

FBI

Law Enforcement Bulletin

APRIL 1977



Federal Bureau of Investigation

Clarence M. Kelley, Director

FBI

Law Enforcement Bulletin

APRIL 1977
VOL. 46, NO. 4



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

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THE COVER

This month's cover photograph entitled "Night Patrol" taken by Officer Richard L. Aldis of the Prescott, Arizona, Police Department.



Message from the Director . . .



THE USE OF FALSE DOCUMENTS for illegal purposes and as a means to avoid detection or elude apprehension has long frustrated effective law enforcement at all levels of government and led to enormous losses by the public. Indeed, the relative ease with which false identifying documents may be obtained and the increasing potential for their criminal exploitation urgently call for remedial attention.

In November 1976, the Federal Advisory Committee on False Identification of the U.S. Department of Justice, after an extensive 18-month study, released the results of its efforts in a detailed and comprehensive report which impressively states the magnitude of this type of criminal activity and suggests some feasible remedies. The study persuasively reveals this problem to be considerably more than an aggravating impediment to police efficiency and morale—it is a growing menace of formidable dimensions in our society.

As a result of its study, the Committee determined that approximately 80 percent of the hard narcotics entering the United States is smuggled with the aid of false identification. Illegal immigration, similarly aided, creates for our society an estimated \$12 billion annual tax burden. Frauds against business involving false identification—which include check, credit card, and securities frauds—cost the public \$1 billion yearly, and losses attributable to frauds against government involving welfare, Social Security, food stamp programs, and the like, appear to run into billions of dollars. It is, of course, well established that escaped prisoners and other dan-

gerous fugitives almost always obtain false identification to avoid capture.

Contributing to this challenging problem are a number of factors. The availability of sophisticated printing and duplicating equipment, together with inadequate laws controlling the traffic in fraudulent documents, has greatly facilitated the production and misuse of bogus papers. Additionally, in our complex, mobile, and transient society, financial transactions based on individual acquaintanceship and trust are becoming less commonplace. Instead, modern business practices are becoming depersonalized, involving the services of many interdependent parties who are frequently unknown to one another. As a result, documentation has become a critical part of even the most elementary transactions. We have in many ways, as the report states, become a “paper” society.

Clearly central to the problem of document falsification is the birth certificate. The counterfeit certificate or the acquired birth certificate of a deceased infant frequently provides the keystone of false identity for the criminal. On the basis of this certificate, a wide variety of supporting documentation, such as credit cards, driver's licenses, passports and visas, personal checks, and Social Security cards, is obtained, and the alias reinforced.

The Committee has offered a number of helpful recommendations designed to curb existing abuses in this problem area and to better protect society from related offenses. Among these are the correlation of birth and death certificates on

MESSAGE

an interstate basis to more effectively counter the assumption of a deceased person's identity; the creation of minimum Federal standards to tighten the application procedures for such vital documents as birth certificates and driver's licenses; and the establishment of stronger State and Federal penalties for false identification crimes. Also recommended are the creation of stringent, uniform standards for the identification of public aid and Social Security applicants; provisions for directly depositing such benefits to the recipient's bank account; and the utiliza-

tion of electronic transfer systems for funds as an effective safeguard against certain business crimes.

This critical problem of false identification can, through the purposeful efforts of the law enforcement community, private industry, and a concerned public, be effectively combated. Toward this end, many promising remedies have been suggested and should be given all possible attention in a determined attempt to meet this challenge.

APRIL 1, 1977


CLARENCE M. KELLEY
Director

The Combat Confidence Course

By
CAPT. ROBERT R. CLIFTON*
Police Department
Atlantic City, N.J.



The Problem

In March 1973, the training unit of the Atlantic City, N.J., Police Department evaluated its then existing firearms training program. At that time, all firearms training was being conducted at the police academy outdoor range with officers qualifying in either the Practical Pistol Course (PPC) or the Tactical Revolver Course (TRC). Although both courses were considered excellent, we were bothered by the fact that many patrol officers considered the PPC and TRC as fine courses for marksmanship training, but not the most appropriate

"... we found that in nearly all cases a patrol officer would have immediate natural cover in practically all shooting situations."

combat training. Moreover, we had heard of similar complaints over a period of years from representatives of other law enforcement agencies. Some of the complaints were: "An officer very seldom would fire his revolver from the sitting position." "Barricade shooting is ideal on the range, but it's not the same in the street." In view of these criticisms, we decided to research the problem.

At the time of this writing, our department has had two officers killed in shooting situations. The last incident, which occurred in 1970, involved the shooting of a K-9 officer at close range with a sawed-off shotgun. The circumstances of this case underscored our need for further evaluation of our firearms training program. Our

*Captain Clifton is Director of Training, Atlantic County, N.J., Police Academy.



The firearms course stresses the use of natural available cover, such as the police car.

research revealed that most shooting situations involving police officers occur at relatively short ranges, oftentimes in face-to-face situations. We also noticed that in our jurisdiction crimes of armed robberies were increasing, as were "man with gun" calls. Our research, coupled with the excellent response time of our mobile units, clearly indicated to us that "... the potential of our officers being involved in close shooting situations with felons was increasing daily."

The Evaluation

As a part of our research, line officers who had apprehended and arrested armed suspects were questioned about their actions at the arrest scene. We were particularly interested in their thoughts concerning possible armed confrontations. In nearly all previous confrontations, the consensus was that most officers, under the stress of the situation, could not recall a preference to firing their revolvers

single action. On the contrary, most officers involved in shooting circumstances reported that they would have fired their weapons using double action regardless of the distance between them and the subject. We attributed this to the stress factor. However, regardless of how often line officers were complimented for their roles in felon arrests involving armed suspects, they still appeared to lack confidence in the PPC and TRC as being the ideal course for problems in the field.

To us, it was a major concern. We consider our firearms program second to none. Our policy is that every firearms instructor must be a master marksman, capable of firing scores between 96.0 and 100 consistently. In addition, each instructor must have successfully passed the FBI Firearms Instructors Course and the New Jersey Police Training Commissions Method of Instruction Course before being approved for the position. Therefore, we felt that our instructors were excellent, and it was the course itself

that should be evaluated and changed.

In our many attempts to develop a more realistic training program, we thought of the "Hogan's Alley" course located at the FBI Academy, Quantico, Va. This course had been studied and evaluated by our officers attending the FBI National Academy and the Special Tactical Firearms School. Here, we thought, might be a worthwhile approach. We decided to construct a course similar to the geographic areas of our patrols in an attempt to place our officers in a training situation and environment similar to what they might encounter in the field. Our problems, like those encountered by most departments in developing training programs, were budget, space, and time.

Budget, always a consideration, did not allow us the luxury of additional electrically controlled targets. Space, if we intended to use live ammunition, limited training to the existing range facility. Time constraints were, of course, also a factor since our fire-

arms training would involve the loss of officers from line functions.

We spent several weeks with a photographer from our identification bureau, taking selected photographs of various areas of the community, including the beach front and boardwalk. After reviewing these photographs, we found that in nearly all cases a patrol officer would have immediate natural cover in practically all shooting situations.

Obviously, officers assigned to mobile units would have the availability of radio cars or motorcycles for protective cover. Even though our police academy taught each police recruit to utilize these vehicles for protection, we decided to reemphasize this in our inservice training. We also discovered in our survey that an officer on foot was likely to have available for cover purposes one or more of the following: steel mailboxes, fire hydrants, light posts, call signal boxes, and electric or telephone poles. We found that many officers in combat situations simply do not take advantage of such cover opportunities. Many officers reported that in seeking cover they normally chose large objects, such as fences, metal signs, etc. They were generally surprised to learn that in

many cases, the object chosen for cover would fail to stop a bullet. As a consequence of our research, we insured that our firearms course would stress the use of natural available cover. Specifically, we selected the following items, which are normally found on city streets, to be incorporated for training purposes on the range: mailboxes, fire hydrants, telephone poles, and the police car.

Range Space

In dealing with the problem of available range space, we decided to make the items used for cover on the range portable. This would allow us to change our facility at any time so that we could fire the PPC, TRC, or any weapons course. Consequently, all range barricade foundations were reconstructed with portability in mind. The only two items that were permanently installed were the two surplus fire hydrants which we obtained from the city's water department and installed at each end of the 25-yard line of the range. We also obtained from the local post office two mailboxes which were no longer in use. Before we incorporated the mailboxes and fire hydrants into the course, we studied their capabilities for stopping firearms projectiles.

Test Results

Our testing revealed that the average U.S. Postal Service mailbox would stop 125 grain (gr) semijacketed "hollow point" and 158 gr full-jacketed rounds fired from a .38 special revolver with a 4-inch barrel. In addition, the mailbox stopped .00 Buck fired from a 20-inch barrel shotgun at a range of 7 yards. Based on this, we were satisfied that the mailbox offered sufficient protection against commonly encountered small arms. Further testing revealed, however, that the mailbox failed to stop

.30-06-, .308-, and .223-caliber rifle rounds.

We then tested the fire hydrant for bullet penetration. At distances of 25 yards, the following ammunition broke up on contact when striking the hydrant directly: the .30-06, 180 gr full-metal case; the .308 150 gr jacketed soft point; and the .223 55 gr military rounds. Damage to the hydrant by these rounds was minimal and could have been covered with a

"Since our firearms program was a continuum, we could see no reason to devote much time to shooting fundamentals since all trainees are qualified shooters."

new coat of paint. As a result of these tests, it was easy to convince the trainees that the natural cover available to them in most areas of the community would, in many cases, stop firearms projectiles.

Time

As every training officer knows, taking line officers away from needed patrol duties for training purposes is always a problem. Being aware of this, we knew that the desired course would have to be one that required a relatively short period of time but nonetheless allowed us to effectively achieve our training goals.

Fortunately, departmental training policy compels our complement of 287 officers to qualify in firearms training 4 times per year. More specifically, each officer had to qualify twice a year with the service revolver and twice a year with the shotgun and special weapons, including chemical agents. Since our firearms program was a continuum, we could see no reason to devote much time to shooting fundamentals since all trainees are

Chief William H. tenBrink



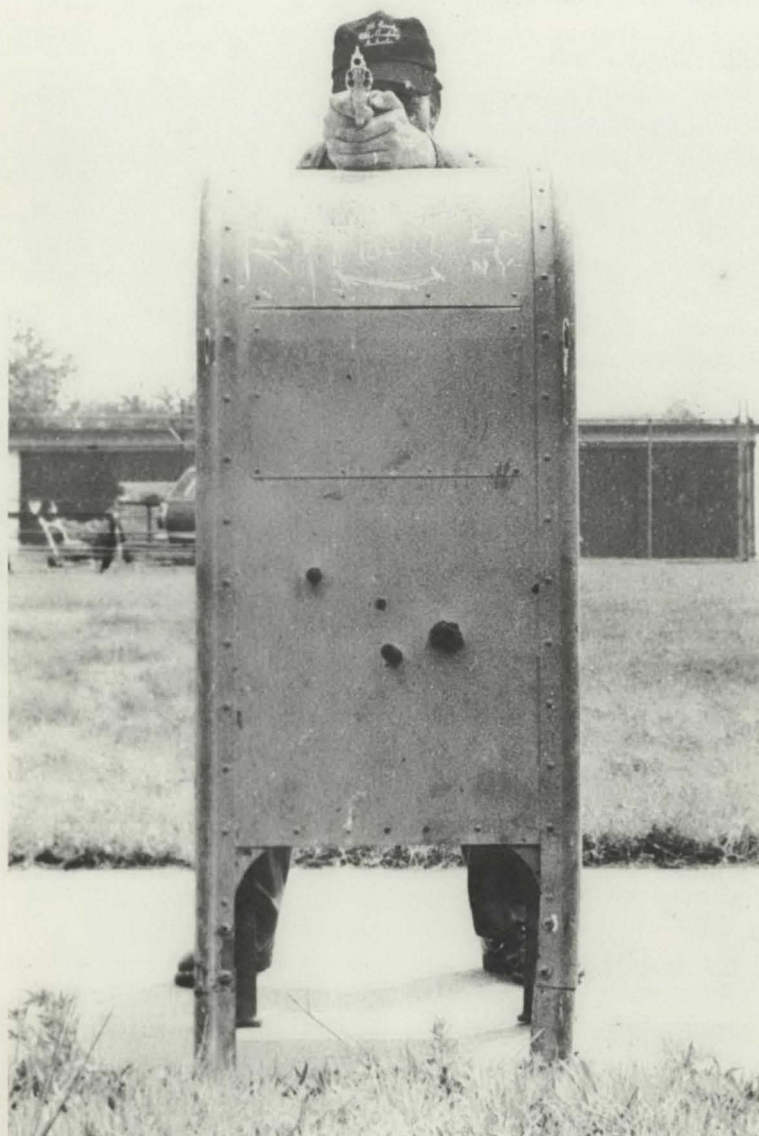
qualified shooters. We decided to begin the new firearms course in the spring of the year in preparation for the increase in personnel during the summer and the anticipated crime rise that normally occurs during this time.

We felt that as a result of this firearms training program, the trainee would gain confidence in his ability to handle any shooting situation. Consequently, our new firearms course was called the "Combat Confidence Course."

The Course of Instruction

With the portable range equipment, we can change from the TRC to the Combat Confidence Course in 20 minutes. Once the course is set, we can request the assignment of one or two patrol units to the range for instruction. We found that we could accomplish our training in 30 minutes and send the units back in service without any substantial loss of the patrol strength.

A mailbox was included in the course.



Step I

Upon arrival at the range, each officer is given a silhouette target and 60 rounds of wadcutter ammunition. The officers are then provided a short lecture on the purpose of the combat course. All officers are then positioned at the 7-yard line, given the command to load their weapons with six rounds and holster. One range instructor takes a position immediately behind the trainees. The electrically controlled targets are turned away from the shooters. The trainees then draw and fire one round at a time from the hip shooting position each time the target turns toward them until all six rounds have been expended.

Step II

The shooters are then given the command to unload and to reload their weapons with six rounds and holster. This time they must fire all 6 rounds, reload, and fire another 6 rounds for a total of 12 rounds, all within a time limit of 25 seconds. Firing commences when the target turns toward the shooter.

Step III

The third step of instruction requires the shooters to move to the 15-yard line. Once again the command is to load with six rounds and holster. When the target turns, facing the trainee, he draws and fires. Here the objective is to fire 12 rounds from the point shoulder position in 30 seconds. This procedure is identical to the 7- and 15-yard line problems of the TRC. In our development of this course, we found that we could not improve on the 7- and 15-yard line hip and point shoulder positions used in the TRC. However, we do feel that the next step is an innovative asset in combat training.

Step IV

Two shooters are positioned at the 25-yard line of the course. The four firing points at the 25-yard line are spaced 7 yards apart and set up in the following manner: (1) A patrol car is parked parallel with the firing line, and the firing point is positioned behind the front wheels to utilize the protection of the engine block; (2) a mailbox is positioned with the mail-chute toward the impact area as a precaution against ricocheting; (3) a portable telephone pole is used for barricade shooting; and (4) a fire hydrant provides cover at the fourth position.

The silhouette target is placed where it can be easily seen from all four points.

The shooters start the course standing behind the patrol car. They are given the command to load with six rounds and holster. They then must fire double action 30 rounds in 2 minutes and 15 seconds. In firing the course, one shooter progressively moves to his left along the 25-yard line. The other shooter similarly moves to his right along the 25-yard line. They fire in the following manner: (1) Six rounds strong hand, kneeling from behind the patrol car; (2) six rounds weak hand, crouching from behind the mailbox; (3) six rounds strong hand, standing behind the telephone pole; (4) six rounds weak hand, standing behind the telephone pole; (5) six rounds strong hand, kneeling behind the fire hydrant.

The shooter does not advance to the next position until he has reloaded and he must keep himself behind whatever protective cover he is using. The range instructor has two duties, range safety and stressing using protective cover.

Scoring is the same as used in the TRC with one difference. In order to emphasize that this is a combat course, we count only hits in the 5 and 4 area



Because they can afford cover for an officer on foot, two fire hydrants were installed on the firearms range.

of the silhouette target. We consider a score of 75 as qualifying.

The Results

As a result of our evaluation, the new course became an important part of our firearms training. We feel that its addition has given our program versatility. Moreover, our officers still qualify four times a year, using the PPC, TRC, special weapons training, and chemical agents courses.

As mentioned, we have found that the Combat Confidence Course allows us to train our officers quickly and

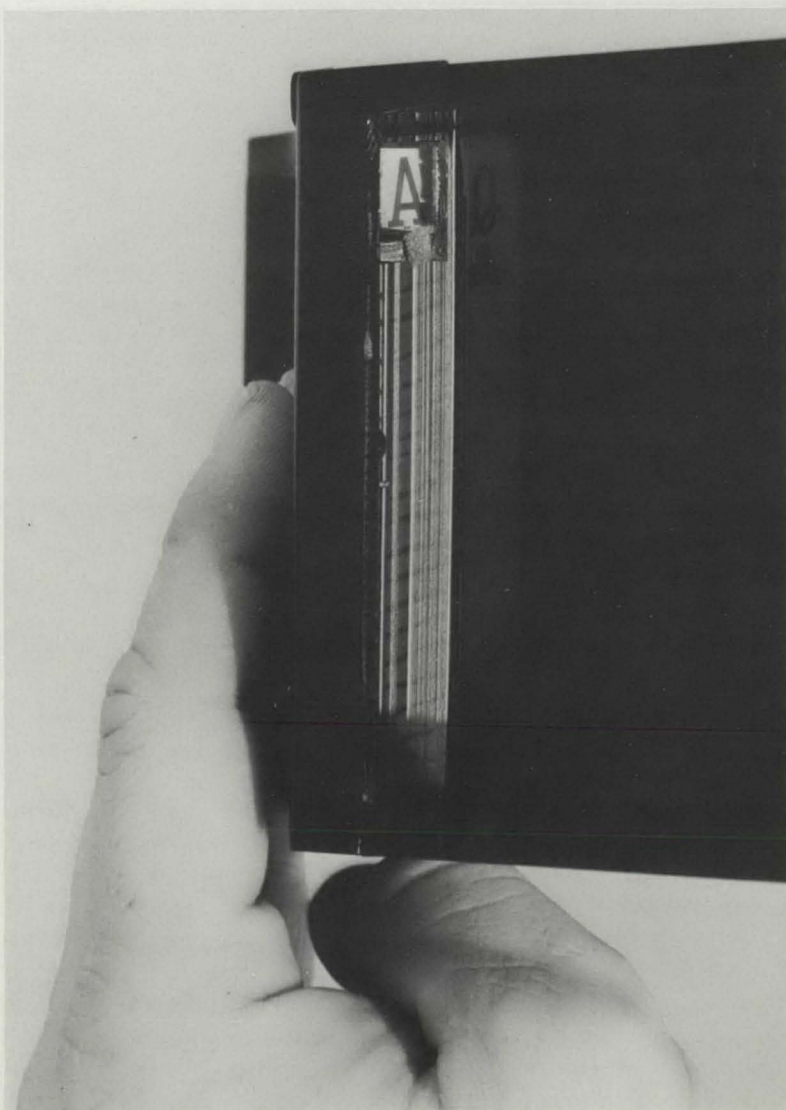
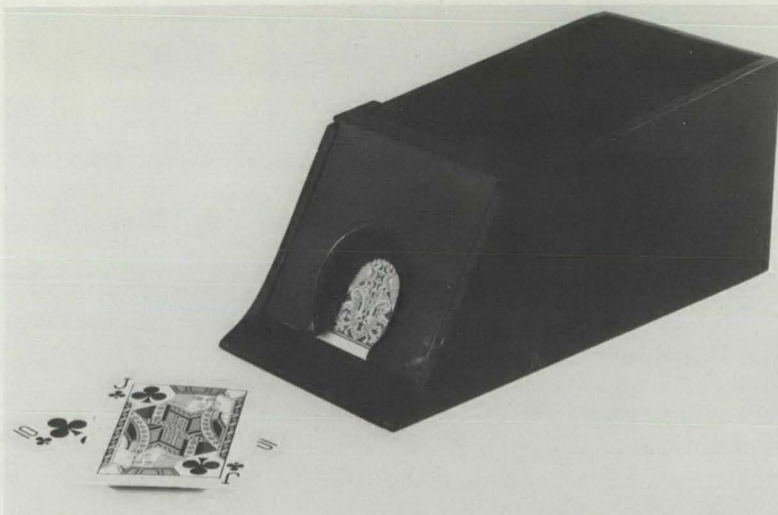
return them to duty without any serious reduction in patrol strength. In addition, officers feel that the course equips them for the street by increasing their skills and by mentally preparing them for a shooting situation. Moreover, we also noticed a sharp rise in morale and an increase in the desire of the officer to report to the range for training. We did have many officers who complained that 2 minutes and 15 seconds was not adequate enough time in which to fire 30 rounds. Our reply to this was: "How much time will your assailant give you?"

FBI

Job **DEALER'S EDGE**

Many gambling casinos, particularly in the games of blackjack and baccarat, employ a dealer's shoe or box, creating the impression that the dealer cannot see or control the cards.

There are, however, ingeniously designed shoes available (see photographs at right) with which a dealer can see the corner of every card dealt and withhold certain cards. The photograph on the lower right was taken from the top of the shoe and shows how the next card to be dealt can be pushed upward, triggering a mirror which pivots toward the dealer's view, allowing him to read the value of the card. The dealer can also manipulate a small lever, thereby temporarily clamping this card, while sliding one or more other cards from underneath. In most instances, only a close and thorough inspection of the shoe or an examination of the cards by experts for telltale clamp marks can detect the use of such well-designed devices.



Considerations in Constructing or Renovating Police Facilities

By
BRIAN N. NAGLE

Police Specialist
National Clearinghouse for Criminal Justice Planning and Architecture
University of Illinois at Urbana-Champaign
Champaign, Ill.

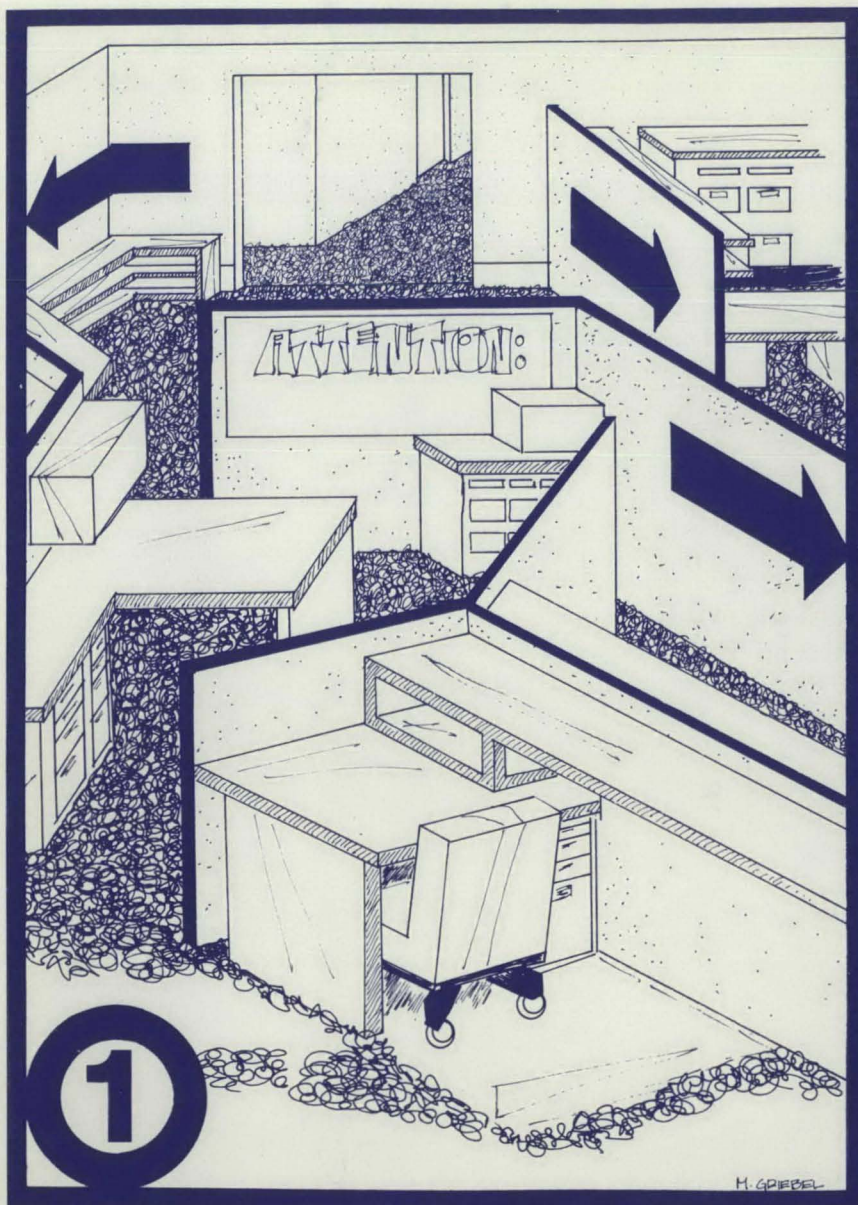


When considering construction or renovation of a building for police use, careful planning, coupled with an understanding of modern law enforcement requirements and construction techniques, will result in the development of an efficient facility. While it is difficult to recommend one building design or specific component that will be ideally suited for all police agencies, several general recommendations can be made based on various considerations.

Planning for Future Needs. Any municipal building represents a major capital investment and commitment

on the part of local government. Once completed, it must serve the utilizing agency's needs for many years. Therefore, when planning a building, future facility needs of the agency are an important consideration. Changing roles, responsibilities, and activities of the police are difficult to project. Indulging in speculation with a low probability of accuracy is a waste of time.

In planning a building for an agency with rapidly changing needs, the building should be designed to be flexible enough to meet a wide range of uses. Flexibility can often best be



Flexibility through open office planning.

achieved through the use of open office planning, where furniture and partitions can easily be rearranged to meet changing organizational space requirements. (See fig. 1.)

Where walls are needed to increase security and privacy, it may be desirable to invest in demountable partitions. Walls can thereby be removed or rearranged later to fulfill a variety of needs as they arise.

Site Selection. If the building occu-

pants are expected to have numerous daily contacts with the public at the facility, the building must be centrally located, or easily reached, and be readily identifiable by all. Providing ample parking and having a site located in an area that is served by public transportation will encourage the public to come to the facility.

In urban areas, where land is at a premium, it may not be economically feasible to have a mere one- or

two-story building occupying a site. With proper planning, police activities can often be housed in a building where other city operations or functions occur. It may also be possible to lease parts of the building to compatible outside agencies, thereby significantly reducing municipal overhead in this instance. Being housed in a common building tends to reduce costs while it increases or maximizes site use.

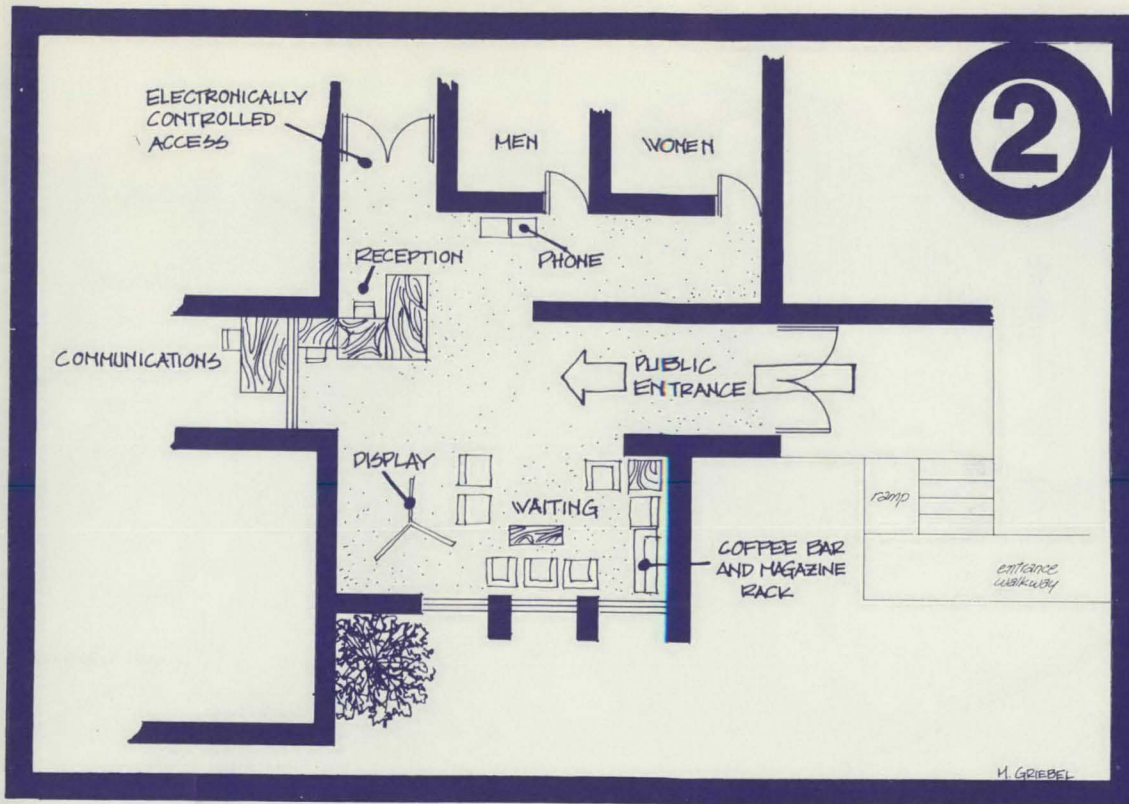
Public Access. Police buildings are generally classified as public buildings. As the public is expected to frequent the facility, the structure must be designed with this in mind. State

"In planning a building for an agency with rapidly changing needs, the building should be designed to be flexible enough to meet a wide range of uses."

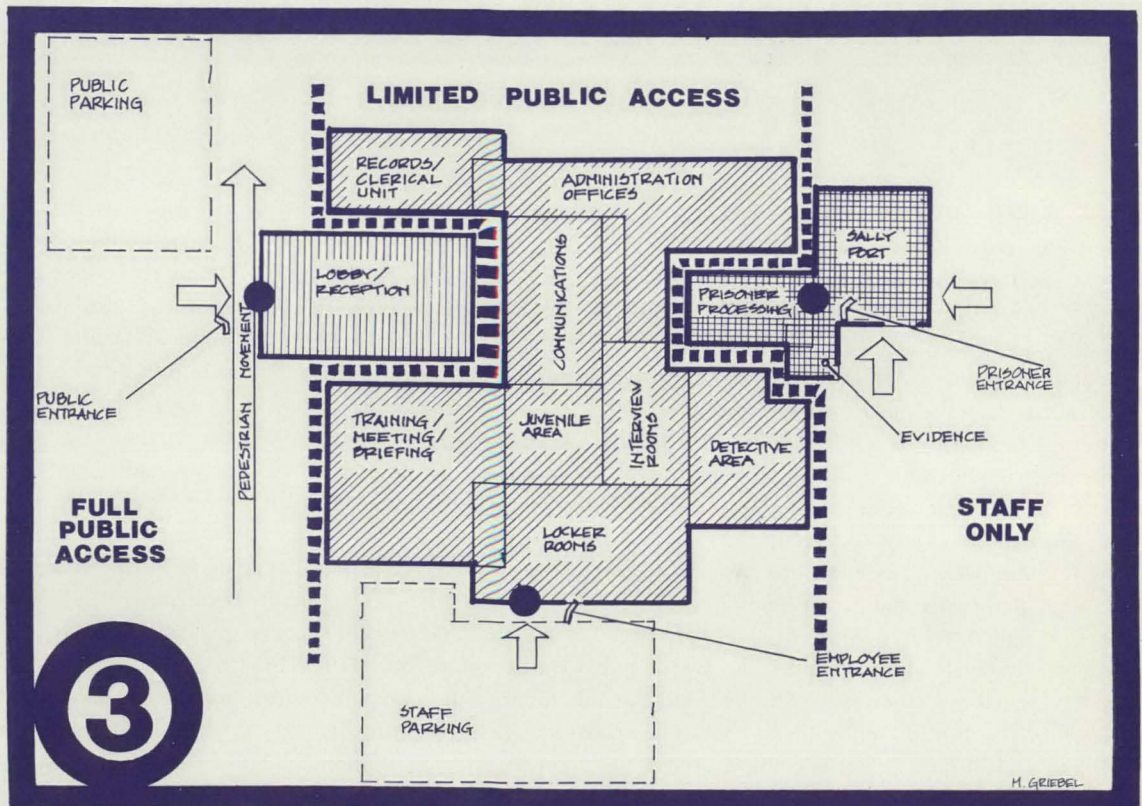
and local building codes should also be examined in order to determine other requirements.

Developing a waiting/reception area for the public is highly desirable. (See fig. 2.) Visitor seating, a pay telephone, and a water fountain should be provided in the reception area. Properly designed, this area can provide the agency with a place to meet the public while access to other areas is controlled by a receptionist. Having such a controlled area will reduce the number of unescorted visitors walking through the facility. (See fig. 3.)

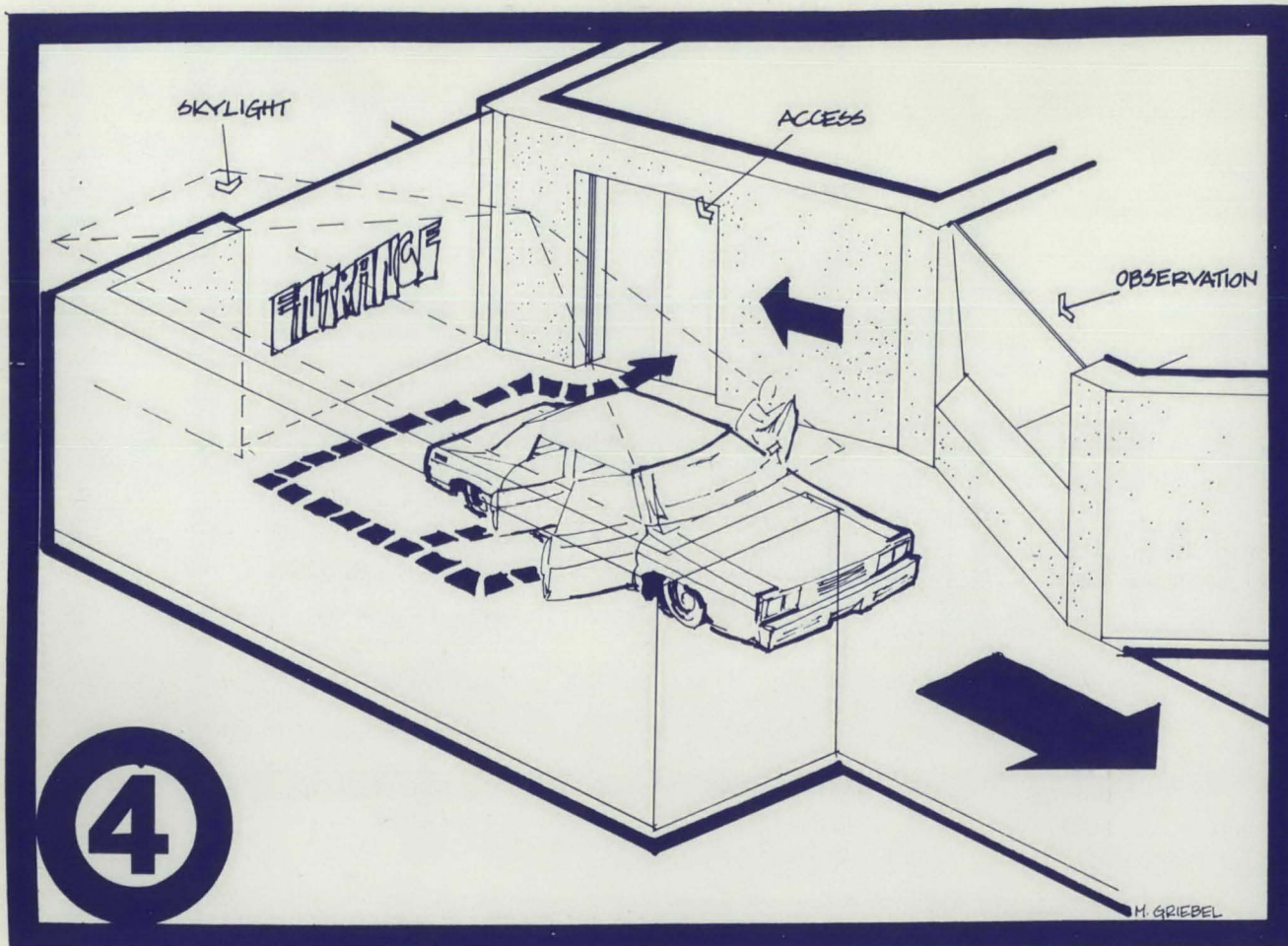
In a small police agency where one person performs most duties in the facility and is often alone at night, having an electrically controlled front door with nearby speaker and bell is desirable. Adequate glazing and proper lighting in the entrance area provide additional security, allowing staff control over who enters the build-



Waiting/
reception
area.



Public and limited
access areas.



Sallyport entrance.

ing. A properly designed entrance and reception area will tend to make the visitor feel welcome while simultaneously providing unobtrusive security.

Handling Prisoners. Whenever possible, prisoners being processed or awaiting interview, in holding areas, or being brought into a police facility should be isolated from the public. A separate entrance apart from the reception area should be provided for bringing prisoners in. A sallyport, where a police vehicle containing a prisoner can enter the building and be securely enclosed therein, can be quite effective in minimizing the risks involved in bringing prisoners into a police facility. (See fig. 4.) Because

prisoners are generally handcuffed during the arrest/intake process, the installation of stairs in these areas should be avoided. To reduce the potential of injuries to staff or prisoners, furnishings and other facility items in areas where prisoners will enter, pass through, or be processed should be adequately secured to the floor or walls. Unnecessary equipment should not be placed in these areas.

Holding Area. Large cells that are designed to accommodate many prisoners at one time are difficult to supervise and can be quite dangerous to staff personnel and prisoners. Providing several smaller holding rooms, each designed for one or two persons, is safer and far more efficient.

Proper use of various types of glazing in holding rooms can provide a number of advantages over the more traditional jail cell. One-way glass and impact-resistant glass are particularly useful in a jail facility. Where glazing is used in a holding area the person being detained can, if desired, be acoustically and physically isolated.

Different degrees of security can be achieved in the holding area by using various types of glazing. Glazing can range from unbreakable to bullet-proof and should be selected to meet the individual agency's facility requirements. Glazing provides the staff with ideal visual surveillance and can serve as a shield between the staff and prisoner.

To facilitate maintenance of the holding area, floor drains should be considered. Providing specially constructed toilets in the individual cells eliminates the need for the prisoner to be taken to a toilet outside the cell area that may also be used by staff personnel and/or the public. Providing a telephone jack near the area of the cells enables prisoners to have easy access to a telephone, when permitted,

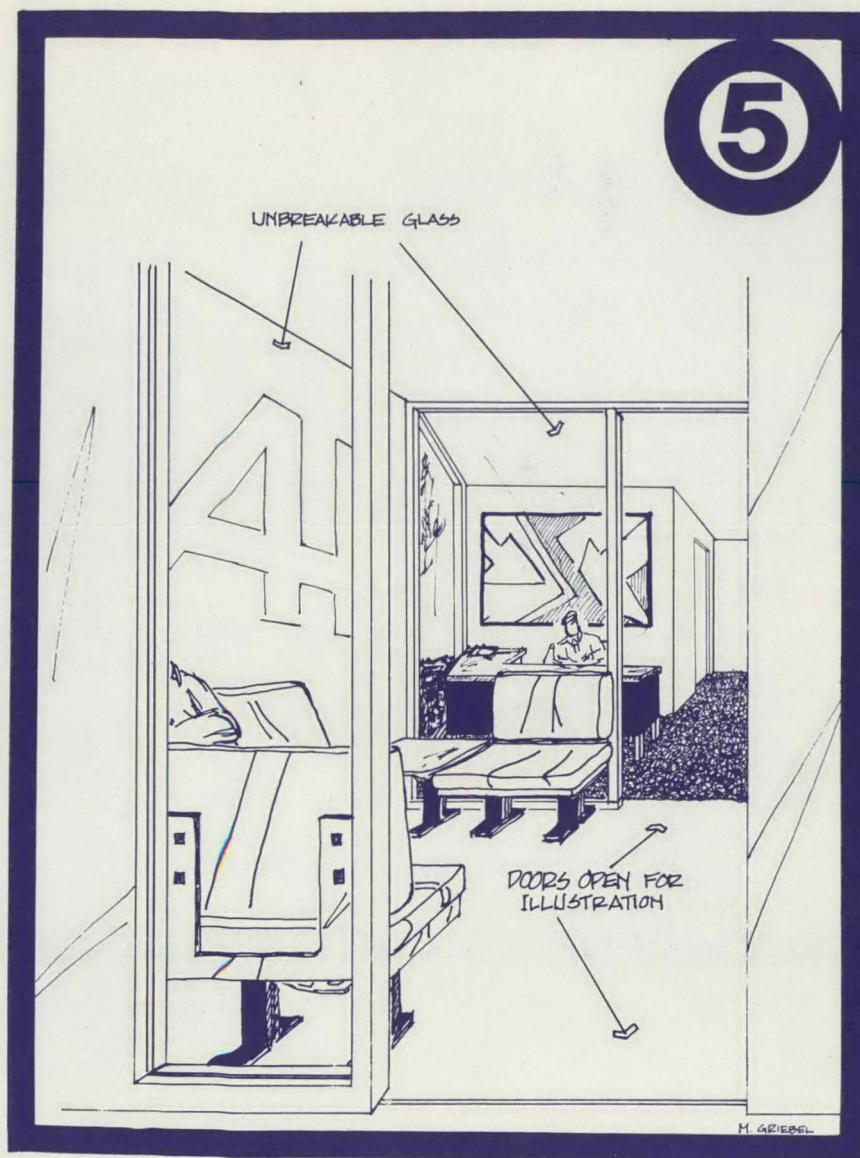
"Few things look more unprofessional than an uncared-for new building."

without being in a public area. Lighting fixtures in holding rooms and prisoner areas should be recessed and have secure, nonbreakable covers.

Persons being detained should be given, if at all possible, constant visual surveillance. Providing a work station where a staff member has full view of all holding areas is desirable. Visual surveillance tends to make the detainee less destructive and lessens the possibility of the detainee inflicting self-injury. (See fig. 5.)

The cost of developing a holding area of the above-mentioned type can be considerably less than the cost of barred cell construction.

Interview Area. The sensitivities and attitudes of victims, witnesses, complainants, and informers must be considered. People discussing embarrassing or confidential matters with staff personnel generally feel more comfortable when others are not listening. Better citizen cooperation can be realized if the public is provided with a private and pleasant place to wait and to be interviewed. A clean, quiet area equipped with reasonably comfortable seating will help put citizens at ease. Design considerations need not be elaborate. Subdued colors and a green plant or two will often produce the desired effect.

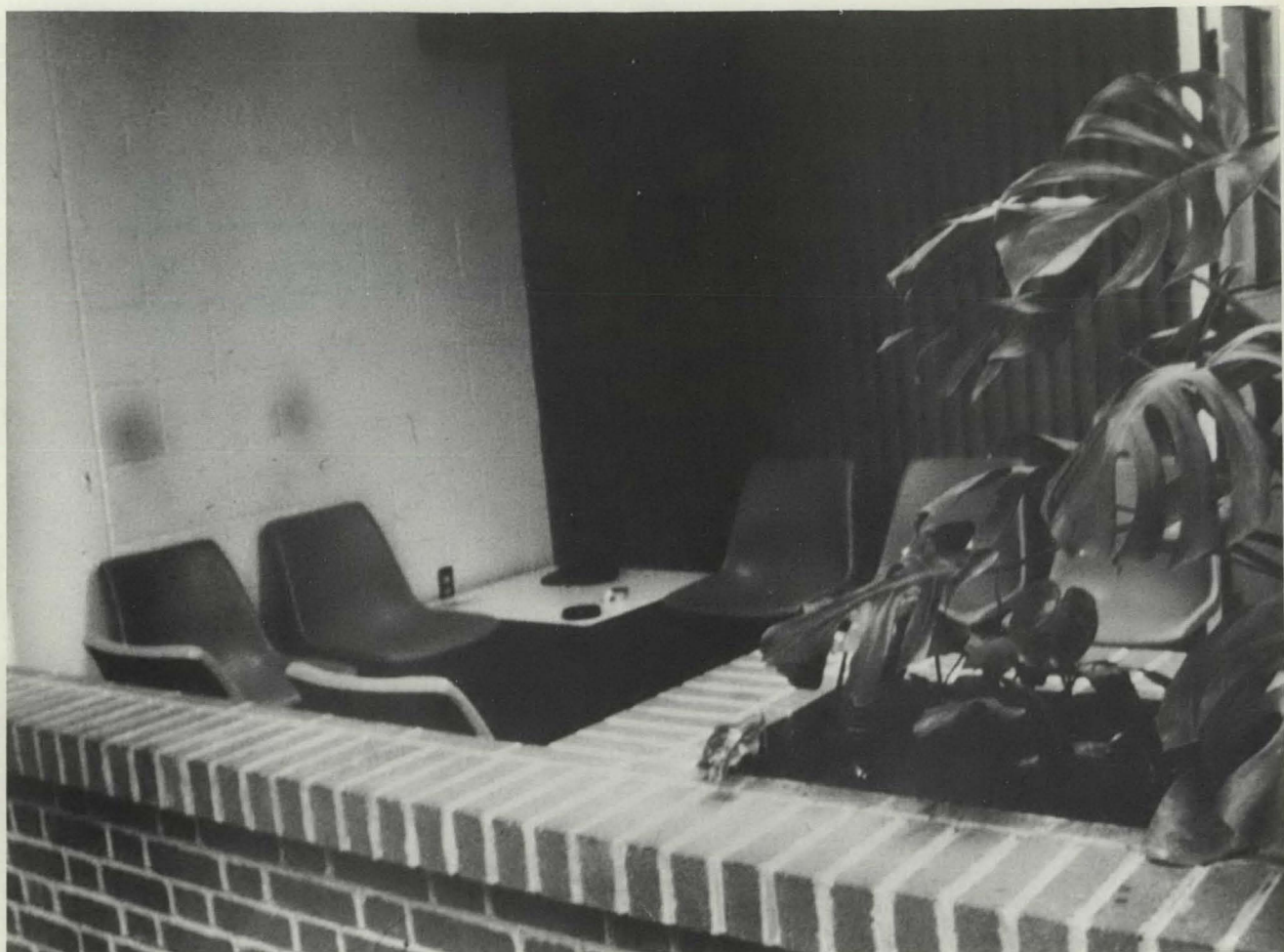


Holding area.

Locker Rooms. Locker space should be provided for both male and female officers. If officers store handguns in their individual lockers, the locker room should be placed in a secure area to which the public will not have ready access. A policy of keeping all individual lockers and entrances to the area locked should be in effect and enforced to assure additional protection.

Providing full-length mirrors, a shoeshine machine, scales, and a height/weight chart in the dressing or rollcall area encourages the employee to be more conscious of personal appearance.

Evidence Storage. It is imperative that evidence be maintained in a manner that is acceptable to the courts. Compartments in secure areas that can be locked by the individual officer



Pleasant and functional waiting room.

should be available for temporary storage of items of evidence. When evidence has to be analyzed or centrally processed, it may be temporarily placed in a locked drop box at a secure location from which periodic collections are made by an evidence technician. Evidence storage areas should, of course, be secure, away from public access areas, and accessible only to authorized personnel.

Training Area. All law enforcement agencies should have a program that provides proper training for its employees at regular intervals throughout their careers. To enable this training to take place, adequate space should be available. Very often, one area can be used for a number of

activities such as briefings, rollcalls, and meetings as well as for training sessions. If the component is well planned and located near the public

“A properly designed entrance and reception area will tend to make the visitor feel welcome while simultaneously providing unobtrusive security.”

entrance, public gatherings can also be held in it without altering various aspects of the building's security or disrupting operations. Demountable

partitions should be available to this area in order to facilitate its varied usage.

Firearms Training. Weapons training is of vital importance to every law enforcement officer, and every agency should insure that its personnel receive proper training in this area. Because of the cost involved in solving construction, ventilation, heating, and acoustical problems encountered in building an indoor range, developing a suitable outdoor range should be a consideration. In areas where adequate firearms ranges have been developed by others, contracting for use of such ranges is far more economical than developing another costly range facility that, in most cases, will prob-

ably not be used to maximum advantage.

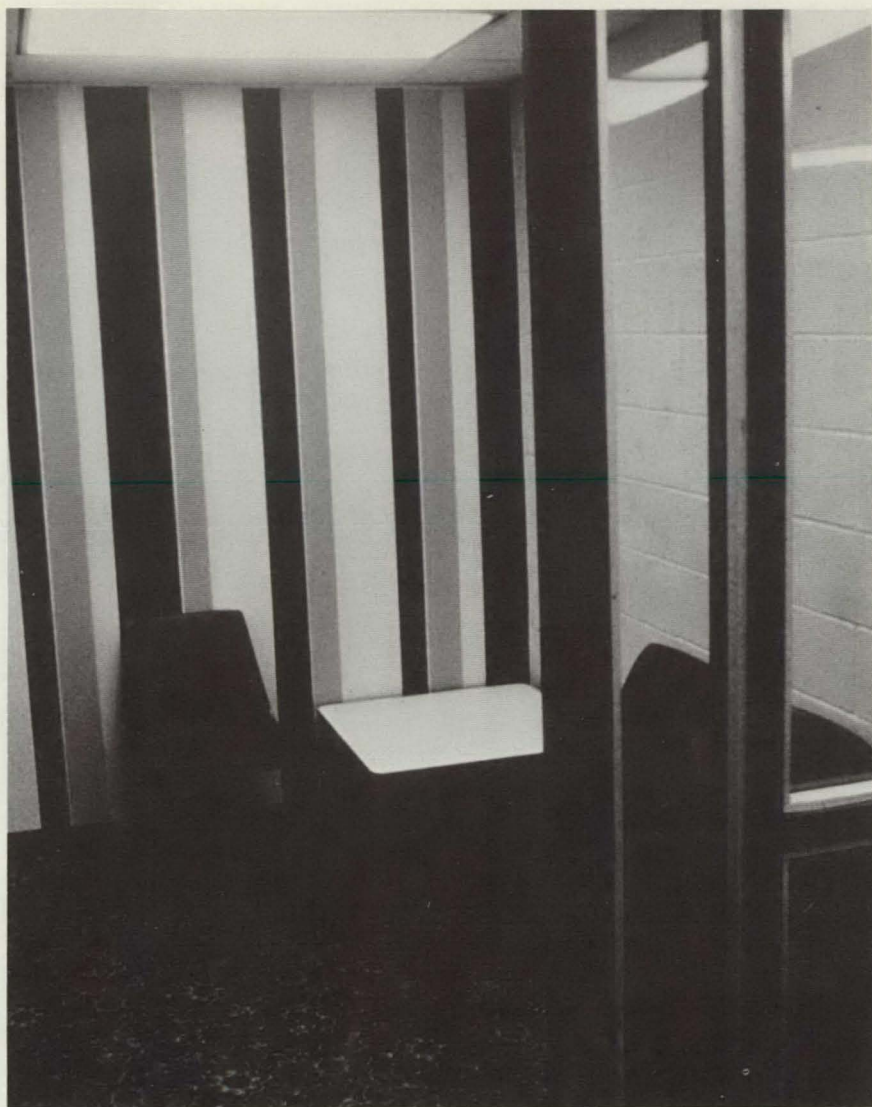
Interior Design. Appropriate furniture, graphics, and color schemes are important architectural components of any facility. Modern office equipment placed in an attractive setting can enhance the public's image of their police. Carpeting should be used in the lobby and reception area, communications and administrative areas. Carpeting looks quite attractive, adds color and texture, provides significant acoustical advantage compared to tile surfaces, and is fairly economical to maintain. Carpeting also reduces the incidence of injuries due to falls.

"It is imperative that evidence be maintained in a manner that is acceptable to the courts."

Building Maintenance. Once a building has been completed it must be kept functional and attractive looking. Police facilities receive a great deal of use and abuse. A maintenance schedule should be followed that insures that all facility functions are kept operational and that the building remains clean and regularly painted. Few things look more unprofessional than an uncared-for new building.

A member of the department should have the responsibility of supervising janitorial services. It is helpful if a specific list of regular and periodic maintenance requirements has been drawn up and a daily schedule is prepared for janitorial personnel. These items simplify supervision and insure all pertinent areas are being afforded attention at necessary intervals.

Conclusion. In each individual construction and/or renovation case, there are many more variables which should be considered. The foregoing ideas are presented as a general guide only, from which other ideas or more



Attractive and efficient interview room with partial glazing.

specific plans may generate. The primary objective of planning is to insure that a practical and efficient facility results. Careful consideration at the outset of present and future needs can contribute much to attaining this objective.

BIBLIOGRAPHY

- "Is Your Police Lobby a Beacon or a Tunnel?" (Brief article in "Professional News/COPsules" Feature) *The Police Chief*, March 1976, p. 12.
- Marino, Samuel C. "Planning Police Facilities and Services in Richmond." Master's thesis, John Jay College of Criminal Justice, City University of New York, 1962.
- Nagle, Brian N. "An Alternative to Municipal Ownership of Police Facilities." *The Police Chief*, April 1976, pp. 49-50.
- . "The Outdoor Firearms Training Facility: Basic Considerations." *The Police Chief*, October 1976, pp. 60-62.
- National Clearinghouse for Criminal Justice Planning and Architecture. *Design Criteria for Short-term Holding*. Champaign, Ill.: National Clearinghouse for Criminal Justice Planning and Architecture.
- . *Guidelines for the Planning and Design of Police Programs and Facilities*. Champaign, Ill.: National Clearinghouse for Criminal Justice Planning and Architecture, 1973.
- U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice. *Life Cycle Costing Techniques Applicable to Law Enforcement Facilities*. Law Enforcement Standards Program: LESP-RPT 0801.00 Washington.

At Fort Carson: Progressive Policing Programs Pan Out

By
Lt. Col. Fred J. Villella (Retired)*
Former Law Enforcement Commander
Fort Carson, Colo.



* Lieutenant Colonel Villella retired from active duty effective November 1, 1976. His manuscript was prepared prior to retirement.

Fort Carson is a large U.S. Army installation set in the foothills of the Rocky Mountains just a few miles south of Colorado Springs, Colo. It is the home of the 4th Infantry Division (Mechanized), and its residents make up a sizable portion of the total population of the greater Colorado Springs-Pikes Peak Community. Active duty soldiers and their families comprise approximately 43,000 of the estimated 75,000 persons in the jurisdiction of the fort. The larger figure also includes civilian employees, retirees, and daily visitors. Nearby Colorado Springs has a population of approximately 240,000.

The police force serving Fort Carson has a complement of 500 personnel and is responsible, in addition to strictly military missions, for all law enforcement functions typical of a municipality. On a statewide basis, extensive liaison is effected with other Federal, State, and local police agencies by the Fort Carson Criminal Investigations Command and Provost Marshal's Office.

The mean age of military personnel assigned to this post is 20-21 years. This is an age group that traditionally has a high crime rate, thereby presenting law enforcement on the military reservation with a situation

A commander of one of the 4th Division's Br



not directly comparable to that of a similarly sized civilian community with broader age grouping representations.

In May 1976, the Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice announced that the Fort Carson community had achieved a phenomenal 44-percent reduction in violent crime and a 39-percent reduction in property crimes during 1975 as compared with the previous year's figures. (See fig. 1.)

The Administrator of LEAA pointed out that Fort Carson's anti-crime program is the first known validation of the four priorities of the National Advisory Commission on Criminal Justice Standards and Goals. These priorities pertain to increasing juvenile diversion, delivering social services, expediting cases, and obtaining community cooperation.

A myriad of innovative law enforcement programs contributed to these noteworthy reductions. Community-based policing and a new style of police-community liaison have been the cornerstones of these innovations. They have been the byproduct of a police philosophy that encourages progressive change.

"Community-based policing and a new style of police-community liaison have been the cornerstones of [our] innovations."

The impetus for Fort Carson's innovations was provided in part by our "taking to heart" some of the remarks made by FBI Director Clarence M. Kelley to attendees at the 81st Conference of the International Association of Chiefs of Police held in September 1974 at Washington, D.C. In his comments, Mr. Kelley queried:

"What have we, as a profession, accomplished through change? Have we really accepted new ideas, programs, and viewpoints? What specific changes did you make in your department last year—in training—in management—in investigative techniques—which enable you to provide better protection to the citizens you are privileged to serve? Have we been stand-patters, preferring the 'good old ways' without seriously endeavoring to recognize, understand, analyze, and adapt changes? Let's take inventory and ask some tough, straight-to-the-point questions. Where do we in law enforcement stand today? Where are we going?"

Perspectives for Change

At Fort Carson, Director Kelley's words prompted us to analyze all our operations.

Truly, some changes had taken place. They occurred, however, mostly in the area of equipment as new radios, cars, crash helmets, a computer terminal, and other items had been procured. It was apparent, however, that no substantially novel ideas, programs, or viewpoints had been adopted or given serious consideration for implementation. Our police style and perspective were still bound to traditional practices in almost every respect. In the recent past, there had been no noteworthy changes in training, little in management concepts, and virtually none in investigative techniques—with the exception of those dictated by legal precedents established.

es a briefing from the law enforcement officers who regularly patrol his area of responsibility.



Yes, upon honest analysis, we fit into the category of "stand-patters," preferring the "good old ways" to any genuine attempts to improve performance and results through initiation of innovative programs.

An Assessment

Following our self-examination, the first indication of the direction we should now take was dependent on the responses to two questions: What is our objective? Where do we stand now?

Like most areas of the Nation, we found that crime was increasing in our jurisdiction also. Additionally, there were other basic problems. There was continuing hostility from many elements toward the police, the number of juvenile offenders was rising, long delays were being experienced in adjudicating cases, and strained relationships were evident in many dealings with the community and with other components of the criminal justice system.

Further, other factors bearing on police efficiency had not been adequately addressed. Our basic orientation was geared primarily for crime-fighting although police resources actually employed were utilized 85 percent of the time for matters relating to the rendering of public services. No formal plan for programing the delivery of public services, however, had yet been actualized.

Other weaknesses were evident. Many unsolved cases were continued in an open status without much chance of solution; due to the volume of investigations open, many reports of new crimes perpetrated were not enthusiastically received, and once recorded, were often routinely added to the long line of those cases awaiting investigation. There was no effort to expedite investigations, seek alternatives to prosecution, or coordinate various actions with other elements of

the criminal justice system. Hostility, when encountered, was usually met by police demeanor at least equally hostile. Drug enforcement efforts were oriented toward possession offenses

rather than suppression measures.

We were also not adequately assessing our positive accomplishments. Foremost in this respect, the basis for successful convictions was not being

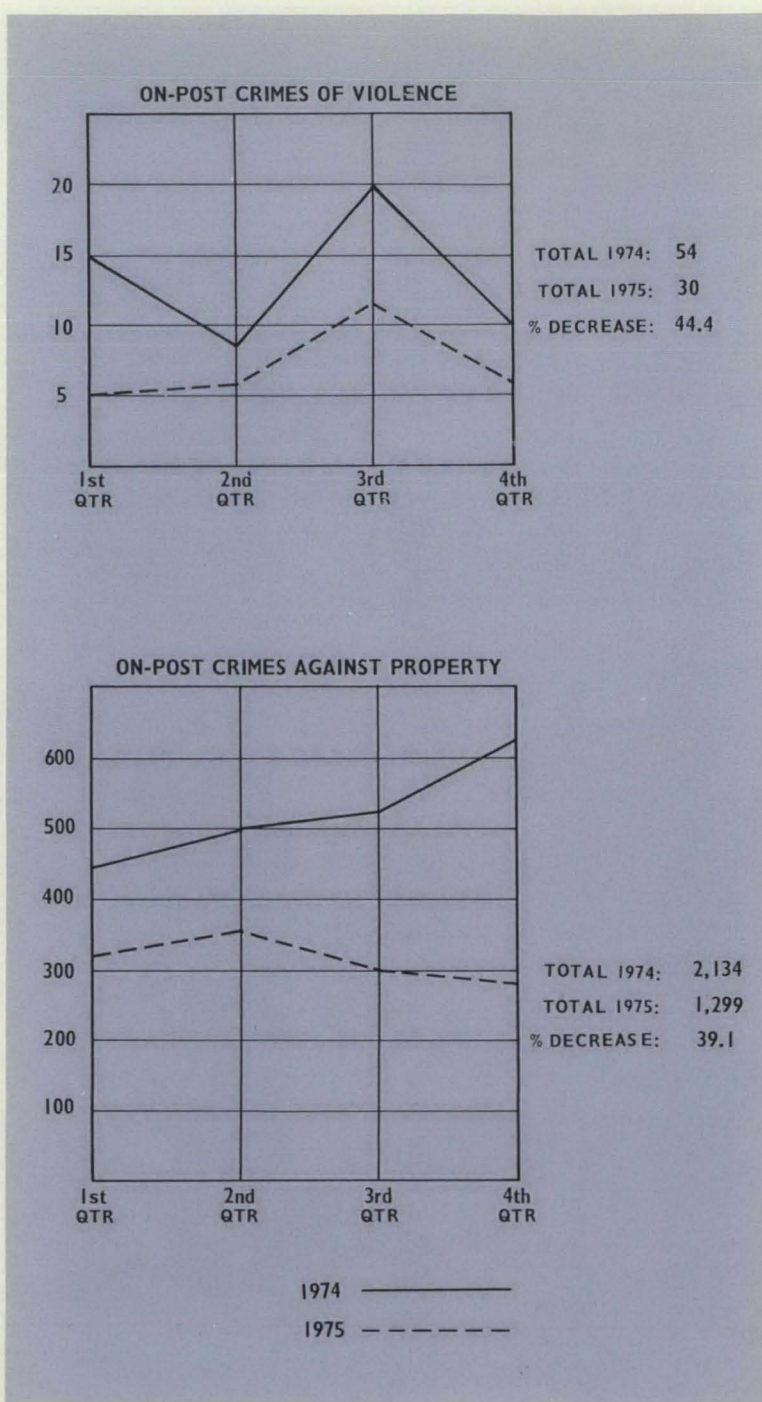


Figure 1

DIMENSIONS FOR CHANGE

Objectives Sought	Techniques to Achieve Objectives
Efficient management of changes necessary	Reorganization of personnel and resources
Transfer of technology	New police academy program
Maintain environment for change	Share positive results from changes with participants
Develop community support	Initiate geographic neighborhood police
Deliver prevention services	Establish police human services branch

Figure 2

systematically ascertained and capitalized on in future operations.

New Directions Necessary

Obviously, taking new directions was a must, and various steps were undertaken. Efforts were made to determine the precise nature and extent of the various crimes being committed and to identify service delivery problems. Once a problem was identified, eliminating or treating it and preventing its recurrence were key parts of the subsequent strategy.

It also became clear that a major reorganization and allocation of our resources and personnel were necessary if we were to be truly more productive. This was especially important if we were to attain positive results in crime prevention efforts and to gain widespread community cooperation.

The objectives to be sought were identified, and the techniques for achieving these objectives were outlined. Our overall program's dimensions for change thus appeared as set forth in figure 2.

All police endeavors had to be em-

ployed in a manner that would secure the support and cooperation of law-abiding citizens, would make human resource delivery more effective and crime preventive, and would eliminate or rectify the main problems identified. An honest accounting to all components of the criminal justice system was also required.

At Fort Carson, the general blueprint of the new directions we were to take encompassed the four priorities for action established by the National Advisory Commission on Criminal Justice Standards and Goals. As stated earlier, these four priorities are: (1) Increasing juvenile diversion, (2) improving delivery of social services, (3) expediting the adjudication of cases, and (4) attaining greater citizen cooperation.

The new roles we assumed and the actions we initiated to fulfill these roles are graphically shown in figure 3.

Crime Prevention

All of Fort Carson's law enforcement programs now have the preven-

tion of crimes as their general goal. Crime prevention is not looked upon as strictly a staff function or relating merely to the activities of a small group of officers who target on the biggest crime problems. Crime prevention is a fully operationalized function of the police—all the police. Police activities are adjusted or re-directed, if appropriate, as a result of competent and timely crime analyses of reported crimes. Emphasis is also placed on increasing reports to police of crimes which in the past would not have been reported at all.

Patrol persons perform crime prevention inspections and regularly talk with soldiers and troop commanders about crime conducive situations they uncover. Patrol techniques are designed to help combat specific crime problems, such as theft offenses, in larceny-prone areas identified, for example, parking lots and buildings with minimal security. During routine performances of duty and in all contact with citizens served, the patrols seek to convey an attitude of sincere interest and concern in regards to crime and related problems in the community. Citizens must be convinced that the police do really care and will do more than merely respond to a complaint and take a report.

"Efforts were made to determine the precise nature and extent of the various crimes being committed and to identify service delivery problems."

Efforts by investigators to conduct followup actions in cases involving family dysfunctions and errant juveniles contribute substantially to preventing further offenses by the same individuals. Careful analysis of situations surrounding crimes against persons produces information beneficial in determining where and when special teams of patrol persons and investigators should be employed to



The role of women in law enforcement has drastically changed. Fort Carson's women participate in all phases of law enforcement.

effect prevention and suppression activities.

Due to improved crime analyses, more efficient patrol assignments, increased cooperation from those served, and other factors resulting from the various new measures implemented, the crime solution rate at Fort Carson jumped to 55 percent—a figure certainly indicative that we were moving rapidly in the right direction.

Team Policing

The police patrols at Fort Carson now function as part of a community-based policing system. The system is a modification of the neighborhood team policing concept currently being utilized in many cities throughout the United States. Each team is tailored to its assigned geographic and neighborhood environment. A team commander (a senior police sergeant) is responsible for the prevention of crime in each area and works with the area community leader (a brigade commander). A close link with the citizens served is also provided by a

program that encourages interested members of the neighborhood to ride along with the patrol in their assigned areas for various durations during all

hours of the day and week.

A mutual understanding of each other's problems and duties helps create better relations between the military police and the citizens they serve, and a genuine spirit of cooperation is fostered. Hostility toward the police is reduced as, chances are, team members know most of the people in their area and have been seen frequently by area residents. This aura of familiarity is further reinforced by military police being present at the hospital emergency room and in close contact with officials and clients of the probation department, and by associations developed through police activities relating to consumer affairs' matters and the handling of domestic, juvenile, and other behavioral problems.

Military Probation Section

This section was established to assist commanders in supervising soldiers released from confinement and

A Behavioral Services team discusses the operational plan before assuming the shift for the evening.



to show the soldier supervised that others still care about him and have an interest in his being able to perform well with his fellow soldiers. Such soldiers are assisted with any continuing problems involving drugs, finances, their families, or other situations, and supervision continues until the commander, the probation supervisor, and the soldier each agree it is no longer necessary.

Police Behavioral Services Section

The family residence areas on the post are patrolled by members of the Provost Marshal's Behavioral Services Section. Because of the unique problems often confronted in such areas, these patrols are specially trained in precrisis attention, crisis intervention, identification of family dysfunction indicators, and handling of juveniles.

"[P]atrols [covering the family residence areas] are specially trained in precrisis attention, crisis intervention, identification of family dysfunction indicators, and handling of juveniles."

They are there not only to prevent crime, but to identify the underlying causes of people's problems, which often manifest themselves in commission of a crime or disturbance. Behavioral Services police also have responsibility for monitoring patients treated at the emergency room of the post hospital for indications of possible violations or police-type problems. This monitoring has led to a greater accounting of many crimes not previously reported, especially offenses such as domestic and street assaults and child abuse and neglect.

The patrol activities of Behavioral Services police are supported by a complement of investigators and case managers who, in addition to provid-



Delivering of social services at Fort Carson begins with the introduction of the "Neighborhood Cop" into residential areas, an old concept combined with specialized training for officers in social services subjects.

ing criminal investigative assistance, also perform other functions such as interim counseling, referral of individuals to community service agencies, and long-term tracking of various persons to insure problems identified are thoroughly addressed and eventually resolved or reduced to an acceptable level.

Although heavily involved with juveniles, Fort Carson law enforcement elements have no "juvenile offi-

cers" per se. The target for resolving problems of errant youths is the family unit—not just the juvenile alone—since juvenile problems usually stem from a family dysfunction. Primary emphasis is placed on diverting juveniles out of the formal justice system and providing treatment alternatives to truly assist the youth and his family and thereby possibly preclude additional delinquent offenses.

Personnel of this section staff the

Teen Center where military police plan, supervise, and coordinate various youth activities. They also visit schools where they render informative presentations to students on various subjects and confer with student counselors.

Coordination among members of this branch is facilitated by section meetings conducted weekly to discuss cases. They thus are usually knowledgeable of families with some history of past problems, and when called to a residence where a problem exists, are often better able to handle the people involved and the problematic situation. Through such preparation, threats and assaults against police have been reduced. The people frequently know the police and were possibly helped in some way in response to a previous incident or problem.

Home visits are also conducted by this branch as a positive prevention technique. Such visits usually involve cases concerning families which have problems relating to the use of alcohol or drugs; or have a record of child abuse, child neglect, or other family dysfunctions; or have a history of previous suicidal gestures, emotional

disturbances, or other behavior-related problems.

Trust of the police, as manifested by prompt and increased reporting by citizens of possible problems, often leads to police intervention in a crisis at an early stage and before an offense has occurred. This kind of police role complements functions of various social and community service agencies—

it is *not* a substitute. Behavioral Services Section personnel assess the problem and gather pertinent on-the-scene information. The soldier or dependent with a problem is then referred to an appropriate social services agency on post or in the civilian community. Once referred, the referral's progress, or lack thereof, is followed by a representative of the Behavioral Services Section.

The measure of the Behavioral Services Section's apparent success has been statistically demonstrated. (See fig. 4.) This relatively small, highly trained section assumes a large part of the police responsibility and comprehensively addresses the problem of preventing and reducing domestic and juvenile crime. Their actions and efforts have contributed greatly to public acceptance and support of the law enforcement agent in the community.

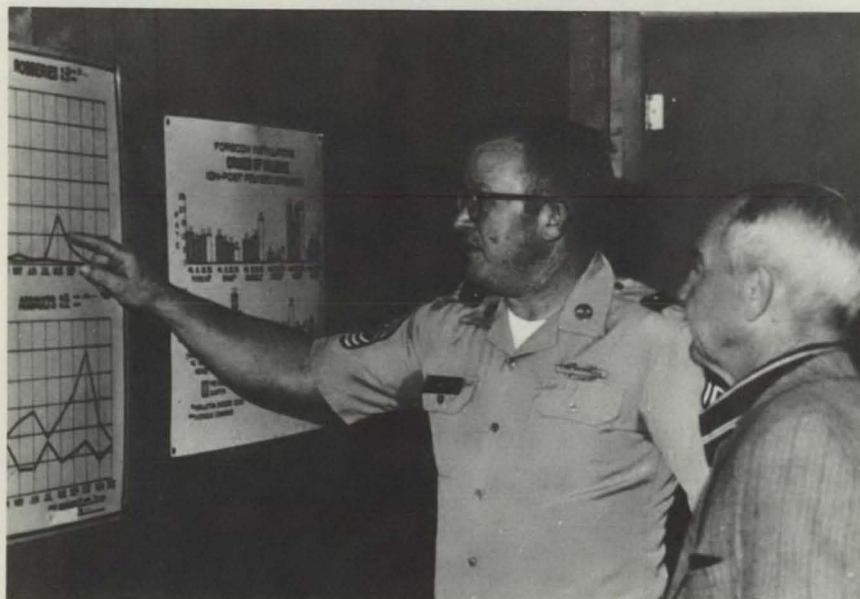
Cooperation With Other Agencies

To provide for the best community service, there must be maximum cooperation and information exchange between all criminal justice compo-

New Roles	New Actions Initiated
Prevent juvenile delinquency	Young police involved with youth activities and problems
Deliver improved social services	Train and employ personnel in human services role
Increase citizen action	Provide for citizens to accompany patrols and permit community leaders to exert influences on police roles
Expedite justice	Alter and improve police contacts with prosecutors and other judiciary officials including probation personnel

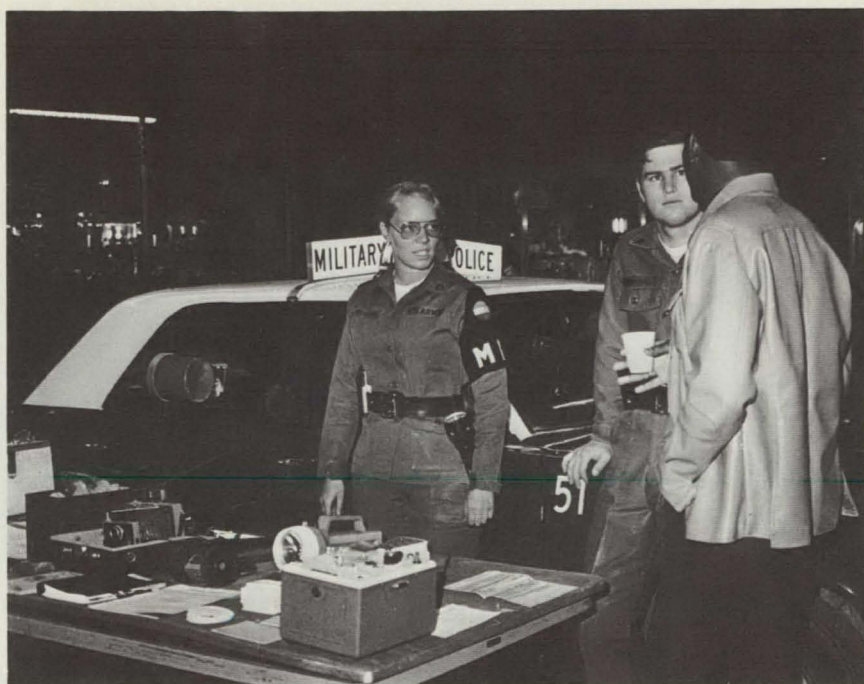
Figure 3

The significant areas of crime reduction are pointed out to a member of the press.



nents operating in the community. To fulfill its responsibilities in pursuance of this objective, Fort Carson law enforcement elements have established a community liaison program that allows military police persons to work closely with local police departments. This setup contributes to soldiers charged with civilian violations receiving equal judicial treatment along with other civilian community residents, assists in solving cross-jurisdictional crime problems, and facilitates keeping military channels open to the community. Members of this liaison section also work with district and municipal-level probation departments. Their main function in this latter role is to provide pertinent information to the courts so that more confident and sound judgments can be rendered in cases involving soldiers. Information about a soldier's duty performance, disciplinary record, and other important data is made available.

In view of these latter efforts, the



Static displays in areas frequented by the public do much to promote support for law enforcement and to publicize police procedures.

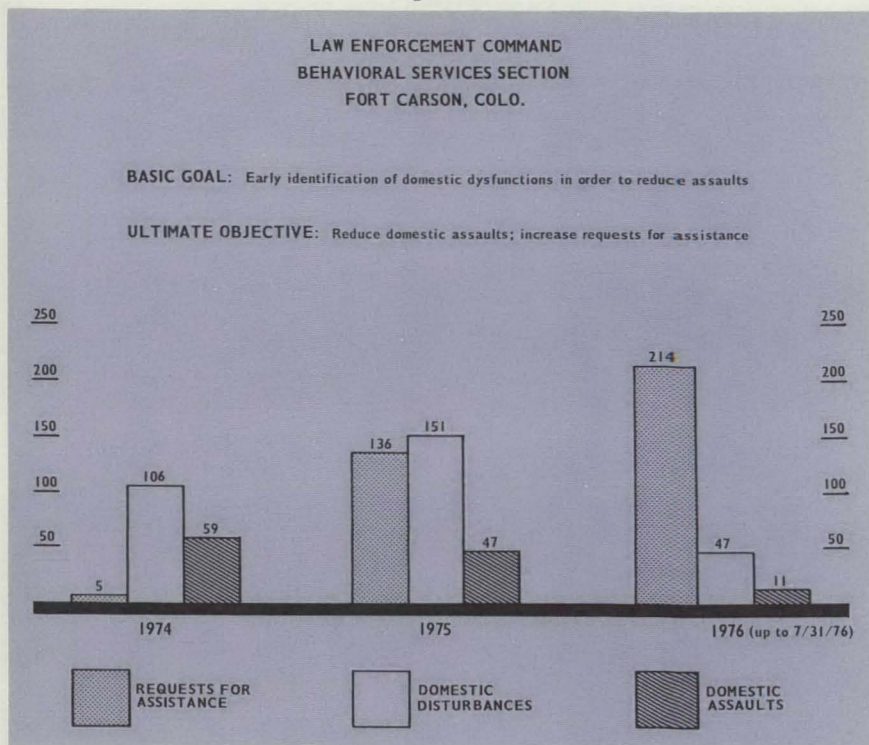
rate for granting personal recognition bonds to soldiers has increased from 15 to 50 percent. Ob-

viously, this new rate has substantially reduced the military inmate population in the El Paso County, Colo., jail, thereby producing a considerable savings in civilian jail expenses and military and civilian manpower costs.

We recognize that the criminally inclined do not usually restrict themselves to any civil or military jurisdictional boundaries. Through our close liaison, a regular flow of information between jurisdictions occurs, and close day-to-day working relationships are established. Thus, much of the potential for problems of a trans-jurisdictional crime nature is eliminated.

This liaison effort is also helpful in effecting military absentee apprehensions. Frequently, military absentees, ("AWOLS" and deserters) are unemployed, and this factor, coupled with their "wanted" status and other considerations, can lead to criminal activity in the civilian community. Prompt apprehension of these absentees can pay dividends to local authorities in their overall efforts to

Figure 4



control crime and can reduce Government expenses in attempting to locate them.

Police-Consumer Affairs

An existing Fort Carson community council which was sponsored by the police was revitalized, and a consumer affairs task force was organized. This latter group reviews complaints and formal proceedings in merchant/soldier disputes.

A military police consumer affairs agent has been assigned to this field. He accepts complaints from both sides in these disputes and works closely with the district attorney's Consumer Fraud Division. Customer and merchant complaints are thus reviewed, investigated, and mediated. Availability of this resource has frequently led to amelioration of hostile feelings between disputants. A greater degree of responsible conduct by all parties and a more wholesome commercial environment have resulted. Most consumers and merchants alike now know where they can take a complaint and receive police-sponsored assistance in resolving it.

An Alliance for Progress

As indicated earlier, it was obvious to us in late 1974 that the Fort Carson police role was too rigidly structured toward crimefighting. Also, cooperative efforts by community and criminal justice system leadership elements at Fort Carson and in the Pikes Peak region had not been truly productive. True, there were lunches, meetings, and cocktail parties held which were jointly attended by representatives of these components, but problems about crime and relations between the community and criminal justice agencies were not being realistically confronted and adequately resolved in a truly effective manner. The relationships were personally congenial but professionally unfruitful in most respects.

Sparked by the desire of the Fort Carson police to achieve progressive change and spearheaded by the interest of the Fort Carson chief executive (the Post Commander) and the Judge Advocate (chief prosecutor), a new alliance was sought and formed. It included the post law enforcement com-

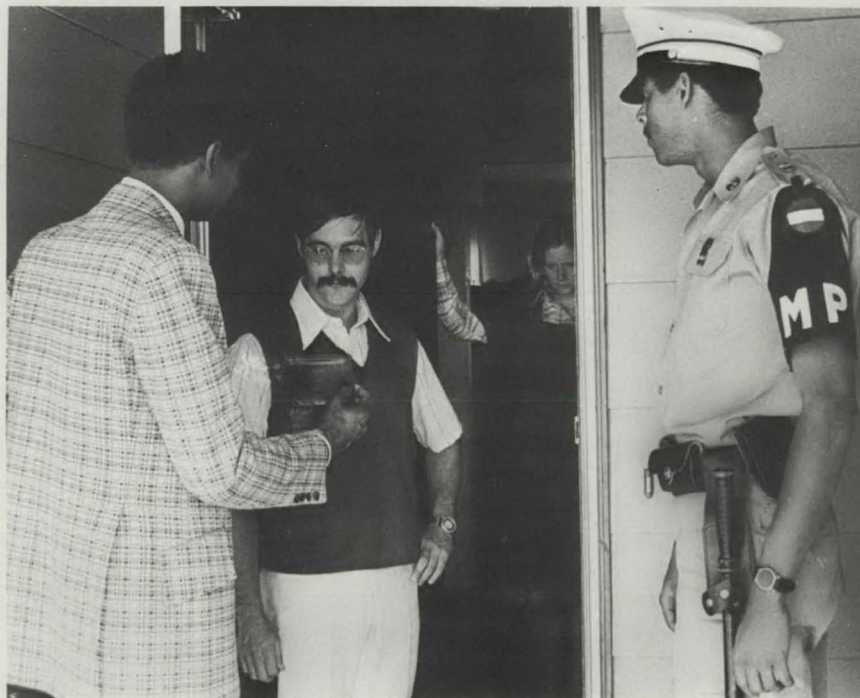


Maj. Gen. John F. Forrest
Commanding General
Fort Carson, Colo.

mander, the two above-mentioned officials, and others. A key supportive role was played by the local district attorney, who had achieved many successful advances of his own in regards to the local criminal justice system. The "prime mediator" became the chief adult probation officer who, serving as the pivot in the criminal justice process, likewise served as the pivot in the new alliance. This new union became the catalyst for a smoother and substantially improved integration of all the criminal justice components—military and civilian—and was a most important accomplishment.

The local sheriff praised the close alliance as the greatest cooperative effort he had seen and noted that all the new programs were remarkably effective and in part provided a means for quickly solving crimes and handling offenders. Police chiefs of local jurisdictions were inspired by the value and further potential of the venture and remained fully cooperative and supportive.

Simulation of Behavioral Services patrol officers making a call to a home with a probable domestic problem, based on a tip from a neighbor.



The New Situation

Community-based policing was involving the citizens and the Fort Carson community leaders in fighting and preventing crimes. Behavioral Services was identifying and responding to disorders in the home environment and through well-established communications was making referrals and conferring with social service agencies. Improved crime analyses were being conducted, and patrols were being more effectively employed.

Our programs' successes are due to support and cooperation received from many quarters—military and civilian. The Fort Carson Judge Advocate contributed all of his resources, gambling on the total commitment of the Fort Carson law enforcement elements to effect progressive change. He enjoyed a high degree of professional respect among other criminal justice principals and his support and influence were a key factor. Another factor was an agreement reached between the Fort Carson law enforcement commander and the post prosecutor to work more closely in many matters. This cooperative partnership has continued and been expanded. As an example, an Army lawyer is now in charge of the police investigations section at Fort Carson, further enhancing legal aspects of police investigative efforts and insuring priority investigative attention is afforded to those cases with definite prosecutive potential.

Initially, the Chief of Criminal Investigations of the Criminal Investigative Division field office at Fort Carson reserved judgment in evaluating the changes taking place, while continuing to fulfill his role in solving major crimes. He finally became convinced, however, that greater citizen involvement had developed and that patrol members of the "teams" were more effective and a great asset in obtaining information, often sparking a crime's solution. He acknowledged that the



A helping hand is still one of the most effective methods of gaining community trust and support.

Behavioral Services Section had become a useful resource in solving behavior- and family-related crimes.

This entire alliance involving key executives, the community service agencies, and the criminal justice components was indispensable to the achievement of positive change with notably successful results.

Other Problems

All has not been a bed of roses, however. While rapes, aggravated assaults, and robberies declined dramatically in 1975, a murderer, who viciously killed several people, was on the loose. It is

little consolation that the prevailing close working relationships were instrumental in eventually apprehending and convicting this killer. At least two other homicides, however, were quickly cleared by arrest and conviction as a result of this close cooperation.

Rapes perpetrated by soldiers were reduced 68 percent—but we would like to reduce statistics of this crime much further. The improvement attained thus far is attributable in part to the harmony between Fort Carson police operations, an effective community education program, and efforts of the local district attorney and the Victim



"Beat" patrol officers discuss "insurmountable problems" that occur to these youthful citizens.


Service Bureau of the Colorado Springs Police Department. Another possible contributor to the decrease—one difficult to quantitatively measure—was the wide increase in respect for the law emerging from improved relationships between soldiers, the police, and the community.

In another crime category, a rather simple operation led to a reduction in robberies. This involved sending Fort Carson patrols along the pertinent highways at "robbery time" to pick up hitchhikers, thereby eliminating potential victims, and perhaps subjects, in some instances.

While Fort Carson's programs emphasize preventing crime and rehabilitating individuals, those objectives do not displace past emphasis on stringent handling of serious and recidivist offenders. Prompt prosecution and imposition of fitting sanctions on those convicted is emphasized in all such cases to provide a deterrent effect on others and to remove dangerous offenders from the post community.

Conclusion

This overview of innovative programs we implemented and found of value at Fort Carson has been presented with the hope it will spur others to try similar progressive measures. Much remains to be done to keep law enforcement practices responsive to changing times and rising crime rates and to improve overall effectiveness and efficiency.

The long-term impact of our programs remains to be seen, and we recognize that much can still be done to improve these and perhaps implement others. We have crossed a major hurdle, however, by our acknowledgment that progressive change is necessary and by our commitment to try programs offering a good prospective for increasing our ability to prevent, solve, and reduce crimes. We in law enforcement must be receptive to change and willing to innovate as *there often is a better way!* 

International Exchange of Fingerprint Data

March 1, 1977, marked the 45th anniversary of a system of international exchange of fingerprint data initiated by the FBI in 1932. This cooperative service enables investigative agencies throughout the world to benefit by the mutual exchange of data concerning criminals whose illegal activities are international in scope.

At the request of law enforcement agencies in participating countries, the FBI's Identification Division will search its fingerprint files, and if possible, provide identification and any other criminal-related information required. In return, those agencies will conduct similar searches and advise the FBI of fingerprint data they possess.

Today, the FBI exchanges fingerprint information with 81 countries and 4 U.S. possessions: The Canal Zone, Guam, Puerto Rico, and the Virgin Islands. In fiscal year 1976, the FBI received 6,647 fingerprint requests from foreign countries and 6,094 from the possessions. In all, 1,441 of these were identified with records on file with the Identification Division. During the same period, 141 fingerprint requests were transmitted abroad with 3 identifications resulting.

Due in large measure to the success of the International Exchange, the far-ranging criminal can no longer find sanctuary by merely crossing a national boundary.

Electronic Surveillance: The Extraordinary Warrant

By

JOHN J. BURKE

Special Agent
Legal Counsel Division
Federal Bureau of Investigation
Washington, D.C.

Conflicting Needs

The story is told of two subway riders in New York City who happened to be seated next to each other. The out-of-towner turned to the other and said, "I see your arm is in a sling. Broken?"

"Yes, broken," the injured party sharply replied.

"Accident?" the visitor inquired.

"No, I got it patting myself on the back," answered the rider.

"Goodness! Why were you patting yourself on the back?" exclaimed the out-of-towner.

"For minding my own business," responded the man.

Two needs are illustrated. For one person there is the desire to find out what is going on. The other wants to be left alone. Unfortunately, the demands are conflicting, and perhaps, neither would be willing to compromise what he considers to be an important personal need.

A discussion of wiretapping or sur-

veillance using other types of electronic devices is certain to bring out the same basic conflicts—the need to know versus the desire to be left alone. However, in the case of electronic surveillance, there has been a compromise made between these needs. It is in the form of a Federal statute named the Omnibus Crime Control and Safe

Streets Act of 1968,¹ and more specifically title III of the statute.

Title III allows law enforcement to find out what is going on, but not all things and not without going through a complicated and demanding procedure. This article will tell you some things about the exacting demands made by title III for those law enforcement officers who seek the court's permission to make use of the extraordinary investigative device of electronic surveillance and provide some illustrative cases decided by the Supreme Court of the United States that show the consequences for failure to follow those requirements.

It should be emphasized, however, before discussing the unique features of title III that it denies to non-Federal law enforcement officers the right to make use of electronic surveillance of conversations unless there is a State statute permitting it.² Today, less than one-half of the States have statutory procedures for the interception of wire or oral communications.³ For those

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

States that permit court-ordered electronic surveillance, title III establishes minimum standards which all State statutes must meet. States, however, are free to establish even more restrictive standards.⁴

Background

Title III controls any electronic surveillance of private conversations whether conducted by Federal or non-Federal law enforcement officers or private citizens. It evidences the need to protect an individual's right to privacy in his conversations with another by generally forbidding the use of electronic devices to overhear such communications without the consent of one party.⁵ The criminal and civil penalties for disregarding the general prohibition are severe. A maximum fine of \$10,000 or a maximum prison term of 5 years, or both, may be imposed.⁶ In addition, money damages may be recovered by the victim consisting of actual damages, punitive damages, and lawyer's fees.⁷ There is also a provision in title III for the confiscation and forfeiture of devices and equipment used to conduct an illegal electronic surveillance.⁸ Finally, the results or contents of any unlawfully intercepted communication may not be received in evidence.⁹

But there was another need recognized. Congress in passing title III recognized that the interception of telephone or oral communications to obtain evidence of crimes committed or to prevent their commission is an indispensable aid to law enforcement and the administration of justice.¹⁰

With these dual concerns in mind, Congress set forth in title III a way for law enforcement officers to conduct this unique type of search. But, it is by no means an easy way. Title III recognizes that listening in on private conversations using an electronic device is a *search and seizure*. As such,

this type of search is covered and protected by the demands of the fourth amendment to the Constitution of the United States.¹¹ The search must be reasonable; no warrant shall issue in the absence of probable cause; the "place" to be searched and the "thing" to be seized must be described with particularity. But, title III demands even more for this unique type of

"A discussion of wiretapping or surveillance using other types of electronic devices is certain to bring out . . . basic conflicts—the need to know versus the desire to be left alone."

search than that required for searching with a conventional warrant.

In the instance of a conventional search warrant, *probable cause* and *particularity* are generally the only factors that will be reviewed in deciding its legal sufficiency. Not so with a title III "court order" (the term used throughout title III instead of search warrant). An officer's failure to spot or anticipate any one of a number of possible defects could be fatal.

While a defect in an arrest warrant or a search warrant obviously could mean the loss of a case, in many instances the case can be saved. This is because often there is *additional* independent evidence available to the prosecution outside of the physical evidence seized under the warrant. This alternative evidence is seldom available to law enforcement where evidence has been obtained as a result of electronic surveillance. The reason is that such evidence is generally essential.¹² This is particularly so because title III requires that alternative investigative methods have been unsuccessful or are unlikely to succeed.¹³ A single example may bring home the point.

In 1972, as a result of the Supreme Court's ruling in *United States v. Giordano*¹⁴ (discussed below), surveillance evidence was suppressed in approximately *one-half* of the Federal cases in which it had been obtained between 1969 and 1972. A Department of Justice official testified before a committee of Congress that of the *hundreds* of cases affected by *Giordano* "only two and possibly a few more have been reconstructed with untainted evidence." The rest were so enmeshed with the surveillance evidence that they were "irretrievably tainted."¹⁵

Information Requirements

The requirements of title III that must be met before a court may give permission for an electronic surveillance are set out in detail. These standards, once again, bind each law officer, Federal and non-Federal (if State law permits such surveillance). In summary they demand:

- (1) The application and order must describe the specific crime to be investigated. Electronic surveillance is permitted only for those crimes listed in title III.¹⁶
- (2) The application and order must *particularly* describe the conversations to be intercepted¹⁷ and the place or location of the facilities where the communications are to be intercepted.¹⁸
- (3) The identity, if known, of the offenders or persons whose communications are to be intercepted.¹⁹
- (4) The application must state whether or not other investigative techniques have been tried and failed, or why they reasonably appear to be unlikely to succeed if tried or are too dangerous.²⁰
- (5) The application and order must set forth the length of time for the interception,²¹ but it has

a maximum duration of 30 days unless extended by the issuing judge upon reapplication.²²

(6) statement must be included as to whether or not the interception will automatically terminate when sought-after communication is first obtained.²³

(7) The application must set forth whether previous applications have been sought for the electronic surveillance of the same persons, telephones, or places.²⁴

Authorization Requirement

In addition to these above listed "information requirements" that must be provided to a judge, there is also a limitation on which Government officials can grant approval to seek a court's permission to make use of electronic surveillance. Title III requires that approval be obtained from highly placed, responsible officials. For Federal authorization it is limited to the Attorney General of the United States or any specially designated Assistant Attorney General.²⁵ A State statute may authorize the principal prosecuting attorney of the State or of any political subdivision to authorize application.²⁶

Penalties for Defects

But with all of the above unique features of title III, the question remains as to the consequences that may attach for failure to adhere to these requirements regarding information that must be contained in title III applications and orders and persons who may give authority to seek a court's permission for electronic surveillance.

There have been many Federal and State cases that have interpreted the various requirements of title III. The following decisions of the Supreme Court of the United States illustrate

some title III defects that are *fatal* and others that are not.

Who Can Authorize?

As noted above, title III clearly demonstrates the demand of Congress that only certain high-ranking officials be permitted to authorize applications for electronic surveillance. This demand is made at both the Federal and non-Federal levels.

No Federal court order can be obtained unless it has been authorized by the Attorney General of the United States, or any Assistant Attorney General specially designated by him to make such authorization.²⁷

In *United States v. Giordano*,²⁸ the Attorney General's executive assistant signed the application for a wiretapping order rather than the "Assistant Attorney General specially designated by the Attorney General" as required by title III. In addition, neither the Attorney General nor his specially designated Assistant reviewed the application.

The defendant asked the Federal trial court judge to suppress all of the wiretap evidence gathered by the Government. He granted the motion. Basically, the judge ruled title III meant what it said. Only two officials can approve a Federal wiretap application; the Attorney General's executive assistant was not one of them.²⁹ The decision of the District Court was affirmed by the Court of Appeals,³⁰ and the Supreme Court of the United States granted certiorari.

The Government's arguments ran like so. First: There is statutory allowance outside of title III for the Attorney General to delegate his duties to members of his office.³¹ Second: Even if there was a technical violation of title III, it was not a constitutional violation. Third: In the absence of a constitutional violation, the severe penalty of suppression of evidence was

not required. The Court was not impressed.

In denying the Government's contentions, the Supreme Court ruled: (1) The legislative history of title III showed Congress meant to except it from the general allowance for delegation of duties permitted the Attorney General under law; (2) suppression of the evidence is proper when there has been a failure to follow requirements of the statute that "directly and substantially implement the congressional intention to limit the use of intercept procedures to those situations clearly calling for the employ-

“. . . not every failure to comply fully with all of the requirements of title III will make the interception of a wire or oral communication ‘unlawful’.”

ment of this extraordinary investigative device.”³²

The Supreme Court in applying the "direct and substantial" rule held that the procedural violation of the Government in *Giordano* required the suppression of the wiretap evidence.

The result of suppression was severe. As mentioned above, not only was the conviction in the present case lost, but also hundreds of others were affected by this ruling.³³

But not every failure to comply fully with all of the requirements of title III will make the interception of a wire or oral communication "unlawful."

A companion case to *Giordano* was *United States v. Chavez*.³⁴ This case concerned itself with the requirement of title III that the application for an intercept order specify the identity of the official authorizing the application. Here, although the application had *in fact* been authorized by the Attorney General, the application erroneously identified an Assistant Attorney Gen-

eral as the official authorizing the application.

The Supreme Court concluded that mere misidentification did not make the application "unlawful" within the meaning of title III because the identification requirement (as distinguished from the actual approval requirement) did not play a "substantive role" in the regulating system.

Identity of Persons To Be Overheard

Title III requires the Government to include in its wiretap applications "the identity of the person, if known, committing the offense and whose communications are to be intercepted."³⁵

Another requirement of title III is that wiretap evidence must be suppressed if "the communication was unlawfully intercepted." [Emphasis added.]³⁶

These requirements were taken up by the Supreme Court in *United States v. Donovan*.³⁷

In December of 1972, the Government applied for an extension of a wiretap order to intercept conversations relating to gambling violations. Donovan and others were not specifically named in the application even though the Government had previously learned that they were discussing illegal gambling activities with persons who were identified in the application and order.

In February 1973, the Government submitted to the judge a proposed order giving notice to 37 persons of intercepted conversations. Donovan was included. He, along with others, was indicted for Federal gambling offenses. However, upon motion, the court suppressed all evidence obtained as a result of the December 1972 intercept order because of the Government's failure to name Donovan and other respondents in the application. The Court of Appeals affirmed.³⁸

The Government contended that: (1) A wiretap application need only identify the "principal target" of the interception, and (2) even if the Government violated the technical provisions of title III, the violations were not sufficient to suppress the wiretap evidence in this case.

The Supreme Court rejected the first Government claim. The Court ruled that the Government must name *all* individuals whom it has probable cause to believe are engaged in the criminal activity under investigation and whose conversations it expects will be intercepted over the target telephone.

The Court found that Congress included in title III an identification requirement that plainly makes no mention of "principal target," and the materials that make up the history of title III contains no such discussion.³⁹

Suppression

Title III provides that no part of the contents of a private, oral communication that has been unlawfully intercepted, and no evidence derived from such contents may be used in evidence.⁴⁰

"Title III provides that no part of the contents of a private, oral communication that has been unlawfully intercepted, and no evidence derived from such contents may be used in evidence."

However, the Court in *Donovan*, while ruling that the Government was required to identify Donovan and other parties, stated that failure to do so under the circumstances did not demand suppression, since the identification does not play a "substantive role" with respect to judicial authorization of intercept orders, and hence, does

not impose a limitation on the use of intercept procedures.⁴¹ In other words, the Court concluded that an authorizing judge focuses on "substantive" parts of title III such as: (1) Is there a showing of probable cause that an individual is engaged in criminal activity? (2) Will normal investigative techniques work? (3) Will particular conversations concerning the offense be obtained through interception? (4) Are the target facilities (place, telephone) being used in connection with the specific criminal activity?⁴² The presence of additional names in the application would not change the judge's decision to issue or not to issue the interception order.

In addition, there was nothing in the legislative history suggesting that Congress intended this broad identification requirement to play "a central, or even functional, role in guarding against unwarranted use of wiretapping or electronic surveillance."⁴³

The vast majority of other courts that have considered the issue are in accord with *Donovan* and have concluded that an individual whose conversations probably will be intercepted by a wiretap must be identified in the wiretap application, if the law enforcement authorities have probable cause to believe the individual is committing the offense for which the wiretap is sought.⁴⁴

After *Donovan* it is possible to fashion the following rule:

*A wiretap application must name an individual, if the Government has probable cause to believe that the individual is engaged in the criminal activity under investigation and expects to intercept the individual's conversation over the target telephone.*⁴⁵

An Added Caution

The Supreme Court in its opinion in *Donovan* implied that if the viola-

tions of title III had been *intentional*, the result would be different.⁴⁶ Mr. Justice Marshall in his dissent added: "I also assume that if the Government fails to *establish procedures* which offer reasonable assurance that it will strictly adhere to the statutory requirements, resulting failures to comply will be recognized as intentional." [Emphasis added.]⁴⁷ The

requirements of the statute that "directly and substantially implement the congressional intention to limit the use of intercept procedures to those situations clearly calling for the employment of this extraordinary investigative device" is fatal.⁴⁸ The evidence is suppressed, and more importantly a defendant, perhaps guilty in fact, goes free.

"... if the Government fails to establish procedures which offer reasonable assurance that it will strictly adhere to the statutory requirements, resulting failures to comply will be recognized as intentional."

message could be that yesterday's pardonable omission will be tomorrow's fatal defect.

Conclusion

Electronic surveillance is an extraordinary type of search. There is a correspondingly extraordinary Federal statute—title III of the Omnibus Crime Control and Safe Streets Act of 1968—that governs its use. Title III allows for electronic surveillance upon issuance of a warrant (court order), but the requirements that must be met before issuance by a judge make it a truly unique type of warrant. The Supreme Court of the United States has in three cases, *Giordano*, *Chavez*, and *Donovan*, provided guidance concerning when defects in title III applications are fatal.

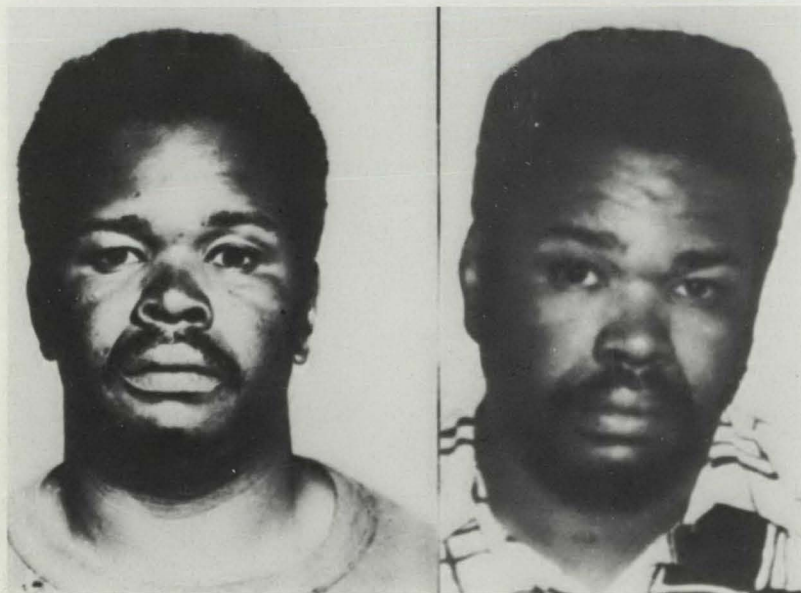
Not every failure to comply fully with all of the requirements of title III will make the interception of a wire or oral communication "unlawful." However, a failure on the part of the Government to follow the re-

FOOTNOTES

- ¹ 18 U.S.C. 2510-2520 (1970).
- ² 18 U.S.C. 2516(2) (1970) provides that the principal prosecuting attorney of any State, or the principal prosecuting attorney of any political subdivision thereof if such attorney is authorized by a statute of that State to make application to a State court judge of competent jurisdiction for an order authorizing or approving the interception of wire or oral communications. . . .
- ³ Annual Report on Application for Orders Authorizing or Approving the Interception of Wire or Oral Communications for the period January 1, 1975, to December 31, 1975 (Administrative Office of the U.S. Courts reported that 22 States, the District of Columbia and the Federal Government had statutes authorizing the interception of wire or oral communications effective during the period January 1, 1975, to December 31, 1975. The States having such statutes were: Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Kansas, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, South Dakota, Virginia, Washington, and Wisconsin).
- ⁴ *State v. Siegel*, 292 A. 2d 86, 266 Md. 256 (1972).
- ⁵ Consensual monitoring is the most important practical exception to the warrant requirement of title III. 18 U.S.C. 2511(2) (c)-(d) (1970). For a general discussion see, Burke, "Participant Monitoring", *Law Enforcement Bulletin*, October 1976.
- ⁶ 18 U.S.C. 2511(1) (1970).
- ⁷ 18 U.S.C. 2520 (a), (b), (c) (1970).
- ⁸ 18 U.S.C. 2513 (1970).
- ⁹ 18 U.S.C. 2515 (1970).
- ¹⁰ Legislative History, 2 U.S. Code Cong. & Ad. News 2177 (1968).
- ¹¹ U.S. Const. amend. IV states: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."
- ¹² National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance (Commission Hearings, Sept. 16, 1974, William B. Saxbe, U.S. Attorney General, and Henry E. Petersen.)
- ¹³ 18 U.S.C. 2518(1)(c) (1970).
- ¹⁴ 416 U.S. 505 (1974).
- ¹⁵ Note 12 above, Report, page 56 (1976).
- ¹⁶ The Federal crimes for which electronic surveillance may be used are specifically listed in 18 U.S.C. 2516(1) (1970). They are referenced to specific sections covering those crimes in the United States Code. State offenses are listed in more general terms and can be found at 18 U.S.C. 2516(2).

- ¹⁷ 18 U.S.C. 2518(1)(b)(iii) (1970).
- ¹⁸ 18 U.S.C. 2518(1)(b)(ii) (1970).
- ¹⁹ 18 U.S.C. 2518(1)(b)(iv) (1970).
- ²⁰ 18 U.S.C. 2518(1)(c) (1970).
- ²¹ 18 U.S.C. 2518(1)(d) (1970).
- ²² 18 U.S.C. 2518(5) (1970).
- ²³ 18 U.S.C. 2518(4)(e) (1970).
- ²⁴ 18 U.S.C. 2518(1)(e) (1970).
- ²⁵ 18 U.S.C.A. 2516(1), as amended (Supp. 1976).
- ²⁶ 18 U.S.C. 2516(2) (1970).
- ²⁷ 18 U.S.C.A. 2516(1), as amended (Supp. 1976).
- ²⁸ 416 U.S. 505 (1974).
- ²⁹ 340 F. Supp. 1033 (D.Mo. 1972).
- ³⁰ 469 F. 2d 522 (4th Cir. 1972).
- ³¹ 28 U.S.C. 509 (1970).
- ³² 416 U.S. 505, 527 (1974).
- ³³ Note 15 above.
- ³⁴ 416 U.S. 562 (1974).
- ³⁵ 18 U.S.C. 2518(1)(b)(iv) (1970).
- ³⁶ 18 U.S.C. 2518(10)(a) (i).
- ³⁷ 45 U.S.L.W. 4115 (U.S. Jan. 18, 1977). The "particularity as to persons" section of title III was taken up by the Supreme Court in *United States v. Kahn*, 415 U.S. 143 (1974). In that case the Federal Government did not mention Mrs. Kahn in the application for a wiretap although she was a known "user" of the target telephone. The Court stated that title III requires the naming of a person only when there is "probable cause" to believe that that individual is committing the offense for which the wiretap is sought. However, there was no indication of the presence of probable cause regarding Mrs. Kahn at the time of the application. The Supreme Court in *Donovan* stated that the question of identity presented in this case was not before it in *Kahn*, (45 U.S.L.W. 4115, 4118 note 11).
- ³⁸ 513 F. 2d 337 (6th Cir. 1975).
- ³⁹ *United States v. Donovan*, 45 U.S.L.W. 4115, 4118-4119 (U.S. Jan. 18, 1977).
- ⁴⁰ 18 U.S.C. 2518(10)(a) (i) (1970).
- ⁴¹ *United States v. Donovan*, 45 U.S.L.W. 4115, 4121-4122 (U.S. Jan. 18, 1977).
- ⁴² Id. at 4121.
- ⁴³ *United States v. Chavez*, 416 U.S. 562, 578 (1974).
- ⁴⁴ E.g., *United States v. Bernstein*, 509 F. 2d 996 (4th Cir. 1975), petition for cert. filed, No. 74-1486; *United States v. Chiarizio*, 525 F. 2d 289 (2d Cir. 1975); *United States v. Doolittle*, 507 F. 2d 1368, Aff'd en banc, 518 F. 2d 500 (5th Cir. 1975), petitions for cert. filed Nos. 75-500, 75-509, 75-513; *United States v. Civella*, 533 F. 2d 1395 (8th Cir. 1976), petitions for cert. filed Nos. 75-1813, 76-169; *United States v. Russo*, 527 F. 2d 1150 (10th Cir. 1975), cert. denied, — U.S. — (1976).
- ⁴⁵ Another issue in *Donovan* was whether the Government's failure to provide the judge with the names of two respondents [as provided in 18 U.S.C. 2518(8)(d)] who were overheard during the intercept, so that he could in his discretion decide whether notice of such intercepts should be provided to those persons, demanded suppression. The Court ruled that there was no need to provide such names to a judge, but that the inadvertent omission of the two names of respondents did not require suppression since using the test set forth in *United States v. Giordano*, 416 U.S. 505, 527 (1974), that consequence is required only for a "failure to satisfy any of those statutory requirements that directly and substantially implement the congressional intention to limit the use of intercept procedures to those situations clearly calling for the employment of this extraordinary investigative device."
- ⁴⁶ *United States v. Donovan*, 45 U.S.L.W. 4121 note 23.
- ⁴⁷ Id., dissenting opinion, 4125.
- ⁴⁸ *United States v. Giordano*, 416 U.S. 505, 527 (1974).

WANTED BY THE FBI



Photograph taken 1975.

Photograph taken 1976.

LARRY GENE CAMPBELL, also known as **Harry Bailey**, **Earl Jerido**, **Earl Jerrie**, and **Randolph Richardson**

Interstate Flight to Avoid Prosecution for Murder

Larry Gene Campbell is currently being sought by the Federal Bureau of Investigation for unlawful interstate flight to avoid prosecution for murder.

The Crime

Campbell is being charged with the brutal stabbing and strangulation murders of two college students in upstate New York on June 8, 1976. A Federal warrant was issued on June 11, 1976, at Buffalo, N.Y.,

charging Campbell with unlawful interstate flight to avoid prosecution for the crime of murder.

Description

Age-----34, born August 12, 1942, Valdosta, Ga. (not supported by birth records).
Height-----5 feet 10 inches.
Weight-----195 pounds.
Build-----Stocky.
Hair-----Black.
Eyes-----Brown.

Complexion-----Dark.
Race-----Black.
Nationality-----American.
Occupations-----Clerk, laborer, plumber, radio operator, steamfitter.

Scars and Marks-----Scars on both inner lower forearms.

Social Security No. used-----041-32-5154.

FBI No. -----178,503 E.

Fingerprint Classification: .

13 M 1 T II 12 Ref: R T R

M 1 T II T R R

NCIC Classification:

13TT07131214TT080813

Caution

Campbell is an alleged narcotics user and has been convicted of possession of narcotics and burglary. He should be considered armed and extremely dangerous.

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.



Left middle fingerprint.

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CLEVER CONCEALMENT



A company in California is currently modifying commercial aerosol cans (shown above) to be utilized for concealment purposes.

According to the manufacturer, the intent is to market the false-bottomed containers to citizens seeking protection for small valuables—jewelry, documents, cash, and the like—in the home or during personal travel. But it has been reported that the idea was originally conceived by an ex-convict in an attempt to devise a new and presumably safe container for international cocaine smuggling.

Any ordinary aerosol spray can is the raw material of this device. A jeweler's saw is used to cut off the bottom of the empty can, and a new false bottom is glued inside the can some distance from the bottom. A male-female threaded plastic fitting is glued to the bottom of the can, and the upper portion, which is recharged from a container of the original or a similar ingredient, remains usable. With the altered bottom securely screwed into place, the modifications are virtually undetectable.

Law enforcement personnel should be cognizant of this contrivance and its possible illicit applications.

UNITED STATES DEPARTMENT OF JUSTICE
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THIRD CLASS

INTERESTING PATTERN



The interesting and unusual pattern presented here is classified as an accidental whorl with an inner tracing. It is interesting as it contains a whorl pattern in conjunction with a loop.