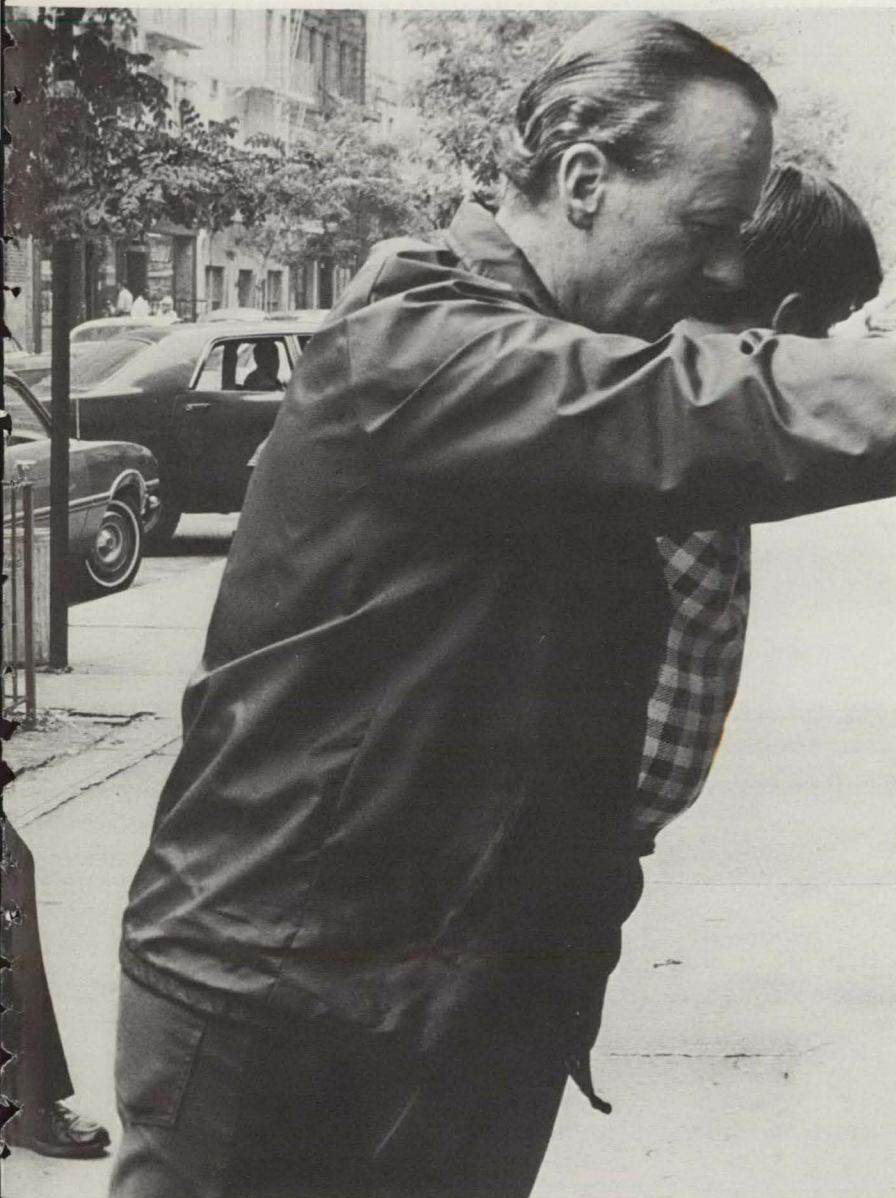


FBI Law Enforcement Bulletin



**Responsibility is shared by all parties in a confrontation incident."**

(enter), in response to the challenge of the uniformed officer, could be fatal and result in the escape of the felons in the foreground.



groups has created a tense atmosphere among the police. These tensions have contributed to mistaken impressions and tragic shootings of police officers by other police personnel.

### ***Flexible Directives***

Recognizing the magnitude of the problem and the necessity for structuring a series of procedures for handling such confrontations, the New York City Police Department Police Academy compiled guidelines and included them in its inservice training curriculum.

A fundamental point to be remembered is that the guidelines are not rigid and static rules but flexible directives which should be applied as the particular characteristics of a given situation require. Due to the limitless variety of police identification situations, guidelines must be generalized and only rarely can they be specific.

The problems inherent in identification situations are not limited to those encounters between uniformed and plainclothed officers. Mistaken confrontations often arise among officers in civilian clothes. In the New York City area, where numerous criminal justice agencies function, hazardous possibilities exist when non-uniformed persons take enforcement action which might be challenged by unsuspecting local police. The possibilities of such encounters are limitless and the solutions to the problems they create must be designed to save officers' lives.

Responsibility is shared by all parties in a confrontation incident. The law enforcement officer in civilian clothes being challenged has the primary responsibility for a correct response in an identification situ-



ation. However, this responsibility has its limits. The challenging officer also has a responsibility to use approved tactics and sound judgment in his approach to the situation.

In order to reduce the hazards of encounter situations and to provide time for appraisal and adjustment, the New York City Police Department suggests the following tactical guidelines.

### ***The Challenging Officer***

Police personnel, whether uniformed or civilian-clothed, responding to an occurrence and challenging an unidentified armed person shall initially take cover.

This is undoubtedly one of the most important preliminary steps to be taken in an armed confrontation situation. Take cover to the rear of the person being challenged, not to the side. A challenge from the rear allows more time to evaluate the subject's reactions and obtain a tactical advantage over him. A challenge from the side reduces response time and places the challenging officer at a distinct disadvantage. Always keep in mind that the person being confronted *may* be a police officer. Use extreme caution in judging his response to your commands as he may be taken off guard and inadvertently start to turn. Utilize any cover available (an automobile, a garbage can, a lamppost, a mailbox, etc.), bearing in mind that any object, regardless of its size or structure, can be a form of protection if only from the concealment it provides.

Of equal importance in the preliminary stage of the encounter situa-



Commissioner Michael J. Codd

tion is the challenging officer's responsibility to state his identity. This should be done by stating in a loud, clear voice, "Police—don't move." Slang terms or ambiguous expressions, such as "freeze," "hold it," and others, should not be used. Avoid using confusing orders like "Don't move," "Drop the gun," and "Raise your hands" as these, particularly if blurted out, are unclear and may make dangerous situations worse.

Further, during this early phase of the confrontation, the challenger must guard against being lulled into a false sense of security by the subject's appearance. There is no such person as a stereotype criminal or law enforcement officer. Whether or not the subject "looks" like a law enforcement officer or criminal is irrelevant. Looks can be, and often are, deceiving and should not be used as a basis for the challenging officer's actions.

Another mistaken conclusion that has recently resulted in the tragic killing of one police officer by another is the notion of a standard police gun. It is incumbent upon the chal-

lenging officer not to make any assumptions based on the style, color, or type of the subject's firearm. All guns are dangerous and the fact that a subject holds an odd type of weapon is no reason to conclude he is not a law enforcement officer. The person being challenged may be a law enforcement officer from another criminal justice agency where such weapons are authorized, particularly in undercover assignments where discreet weaponry is essential.

### ***The Challenged Officer***

Inasmuch as the identification problem is a two-way street, we must view it from both perspectives: that of the challenged officer as well as the challenger. A collateral series of guidelines has been structured for the law enforcement agent who is the subject of the challenge.

The primary tactical consideration for the challenged officer is not to move. He *must* remain motionless and react correctly and professionally to the command, "Police—don't move," even if it means losing a fleeing suspect. All directions of the challenging officer must be obeyed, whether or not he is in uniform. An attempt should be made to develop dialogue with the challenging officer using phrases and words commonly familiar only to police personnel. In anticipation of such an event, law enforcement personnel should carry their credentials (badges or identification cards) in the nonshooting hand pockets. This will simplify producing such credentials and should eliminate unnecessary movement of the gun.

If challenged in the performance of duty, do not make any movements on your own. If in doubt as to the challenging officer's directions or questions, ask him to repeat them. Most importantly, don't argue with the challenger. Remember, he is in

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"The problems inherent in identification situations are not limited to those encounters between uniformed and plainclothed officers. Mistaken confrontations often arise among officers in civilian clothes."

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"The primary tactical consideration for the challenged officer is not to move."

command of the situation and you are at a disadvantage. As an overall recommendation, whenever a civilian-attired officer has occasion to take police action requiring the use of his revolver, he should raise his nongun hand to display his credentials. This signal should indicate to another law enforcement officer that he *may* be a police officer.

It is an obvious fact that the challenging officer has the advantage over the person being challenged. He knows what he is about to do and plans accordingly. On the other hand, the person being challenged is caught by surprise and may be unaware of many circumstances contributing to the gravity of the situation. For example,

an officer in civilian clothes who has just apprehended a suspect and is holding him at gunpoint while conducting a search must be acutely aware that he might be challenged during his actions.

Put yourself in his place for a moment and think of what would happen if you heard a voice behind you state, "Police—don't move." The challenging officer was on his way to a liquor store holdup in which the proprietor and a patron were known to be shot. Before arriving at the scene, he encounters you in the immediate vicinity. The situation is more urgent and serious because of this knowledge your challenger has and about which you know nothing. It is an extremely crucial moment for both parties. Poor judgment by either or both individuals could result in needless tragedy. When reviewing these guidelines be prepared to be involved in either role. The person you challenge may be a law

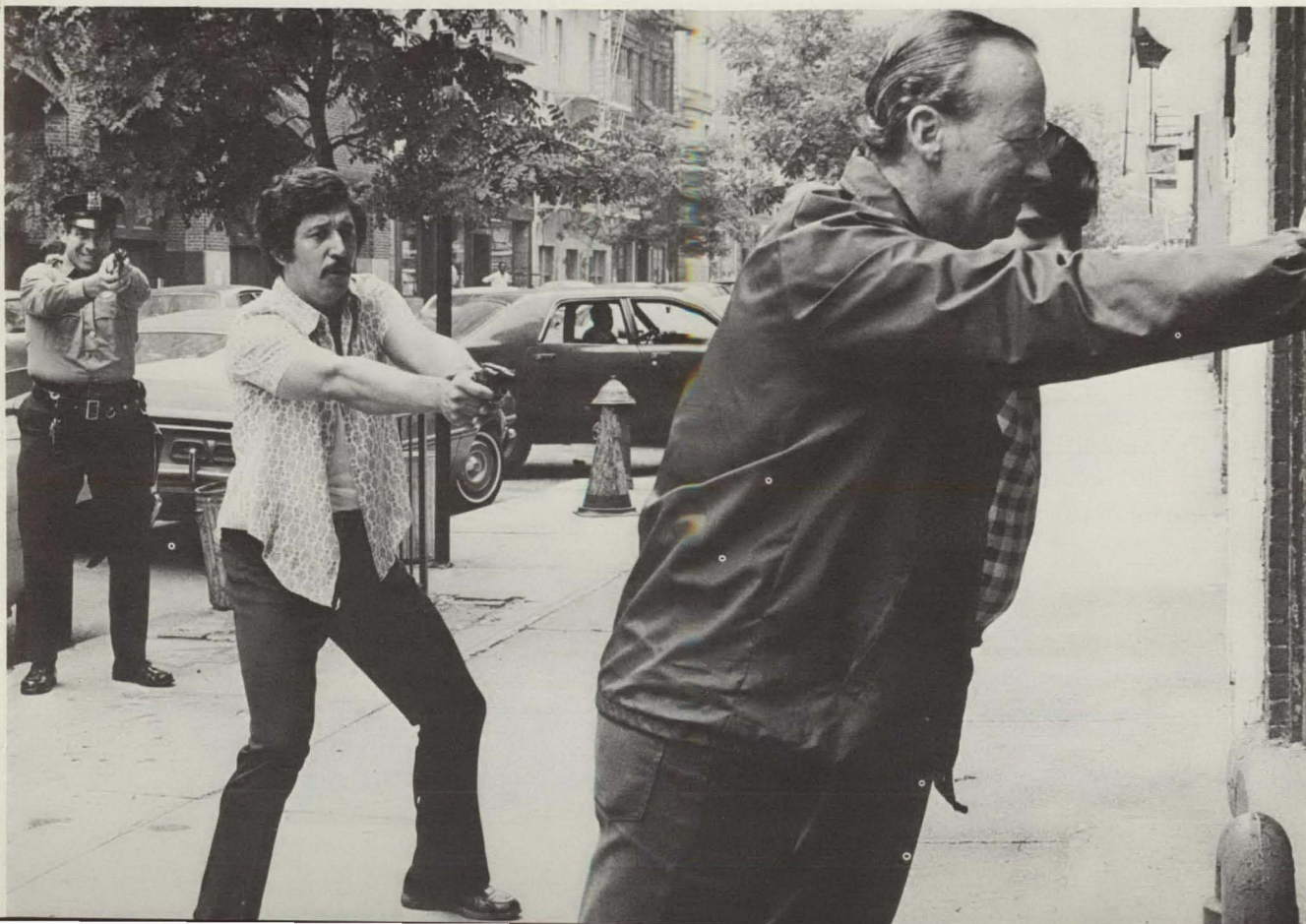
enforcement officer, the person challenged may be you.

### Notification

Since responsibility for the safety of all police personnel is, in a sense, shared by the police community at large, it is incumbent upon all agencies to do what they can, in all areas of their operations, to minimize the chance of such confrontations occurring and the risk if they do.

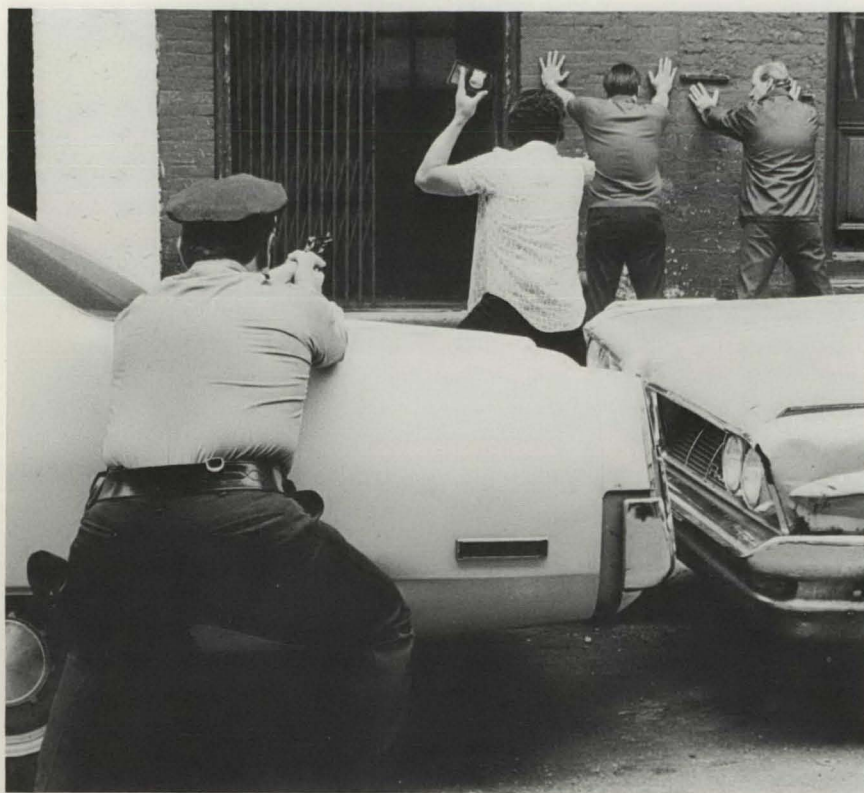
As an initial step in this direction, all officers of our department are apprised as to the whereabouts of units working plainclothes assignments. Daily teletype messages are forwarded to all field commands indicating assignments of citywide anticrime personnel, the "color of the day" (a different one is used each day for a specific article of attire—hat, headband, or lapel pin, for example), and other unique identifying features of these

Both police officers shown in the photograph have exposed themselves unnecessarily to danger. The uniformed officer should have taken cover while challenging the plainclothed officer in the center foreground who must avoid any sudden turn toward his challenger in a manner which could be misinterpreted and provoke gunfire.





"... it is incumbent upon all agencies to do what they can, in all areas of their operations, to minimize the chance of ... confrontations [involving civilian-clothed officers] occurring and the risk if they do."



A uniformed officer properly takes cover while a plainclothes officer responds deliberately to his challenge by holding identification in clear view in nongun hand.

groups. Similarly, such information is broadcast to radio motor patrol units in concerned geographic areas.

Individual patrol supervisors have obligations within the format of these guidelines to inform their subordinates on a daily basis of the following: (1) the "color of the day" and other identification means; (2) areas and tours of duty to which such personnel are assigned; (3) number of police personnel involved; (4) number and types of vehicles used; and (5) unusual disguises being affected.

Further, superior officers of plainclothes police units are obligated to notify other law enforcement agencies of their activities when deemed prac-

tical. In the New York City area, this would apply to police operations in precincts contiguous to other political jurisdictions and any activity which would affect public facilities patrolled by other law enforcement authorities.

### *Identification Aids*

Headbands which depict the appropriate "color of the day" have been adopted as a universal means of recognition for civilian-clothed members of our department. This device is used where appropriate when recognition as police officers is desired. It must be worn on the head, as wearing the band on one's arm leaves it visible only to one side. Additionally, the headband should never be worn on a hat because it may blend into the fabric and lose its distinction. However, it must be clearly understood that the use of headbands is not a complete assurance that a person is in fact a police officer. A recently arrested criminal was found to be in possession of a series of headbands and was thoroughly conversant with their use. Headbands are only a supplementary form of identification and nonuniformed police personnel must display their credentials as soon as possible.

Portable radios are a valuable asset to law enforcement officers in civil-

Headbands (different colors for different days) help alert uniformed officers to the identity of a policeman making apprehension clad in casual attire.





"Portable radios are a valuable asset to law enforcement officers in civilian clothes."

ian clothes. If at all possible, before taking enforcement action, the base station should be notified. This information can then be made available to concerned uniformed personnel making inquiries on the police radio. When involved in a pursuit, whether on foot or by vehicle, the communications center should be alerted to the descriptions of both the officers involved and the suspects pursued.

Civilian-clothed officers present at the scene of a crime which is the subject of a radio alarm should not enter alleyways, hallways, or rooftops where they might easily be mistaken for fleeing suspects. If a building is to be searched for a suspect, it should ordinarily be done by uniformed police. If it is necessary to use plainclothed officers for search duties, each should be assigned with a uniformed officer.

### Conclusion

There is no more heart-rending loss to law enforcement agencies than that occurring when one police officer mistakenly shoots another. In too many instances, such tragedies are the result of confusion that could have been avoided by carefully drawn preventive guidelines instilled into all officer personnel through training. ®

### NCIC

As the year 1974 ended, the computerized files of the National Crime Information Center contained more than 5.5 million active records on wanted persons, stolen property, and criminal offenders, an 11-percent increase over 1973.

## POLICE LAW SPECIALIST PROGRAM

The FBI sponsors Police Law Specialist Schools to prepare police officers to serve as in-house lay legal advisors to their departments and to present formal instruction in the law before police recruit classes, retraining sessions, and specialized schools. The program, designed to assist in meeting the increasing demand for these services has as its ultimate aim an increase in the effectiveness of an entire department through the law specialists.

Each school is approximately 4 weeks long and is held at the FBI Academy, Quantico, Va. Present plans are to continue holding two schools each fiscal year. The University of Virginia recognizes the Police Law Specialist School as an upper level course and awards students, who successfully complete all requirements, 6 semester hours credit. There is no charge to the student for either the school itself or the University of Virginia credit.

While an effort is made to teach the officer to see legal problems in a factual setting and apply principles of law to those problems, no effort is made to produce a lawyer in 4 weeks. The program is not designed or intended to train a police officer to compete against a prosecutor or an attorney employed as a professional legal advisor to a police department. To the contrary, the FBI envisions the law specialist as a complement to these attorneys.

The method of instruction used is a modified case study approach which combines lecture with discussion of cases. The course, which involves about 90 hours of classroom work, includes the study of criminal procedure, a basic introduction to the law library and legal research, practical experience in legal problem solving and instruction, and other matters of interest.

The major portion of the instruction is given by Special Agents assigned to the Legal Instruction Unit, Legal Counsel Division, FBI, all of whom are accredited by the University of Virginia. In addition, distinguished guests such as members of the faculty of the University of Virginia School of Law and the Director of the Legal Office of the New York City Police Department present special topics on occasion.

The graduates of previous schools and their commanding officers have advised that the law specialists perform many duties for their departments. They teach in classrooms, review recent court decisions, prepare directives and bulletins, and/or recommend changes in manuals as necessary. They serve as liaison officers with prosecuting attorneys, aid in resolving on-the-scene practical problems involving legal issues as they arise during investigations, review affidavits, and assist professional legal advisors.

Officers who are invited to attend are selected from among those submitted as candidates by Special Agents in Charge of FBI field divisions. Each class is limited to 20 officers. Although there is no absolute requirement that attendees have a college background, an advanced educational record is helpful. Students are given extensive reading and writing assignments.

Interested persons should direct all inquiries and correspondence to the Special Agent in Charge, Attention: Police Training Coordinator, of their local FBI field office.



## *Military Participation in Civilian Law Enforcement*

By

GARY M. LATURNO

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Washington, D.C.

Recent court decisions indicate that the use of military personnel to assist in investigating violations of the civil law may be unlawful. These decisions cite as authority the Posse Comitatus Act (18 U.S.C. 1385) which specifies that "[w]hoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress,<sup>1</sup> willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both." The Latin phrase "posse comitatus" is defined as "[t]he power or force of the county. The entire population of a county above the age of fifteen, which a sheriff may summon to his assistance in certain cases; as to aid him in keeping the peace, in pursuing and arresting felons, etc."<sup>2</sup>

We may ask a number of questions regarding the Posse Comitatus Act. Against whom is the act directed? Does its wording mean that the Navy and Marine Corps may be used to execute the laws? What is the meaning of the phrase "any part of the Army or the Air Force"? Could a member of the Army or Air Force privately volunteer his services to assist civilian law enforcement? Does the act prohibit the use of military personnel only or does it also prohibit

*"... the use of military personnel to assist in investigating violations of the civil law may be unlawful."*

Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed in this article should consult their legal advisor. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law, or are not permitted at all.

the use of military equipment? What is the meaning of the phrase "posse comitatus or otherwise"? More specifically, what kinds of military participation in civilian law enforcement are prohibited?

Answers to the foregoing questions may be found in the act's legislative history as well as in court opinions which have interpreted it.

### *Legislative History*

In 1854, U.S. Attorney General Caleb Cushing argued that under section 27 of the Judiciary Act of 1789, U.S. Marshals could raise a posse comitatus comprising every person "whatever may be their occupation, whether civilians or not . . . including the military . . ."<sup>3</sup> Attorney General Charles Devens stated the practice had been to permit the military to be used in subordination to the marshals when such aid was needed to enforce process, and he considered the practice sanctioned by custom and the opinions of earlier Attorneys General.<sup>4</sup>

In the Congress in 1878, supporters of the act objected to these views and noted the Army had been used in "a hundred instances under the pretext of enforcing the laws . . ."<sup>5</sup> Opponents of the act argued that substantial harm could result to the coun-



try if it became law. The object is "to cripple the civil administration of the Government in the prevention of violations of law . . . . [T]he amendment, if adopted, would require a lieutenant . . . when ordered to use the soldiers under his command . . . to go to a lawyer and inquire, 'Is there an express provision of law authorizing this to be done?'"<sup>6</sup>

Supporters of the amendment countered by explaining the historical reasons why the founding fathers gave to the Congress and not the Executive the authority to control involvement of a standing army in the internal affairs of the country. "By these provisions [U.S. Constitution, Article I, Sections 11-16] the people were to be protected from interference by such army as Congress might maintain . . . . [The] dread and detestation of standing armies were the most prominent characteristics of the colonial and revolutionary period."<sup>7</sup>

Another supporter of the amendment observed: "[T]he marshal of the United States and the Government of the United States are exactly on the same footing. . . . They must call upon the people first . . . to execute the law. . . . [T]he Army . . . is only to be used in extreme cases and in the last resort."<sup>8</sup>

Mr. Knott, the amendment's author in the House, explained: "[I]t [the Army] shall not be employed under the pretext of enforcing any law, unless authority is expressly conferred . . . ." He also said, "Congress has . . . undertaken to say in what manner the civil power shall be served by . . . our military forces."<sup>9</sup>

In the Senate, Mr. Beck, a supporter of the amendment, explained: "The object . . . is to avoid giving that broad construction, that where [a civil] officer is authorized to call for the *posse comitatus*, the marshal shall have the right to call for [the military] either in organized or unorganized form, reserving however his right to call upon them under all those statutes which authorize a call upon either the Army or the Navy . . . or any portion of them."<sup>10</sup> He added: "[T]he whole object . . . is to limit the use by the marshals of the Army to cases where by law they are authorized to call for them, and not to assume that they [the Army] are in any sense a *posse comitatus* to be called upon when there is no authority given them to call upon anything but the *posse comitatus*."<sup>11</sup>

### **Restrictions on Military Participation in Civilian Law Enforcement**

Thus, the legislative history reveals that the act was designed to prevent Federal, State, and local officials, as well as members of the military, from using the Army to execute the civil laws except when expressly authorized. But does the wording of the act mean that the other branches of the armed services may be used for that purpose? Several courts and some observers have noted that restrictions on military participation in civilian law enforcement have deep roots in American history.<sup>12</sup>

During the debate on the Posse Comitatus Act, several Senators expressed the opinion the act was

merely a statement of constitutional restrictions on the use of the military to enforce civil law.<sup>13</sup> In 1972, Mr. Chief Justice Burger made the following comment:

"The concerns of the Executive and Legislative Branches in response to disclosure of the Army surveillance activities—and indeed the claims alleged in the complaint—reflect a traditional and strong resistance of Americans to any military intrusion into civilian affairs. That tradition has deep roots in our history and found early expression, for example, in the Third Amendment's explicit prohibition against quartering soldiers in private homes without consent and in the constitutional provisions for civilian control of the military. Those prohibitions are not directly presented by this case, but their philosophical underpinnings explain our traditional insistence on limitations on military operations in peacetime. Indeed, when presented with claims of judicially cognizable injury resulting from military intrusion into the civilian sector, federal courts are fully empowered to consider claims of those asserting such injury; there is nothing in our Nation's history or in this Court's decided cases, including our holding today, that can properly be seen as giving any indication that actual or threatened injury by reason of unlawful activities of the military would go unnoticed or unremedied."<sup>14</sup>

In 1956, Congress made the Posse Comitatus Act expressly applicable to the Air Force.<sup>15</sup> As to the Navy and Marine Corps, Secretary of the Navy Instruction 5400.12 provides:

"Throughout the United States, it is a fundamental policy to use

*The Posse Comitatus Act was "designed to prevent Federal, State, and local officials, as well as members of the military, from using the Army to execute the civil laws except when expressly authorized."*



civilian, rather than military, officials and personnel to the maximum extent possible in preserving law and order. In the Federal Government this policy is reflected by the Posse Comitatus Act (18 U.S.C. § 1385) which prohibits the use of any part of the Army or Air Force to enforce local, state, or Federal laws except as Congress may authorize. Although not expressly applicable to the Navy and Marine Corps, that act is regarded as a statement of Federal policy which is closely followed by the Department of the Navy.<sup>16</sup>

Thus, although the Navy and Marine Corps are not at present expressly included within the provisions of title 18, United States Code, sec. 1385, the Posse Comitatus Act appears to be regarded as national policy applicable to all military services of the United States, except the Coast Guard.<sup>17</sup>

### **Part of the Army or the Air Force**

At this point, we may inquire whether one on active duty could privately volunteer his services to civilian law enforcement. In such a situation, could it be argued that the civilian officer is not using a "part of the Army or the Air Force" but rather a private individual? Both the act's legislative history and the case law furnish information concerning this question.

Mr. Knott, the amendment's author in the House, explained: "The amendment . . . reaches from the Commander-in-Chief down to the lowest officer in the Army who may presume to take [it] upon himself to decide when he shall use the military force in violation of the law of the land."<sup>18</sup> Mr. Knott added the amendment was designed to prevent military officers, regardless of grade, from aiding in

the enforcement of the law.<sup>19</sup> In *United States v. Walden*,<sup>20</sup> the defendants were convicted in Federal court of violating certain provisions of the Federal firearms law. The bulk of the Government's proof was the product of an investigation carried out in large part by several Marines at the request of a special investigator of the Bureau of Alcohol, Tobacco and Firearms, U.S. Treasury Department. The defendants, both civilians, sought to exclude this evidence on the ground that it violated the Posse Comitatus Act. The court, observing that the act did not expressly apply to the Navy, indicated that the letter of the act had not been violated. It concluded, however, there had been a violation of naval regulations prohibiting the use of the Navy to enforce civilian laws. But the court failed to invoke an exclusionary rule or to reverse the convictions. It reasoned that the case presented to it was the first known instance in which an illegal use of military personnel had been made. The court reserved, however, the possibility that an exclusionary rule may be called for should repeated cases involving military enforcement of civilian laws demonstrate the need for a special sanction. In its opinion the court stated, ". . . our interpretation of the scope and importance of . . . the Navy regulation as [a standard] . . . governing primary behavior is influenced by the traditional American insistence on exclusion of the military from civilian law enforcement . . ."<sup>21</sup>

The court in *Walden* did not discuss whether the Marines were acting with the approval of their military superiors or in a "private" capacity. The court's failure to discuss this question may be an indication that to the court the issue was not relevant and that all activities of military personnel, considered relative to the Posse Comitatus Act, at least, are "military" and not "private."

Thus, the prohibition in the Posse Comitatus Act may extend to situations where one on active duty functions even in a "private" capacity.

Beyond the question of whether the use of military personnel may be unlawful, one may ask whether the act prohibits the use of military equipment and materiel? In *United States v. Banks*,<sup>22</sup> a recent lower Federal court opinion, the court indicated that the mere use of such equipment may be unlawful. In *United States v. Jaramillo*,<sup>23</sup> however, the court stated that it was confident that the use of military equipment, standing alone, is not a violation of the Posse Comitatus Act. The court in *Jaramillo* noted that the Federal Economy Act (31 U.S.C. 686) expressly authorizes any bureau, department, or office of the Federal Government to place orders with any other such department, bureau, or office. The court added, however, that the act's legislative history reveals that the use of the term "any part of the Army or the Air Force" refers to troops and that the use of military equipment was not mentioned in the debates and cannot reasonably be read into the words of the act.<sup>24</sup>

### **Posse Comitatus or Otherwise**

A review of the court opinions which have interpreted the Posse Comitatus Act reveals the kinds of participation in civilian law enforcement that are prohibited. *Wrynn v. United States*<sup>25</sup> was a civil action against the United States for injuries sustained when an Air Force helicopter, while assisting local law enforcement in a search for a nonmilitary prison escapee, struck a tree, causing debris to strike the plaintiff. The court held that use of an Air Force helicopter and Air Force personnel to aid in the State's search was forbidden, that the military personnel were acting beyond their authority, and thus, the United States could not be liable for



the alleged negligence. The Congress in enacting the statute, the court said, "visualized [it] as forbidding every employment of the Army or any part of it in aid of civil law enforcement unless under explicit statutory authorization. . . ."<sup>26</sup>

Thus, the *Walden* opinion, *supra*, as well as *Wrynn v. United States*, indicates that military participation in civilian law enforcement in a direct, active way, that is, as a posse comitatus, is forbidden. But the act prohibits the use of the Army or Air Force "when used as a posse comitatus or otherwise." In *United States v. Jaramillo*,<sup>27</sup> the court found that civilian authorities may have looked to the military for advice and counsel and that military personnel maintained military vehicles that were used by civilian authorities. Because of the above, the court concluded there was a reasonable doubt as to whether the civilian officers were "lawfully engaged in the lawful performance of their official duties" and found the defendants not guilty.<sup>28</sup> The court explained that "[t]he prosecution's burden was to prove in court that the actions of those officers were lawful. It failed to carry that burden."<sup>29</sup> The court emphasized that its finding did not mean that the actions of the civilian authorities violated the act.

Thus, in *Jaramillo*, there was no direct, active participation by the military in the execution of the laws, but the type of activity described may be prohibited in the act by the word "otherwise." Note the Government has appealed both the *Jaramillo* and *Banks*<sup>30</sup> opinions.

## Conclusion

The Posse Comitatus Act was enacted to prevent Federal, State, and local officials, as well as members of the military, from using the Army to execute the civil law except when expressly authorized by the Constitution or act of Congress. In 1956, Congress made the act expressly applicable to the Air Force. Although the Navy and Marine Corps are not included within the Posse Comitatus Act, the act appears to be regarded as national policy applicable to all the military services, except the Coast Guard.

The prohibition in the Posse Comitatus Act may extend to situations where one on active duty functions in a "private capacity." One Federal court indicated that the mere use of military equipment by civilian authorities may be unlawful. Another Federal court stated that it was confident that the use of military equipment, standing alone, is not a violation of the act.

Military participation in civilian law enforcement in a direct, active way appears to be forbidden. In one Federal case, however, the court, finding that civilian authorities may have looked to the military for advice and that military personnel maintained vehicles used by civilian authorities, held there was a reasonable doubt as to whether the civilian officers were "lawfully engaged in the lawful performance of their official duties."

Thus, law enforcement officers should be aware that military participation in civilian law enforcement may be unlawful and that before seeking military assistance, they should obtain the advice of appropriate legal counsel.

## FOOTNOTES

<sup>1</sup> Review of the U.S. Constitution, as amended, fails to reveal an express provision authorizing the use of the Army or Air Force to execute the laws. Review of the United States Code reveals that the Congress has, in fact, enacted express legislation to authorize the President to use the military to execute the laws.

See 10 U.S.C. 331 (empowering the President to respond to requests for assistance from State governments), 10 U.S.C. 332 (empowering the President to enforce the laws of the United States when rebellion makes it impracticable to maintain order by ordinary judicial proceedings), 10 U.S.C. 333 (empowering the President to protect the rights of persons within the States when both State and Federal laws are obstructed by insurrection or domestic violence), 82 Stat. 170 (1963) (to reinforce the Secret Service in protecting the President and Vice President and major candidates for those offices).

Numerous other statutes empower the President to use the military to meet specified contingencies: 16 U.S.C. 24 (authorizing detail of troops to protect Yellowstone National Park), 16 U.S.C. 78 (troops to protect Sequoia and Yosemite Parks), 16 U.S.C. 503 (to prevent destruction of timber in the State of Florida), 22 U.S.C. 408 (use of land and naval forces to prevent exportation), 25 U.S.C. 180 (use of military force to remove persons from Indian lands), 42 U.S.C. 97 (aid in executing quarantine and health laws), 43 U.S.C. 1065 (to employ in removing unlawful enclosure from public lands), 48 U.S.C. 1418 (employment of land and naval forces in protection of rights regarding Guano Islands), 50 U.S.C. 205 (suspension of commercial intercourse with State in insurrection), 50 U.S.C. 220 [enforcement of 50 U.S.C. 219 (removal of custom house and detention of vessels threat)].

<sup>2</sup> Black's Law Dictionary 1324 (rev'd 4th ed. 1968).

<sup>3</sup> 6 Op. A.G. 466, 471.

<sup>4</sup> 16 Op. A.G. 162, 163.

<sup>5</sup> 7 Cong. Rec. 3846 (1878) (remarks of Mr. Knott).

<sup>6</sup> Id. at 3848 (remarks of Mr. Burchard).

<sup>7</sup> Id. at 3581 (remarks of Mr. Potter).

<sup>8</sup> Id. at 4245 (remarks of Mr. Merrimon).

<sup>9</sup> Id. at 3846.

<sup>10</sup> Id. at 4240.

<sup>11</sup> Id. at 4241.

<sup>12</sup> See Sparks, "National Development 1877-1885,"

23 The American Nation, A History 127; *Wrynn v. United States*, 200 F. Supp. 457, 465 (E.D.N.Y. 1961); and *United States v. Walden*, 490 F. 2d 372 (4th Cir. 1974).

<sup>13</sup> See 7 Cong. Rec. 4240 (remarks of Mr. Kernon), 4243 (remarks of Mr. Merrimon).

<sup>14</sup> *Laird v. Tatum*, 408 U.S. 1, 15-16 (1972).

<sup>15</sup> Act of August 10, 1956, §§ 18(a), 49(a), 53, ch. 1041; 70 A Stat. 1, 626, 640, 646 (1956) (10 U.S.C. 15 repealed and replaced by 18 U.S.C. 1385).

<sup>16</sup> SECNAVINST 5400.12, p. 2 (Jan. 17, 1969).

<sup>17</sup> During the 93d Congress, several bills were introduced to amend the Posse Comitatus Act to include all of the armed forces. The Department of Justice indicated that it had no objection to including all the armed services except the Coast Guard in the act. The Department observed that the Coast Guard has historically carried out law enforcement duties as authorized by title 14, U.S.C., sec. 89. See Department of Justice letter to Hon. James O. Eastland, Chairman, Committee on the Judiciary, U.S. Senate, dated Apr. 16, 1974. While these bills were not enacted by the 93d Congress, they could be reintroduced in the present Congress.

<sup>18</sup> 7 Cong. Rec. 3847 (1878).

<sup>19</sup> Id. at 3849.

<sup>20</sup> 490 F. 2d 372 (4th Cir. 1974).

<sup>21</sup> Id. at 376.

<sup>22</sup> 383 F. Supp. 368 (D.S.D. 1974).

<sup>23</sup> 380 F. Supp. 1375 (DN. 1974).

<sup>24</sup> Id. at 1379.

<sup>25</sup> 200 F. Supp. 457 (E.D.N.Y. 1961).

<sup>26</sup> Id. at 464.

<sup>27</sup> 380 F. Supp. 1375 (D.N. 1974).

<sup>28</sup> Id. at 1381.

<sup>29</sup> Id.

<sup>30</sup> *Supra*.

**"The prohibition in the Posse Comitatus Act may extend to situations where one on active duty functions in a 'private capacity.'"**



# The Well-Trained, Professional University Police Officer—Fact or Fiction?

By

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Imagine yourself in the position of driving onto a college campus in Texas and observing a man in uniform who represents that institution as a police officer. Ask yourself: What kind of an officer is he? Does he receive any kind of training to qualify him for this type of work? What does he do? Is he a man in a uniform who can find nothing better to do? What if something really big broke loose here and you had to call the police, could he be relied upon to handle the situation or should you call in the city or State police officers who certainly would know what to do?

If you have been on a campus and seen such a police officer, or if you are in law enforcement work and have met one, these questions may have crossed your mind. They certainly had entered my mind before I came to work for The University of Texas System Police in 1972 and learned what one university had done in the field of law enforcement for its police personnel.



I firmly believe that The University of Texas System Police has made a dramatic change in its campus law enforcement from the deeply imbedded image of the "old, overweight campus security and parking meter cop" to an image of an educated, well-trained, professional police officer who, with efficiency, intelligence, and thoroughness, can handle any situation that might arise.

This, then, is the story of how this change was accomplished and what its status is at the present time. First, though, let me explain what comprises The University of Texas System Police.

### System Organization

The System Police is composed of nine autonomous, separate campus police departments located at each institution of The University of Texas System. They are widely scattered throughout the State, being located in Arlington, Austin, Dallas, El Paso, Galveston, Houston, Odessa, and San Antonio with two. The latest institution to come within the system is The University of Texas at Dallas, and in 1975, a campus police department will be created for this institution which will then make 10 such departments.

The institutions which these police departments represent are widely diverse in their educational purposes.

*"... The University of Texas System Police has made a dramatic change in its campus law enforcement. ..."*



For example, only three of the nine institutions offer a 4-year undergraduate degree program. One institution only enrolls upperclassmen (juniors and seniors) in its undergraduate program, while another institution is presently enrolling only graduate students with no undergraduate degree program. Four of the institutions are health science centers with medical, dental, and nursing schools, research centers, and hospitals.

With this type of diversity in the institutions comes also a diversity in the day-to-day operations of the police departments. As might be expected, the institutions that encounter the major portion of the criminal activities occurring within the system are those with the 4-year undergraduate degree programs, while those institutions with the least amount of police activity are the health science centers.

This diversity in the institutions is reflected not only in the primary functions of the police departments, with several at one end of the spectrum doing regular police work of patrolling, criminal investigations, and services, compared to those at the opposite end of the spectrum doing principally building security-type work; but, it is also reflected in each police training curriculum which must be sufficiently broad enough to thoroughly cover the entire spectrum of the duties that these nine police departments will perform.

The complement of the police departments varies greatly with the largest police force being at The University of Texas at Austin with approximately 75 commissioned police officers. The smallest personnel complement for any police department within the system is at The University of Texas at San Antonio with only five commissioned police officers. However, it should be noted that this university now accepts only graduate students and plans to start an undergraduate enrollment in the fall of



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1975, at which time its complement of police officers will rise sharply.

The chief of each of the police departments within the system is directly responsible to his vice president of business affairs and handles his own day-to-day operations. Likewise, with a few exceptions, he establishes his own departmental policies. As a matter of fact, he is in a comparable position of a city police chief answering to his city manager.

However, over all these police departments is the director of police for The University of Texas System. His duties and responsibilities involve matters that concern systemwide police operations. Included among many of his duties and responsibilities are such matters as job qualifications, entrance and promotional examinations, departmental surveys and, of course, training of the police officers within the system.

With this brief sketch on the makeup of the System Police, let us go back to 1967, when the basis for police training by The University of Texas System began, and see how it started and how it reached its present-day status.

### *System Police Academy*

In 1967, the Texas Legislature amended a statute of the Texas Code

of Criminal Procedure entitled "Who Are Peace Officers" to permit "... officers commissioned by the governing board of any state institution of higher education, public junior college, or the Texas State Technical Institute" to carry firearms and hold the same status as a city, county, or State police officer. It should be noted that the System Police departments' personnel also include noncommissioned police officers who principally handle security checks and parking violations, but who are not peace officers and have no authority to carry firearms.

The objective behind the establishment of an academy for the System Police was to provide the best possible training for its own law enforcement personnel in line with the particular type of law enforcement work they would be performing as university police officers.

Following this change in the law in 1967, the first training academy class was held in January 1968 and lasted 4 weeks.

Two problems faced the director of police during these early days of the System Police Academy. One of these problems was setting up a quality curriculum that would adequately cover the necessary material in the limited time allotted for a training class. The second problem was finding adequate space on The University of Texas at Austin campus which would be available for the necessary amount of time. As a guest instructor at the System Police Academy during these early days, I found it to be beneficial to contact the director of police prior to my scheduled appearance and find out where on campus the next training class would be held.

However, in 1972, the System Police Academy was finally and permanently located on system-owned property in downtown Austin, away from the campus environment. Its physical plant is composed of a modern classroom capable of handling up to 24



students. Two administrative offices which adjoin the classroom, a large and fully equipped physical training room with locker and shower facilities and a mockup dormitory room, which is used extensively in practical problems, complete the academy facilities.

Approximately 10 miles from Austin, on university property, is located the System Police Academy's firearms range. It is completely paved and is capable of handling 14 shooters on the line at one time. Also, there are indoor training facilities here which are used for classroom lectures and practical problems.

The academy has been fully equipped with video cameras to tape practical problems, instructional programs, firearms, and defensive tactics. Photographic and audio equipment has been acquired which is used extensively to supplement and augment classroom presentations.

In 1969, The University of Texas System Police Academy achieved statewide recognition when the academy was certified by the Texas Commission on Law Enforcement Officer Standards and Education for meeting the established standards required for police academies under the regulations of this State agency. The System Police Academy is the only one of its particular type in the State of Texas that is certified to train and commission its own university police personnel as peace officers. The academy and its training curriculum and programs have continued to grow and improve under the leadership of its present director of police, Mr. Frank I. Cornwall, a veteran of the Dallas Police Department.

### **Officer Qualifications**

Employment of university police officers is handled by each of the individual police departments on the basis of their particular need. However, each person must meet certain basic

qualifications which have been established by the director of police.

Applicants must be citizens of the United States and have reached their 20th, but not their 45th, birthday by the date of their commissioning as peace officers for the system. They must pass an entrance examination and have successfully completed 60 hours of college. They must pass a rigid physical examination in order to be able to perform strenuous physical activity, and they must also satisfactorily pass a thorough background investigation. Then they must appear before an interview board consisting of their chief of police and the director of police and such other persons designated by them. These same requirements apply equally to female and male applicants.

### **Curriculum**

The basic training curriculum of the System Police Academy consists of 428 hours—almost 11 weeks of instruction as compared to the first training curriculum of 4 weeks. Also by way of comparison, the required basic training curriculum for peace officers in the State of Texas as established by the Texas Commission on Law Enforcement Officer Standards and Education is 240 hours.

The development of this curriculum has centered around the stated objective of providing the very best training for the type of work which the university police officer will be performing. It has been honed to the point where we believe it is the best curriculum in existence today for training such an officer within the allotted time.

### ***"The main and foremost duty of the university police officer is service."***

The main and foremost duty of the university police officer is service. Service to the public which in his case

consists of university administrators, faculty, students, employees, and other persons visiting the campus for various reasons. To this end, therefore, strong emphasis has been placed on the importance of police-community relations. The importance of this one particular matter just cannot be overemphasized. With good police-community relations the police officer's job becomes much easier, but with poor police-community relations it could well become disastrous. Instruction in this field includes presentations by municipal police administrators and campus police administrators, as well as student panel discussions and panel discussions with the chiefs from the various police departments within the system.

The university police officer must know thoroughly what his image is on his campus. He must realize the necessity of being able to relate and communicate with his public in the most favorable light. He must be tolerant and above all he must exercise the two most essential ingredients of a good police officer—commonsense and good judgment. To achieve this goal, he must understand the extreme importance of good police-community relations on campus. He must stand ready to aid, assist, and render service when called upon to do so in a proper mood of understanding.

Following in the steps of police-community relations is the important matter of patrolling. To the university police officer, patrolling means more than just crime prevention and detection. It means security—security of buildings, medical and research facilities, hospitals, parking areas, housing projects, dormitories, secluded areas, and areas located "off campus" but still under university jurisdiction.

A campus never "closes down." With scientific and research projects, hospitals, and medical centers being located on so many of the campuses, in addition to the usual student body, an

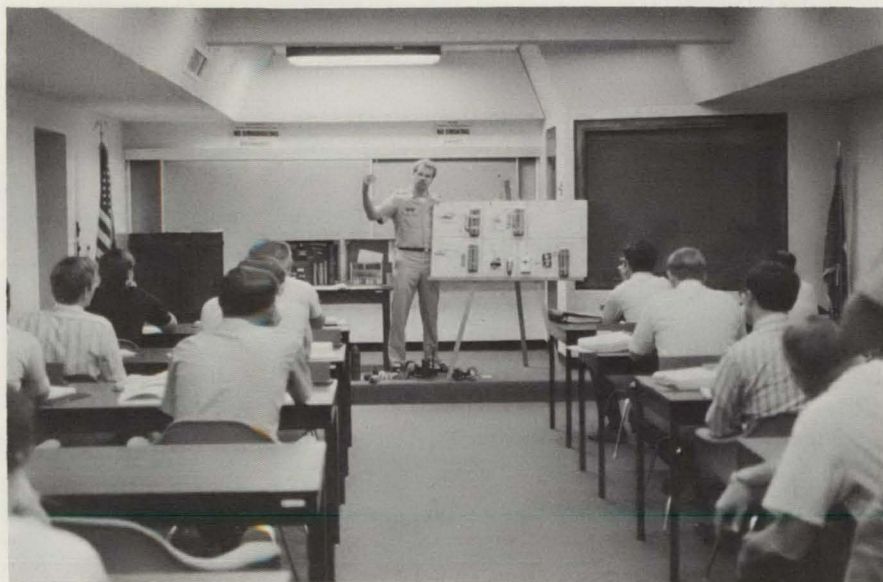


*"The university police officer must know thoroughly what his image is on his campus. He must . . . be tolerant and . . . he must exercise . . . commonsense and good judgment."*

officer becomes aware that he can expect to find campus personnel entering and leaving university grounds and university facilities any time of the day or night. In dealing with these students, undergraduate or graduate, the faculty, and the administrators, the university police officer must exercise tact, discretion, and diplomacy.

In addition to the basic elements of motor and foot patrols, special emphasis is placed on how to patrol these special areas. Considerable time and work were devoted to video taping special situations and problems for instructional purposes. The instructors who handle this phase of the training spent many days on the campuses questioning many university police officers and discussing with them the special problems they encountered in patrolling. Their experience was utilized to indicate what special patrolling techniques were necessary to effectively perform their tasks. From this, then, has developed an excellent presentation on patrolling the university campus.

Another facet of the curriculum that is unique to our training program concerns the instruction in traffic. Several of the campuses are relieved of enforcing traffic violations, since most of the campus thoroughfares are under municipal police jurisdiction. The main concern of most of the police departments within the system is only with parking problems and parking violations. The police departments that do handle traffic enforcement only do so on a low-key basis. Therefore, traffic instruction has been minimized to handle



A military explosives expert exhibits various devices to an academy class.

this variance, but is still adequate for the university police officer—whether his department works traffic or not—in order to know the traffic laws and the proper accident investigative procedures.

Three other matters are considered especially important and valuable in the curriculum. The first of these is psychology. This includes both motivational behavior and the handling of abnormal people. The latter portion of this particular matter is presented by a nationally known and authoritative psychiatrist from The University of Texas Medical Branch at Galveston.

The second matter involves the handling of bomb threats, bomb searches, and the proper procedure to follow if a suspect device is located. This course of instruction is presented jointly by military explosive and bomb experts and university police personnel who have had experience in this area.

The third matter is stress training—riot and mob control. Although demonstrations have not occurred on any of the system campuses recently, training in this particular field is still considered important to the univer-

sity police officer. Included in this phase of training are tapes and movies of previous demonstrations that have occurred on the campuses of The University of Texas System to acquaint the officer with the actual events and human behavior during such instances.

Practical problems have been incorporated into the many phases of our instruction. Experience has proved so well that practical problems and practical situations are absolutely essential to any quality training program, and therefore, they have been employed extensively in this academy's curriculum. It is not uncommon for the student officer to comment after these problems that "Now I see how it works" or "Now I know how it is done." The points of instruction that are emphasized in these problems usually make an indelible impression on the student officer.

All of the practical problems used during the training program are campus oriented. Whether the subject matter to which the practical problems relate is criminal law, criminal investigations, narcotics, report writing, or traffic, all are set in a college environ-





Training includes instruction and practice on the use of iodine fumes in raising latent prints.

ment. Therefore, with thefts, assaults, burglaries (car and coin-operated machines principally), and breaches of the peace being the most common campus offenses, most of the practical problems are planned around these violations. Also to be further realistic in such practical problems, persons are used who are not known to the participating officers to portray the roles of victims, witnesses, suspects, and subjects. Experience has shown that for the academy staff to play such roles becomes ineffective within a short time since the participating officers become adjusted to the personalities and techniques of each staff member. The officer has the actual experience of working the problem with total strangers pretty much under the same conditions as he will encounter when he actually begins working as a university police officer.

Our curriculum places strong emphasis on criminal law, criminal investigations, the penal code, narcotics, report writing, firearms, defensive tactics, interviews, and interrogations.

One of the most valuable assets of the System Police Academy is the close relationship which is maintained between the training staff and

the university police officers following their commissioning and graduation. Through this means of communication has come ideas and suggestions from these officers after they have been "on the street" for possible improvements and changes in the curriculum which they feel would benefit them in their work. Many of these suggestions and ideas have been adopted into the training program. Every 3 months a chiefs' conference is held during which time the basic training curriculum and other training programs are discussed. Hereto, suggestions, ideas, and comments are solicited from the chiefs that could possibly improve the training of the university police officers.

### ***Additional Schools and Programs***

Three basic training schools are held at the System Police Academy each year. These schools normally start in the months of February, June, and September, in order that they coincide with college semesters. This facilitates the attendance of police officers enrolled in baccalaureate programs whereby they will miss only one semester of college.

schools are generally planned between the basic schools. While some of these schools are held at the academy, many are taken directly to each police department in order that all of the police personnel of each department can attend. Generally, these schools are for refresher courses. The particular subject matters to be covered are determined by each chief polling his personnel as to their suggestions on the topics they feel they need.

Special training programs have been prepared for the noncommissioned police personnel present on most of the campuses. As previously stated, they are not "peace officers" by State law, carry no firearms, and have no greater authority to arrest than does a private citizen. However, they perform an invaluable service to their departments, their universities, and their public. The training of these officers on a systemwide basis has only recently been initiated. The cur-

Student officer making a crime scene search in mockup dormitory room during the course on criminal investigations.

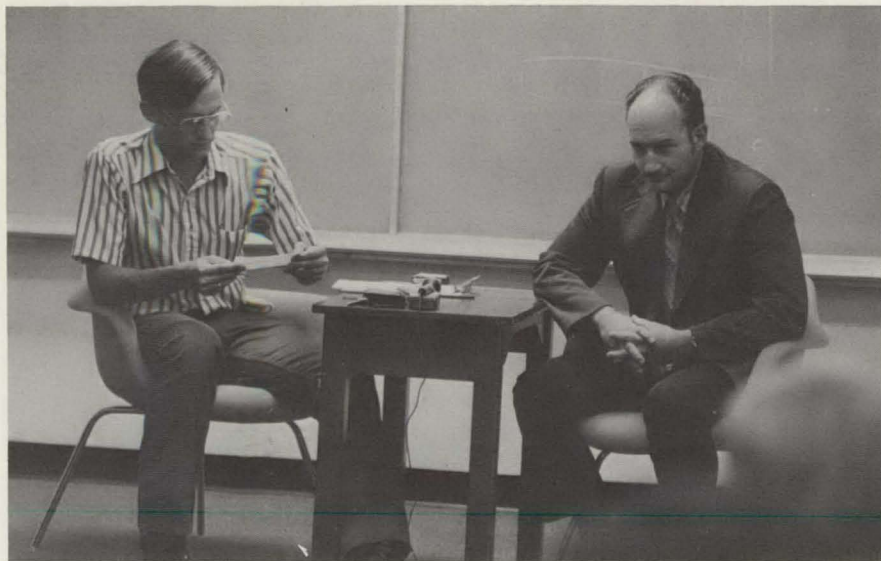




riculum for these officers includes first and foremost emphasis on public relations. Because of their principal duties of security checks, manning guardhouses at entrances of several of the universities within the system, manning fixed security posts in museums and at other important sites, and handling parking matters, these officers are in daily, continuous contact with the public. It is, therefore, extremely important that they be aware of the value of public relations and of maintaining a highly favorable police image.

These noncommissioned officers are also given training on their authority to make arrests and on some sections of the penal code in order that they might recognize the more common offenses which do occur on campus such as felony thefts and breaches of the peace. Additional training for these officers will include patrolling techniques and security checks.

Throughout the basic, inservice, and special training schools, stress is placed on the fact that the university officer, commissioned or noncommissioned, is the person who is responsible for creating the image of his department. How he acts, how he handles himself in his work and in his day-to-day contacts with his public will determine what image his department will have. To be a good university po-



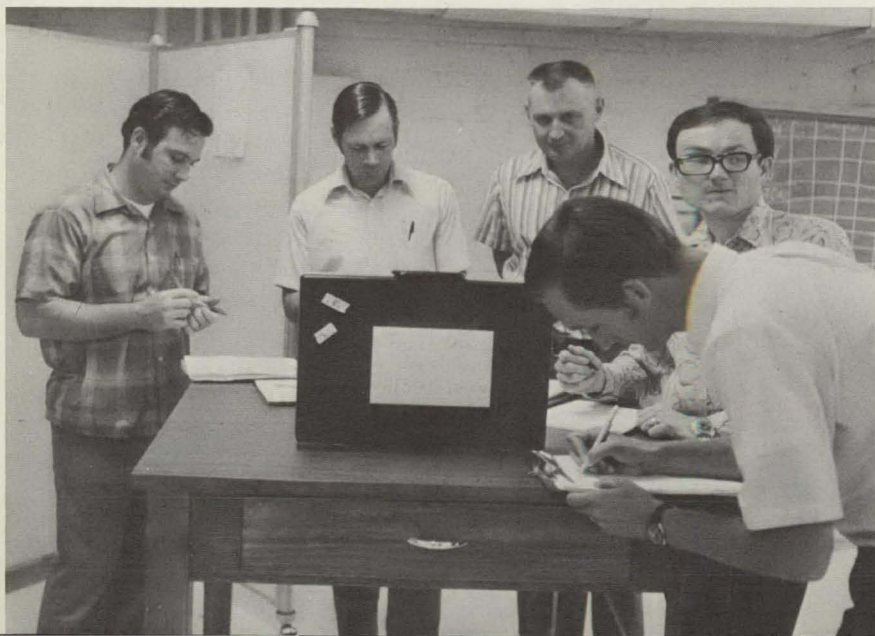
A student officer "interrogates" a suspect. The interrogation will be video taped and recorded for later class discussion.

lice officer, he must act as a "professional" and carry out his duties and responsibilities in a professional and intelligent manner. He is expected to establish rapport and cooperation, and to gain the respect of his fellow police officers in the city, county, and State. While all of the police departments within the system have the jurisdiction and authority to handle all matters on their respective campuses and operate independently of city, county, and State authorities, in times of disaster or crisis, he may well have to call upon them for assistance and close collaboration.

Regardless of the completeness of our curriculum and its adjustment to campus law enforcement, the real success and quality of our training program is directly related to the availability of outstanding instructors, not only of our training staff within the System Police, but also the city and State police agencies, the FBI, and the university specialists who grace our academy with their excellence.

*"... real success and quality of our training program is directly related to the availability of outstanding instructors. . . ."*

Student officers participate in solution of practical investigative problem.

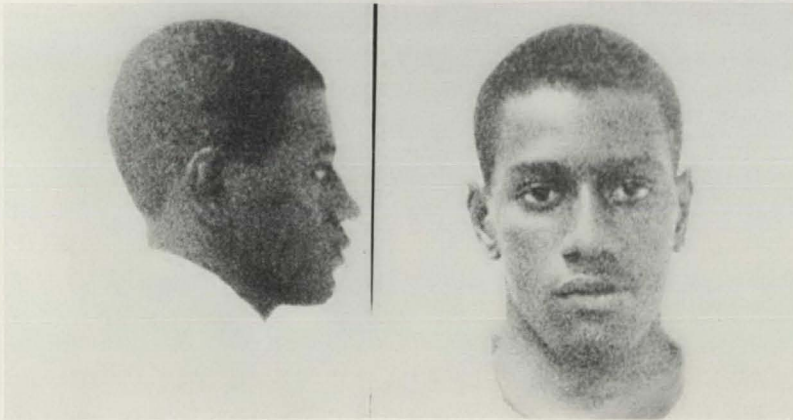


## Summary

Today The University of Texas System Police have come into their own as recognized, competent, qualified, and well-trained officers. They are able to handle law enforcement matters on campus with great efficiency and in a professional manner. They have been successful in "casting off" the shroud of the "old, overweight campus security and parking meter cop" that was their image for years and have assumed their new role with confidence and assurance.



# WANTED BY THE FBI



Photographs taken in 1970.

**CHARLES DAVID GORE, also known as Robert Simmons, Robert Williams, "Hot Rod"**

## Interstate Flight—Murder, Robbery, Escape

Charles David Gore is being sought by the FBI for unlawful interstate flight to avoid prosecution for murder, robbery, and escape. Local warrants were issued at Albany, Ga., on July 26, 1971, charging Gore with murder, robbery, and escape. A Federal warrant for his arrest was issued on September 24, 1971, at Albany.

### The Crime

On June 25, 1971, while on a work detail in Albany, Ga., Charles David Gore and two other Lee Correctional Institution inmates allegedly disarmed and shot a guard, who later died as a result of the injury. The

guard's wallet, which reportedly contained a large amount of money, was allegedly taken by the escaping prisoners. One of the men was later apprehended, but Gore and the other escapee evaded arrest.

### Description

Age----- 23, born July 16, 1951, Atlanta, Ga.  
Height----- 5 feet 9 inches.  
Weight----- 150 pounds.  
Build----- Medium.  
Hair----- Black.  
Eyes----- Brown.  
Complexion--- Medium.  
Race----- Negro.  
Nationality--- American.  
Occupations--- Cook, laborer.  
Scars and marks----- Small scar left forearm.

### Social Security

No. used----- 525-80-1742.

FBI No. ----- 966, 534 G.

### Fingerprint

classification:

17 M 21 W IIO 12

I 27 W IOO

### NCIC clas-

sification:

DM PI CI 17 12 DI PI 11 18 12

**Right middle fingerprint.**



### Caution

Gore, who is being sought in connection with a murder in which a pistol was reportedly used, has been convicted of robbery, forgery, and larceny. He should be considered dangerous and an escape risk.

### Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local directories.



## FOR CHANGE OF ADDRESS ONLY

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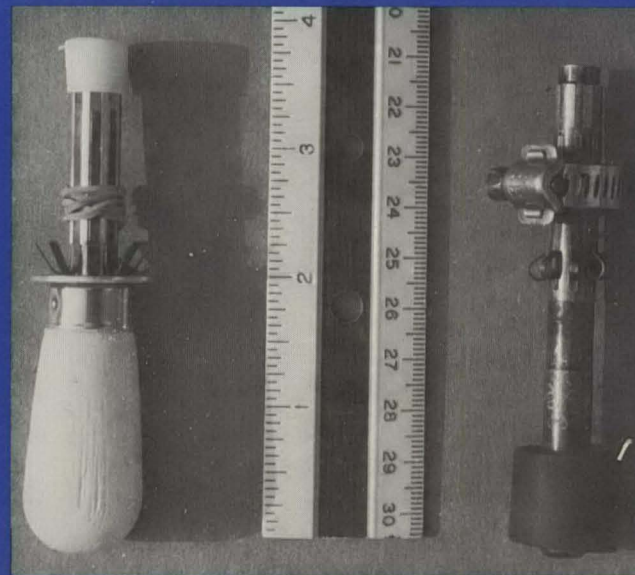
CITY

STATE

ZIP CODE

# BURGLARY ALARM LOCK PICK

Pictured below are handmade devices which police at Frontenac, Mo., have found to have been used effectively to deactivate certain burglar alarms. Each device has, extending from its handle, a tubular shaft which has thin but rigid metal strips (picks) aligned along its length and arranged around its circumference. These strips are movable along the length of the shaft and are pulled back toward the handle before inserting the shaft into the alarm box lock. Once the shaft is fully inserted into the lock, the picks are moved forward as far as they will go. A turn of the handle, according to police, will then deactivate certain burglary alarm box locks having circular keyways.





UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535

OFFICIAL BUSINESS

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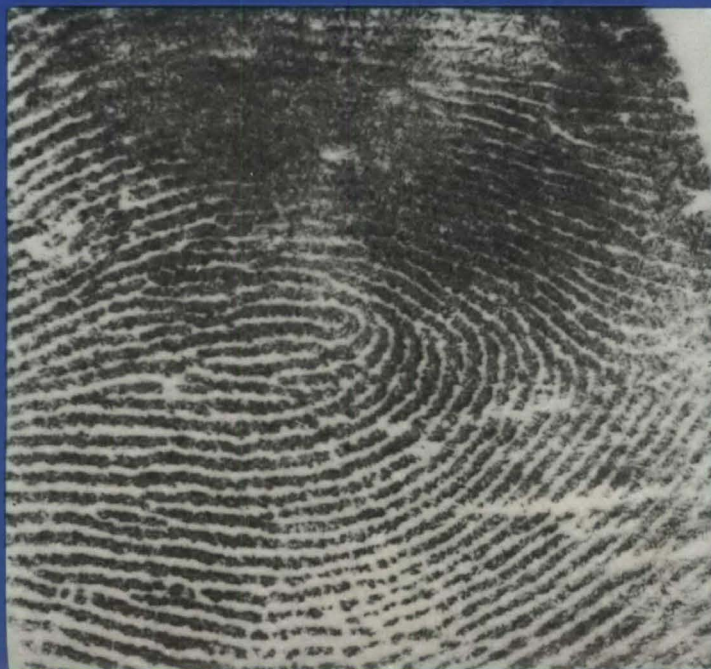
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F



## INTERESTING PATTERN

While not questionable, the horizontal position of the pattern at left is unusual and interesting. It is classified as a loop with 14 ridge counts.