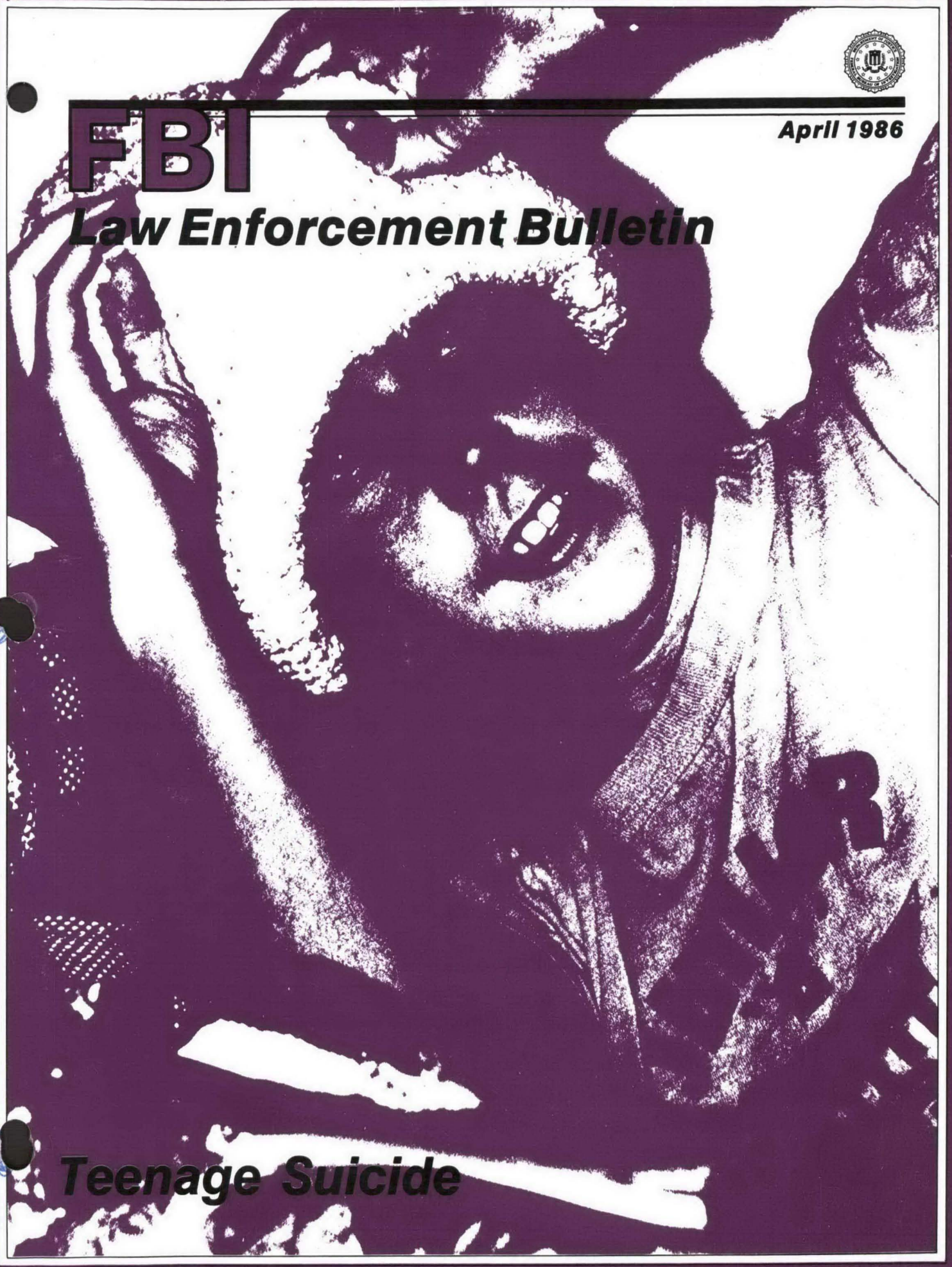
FBI Law Enforcement Bulletin

April 1986



Teenage Suicide

Contents

April 1986, Volume 55, Number 4

The Cover:
Increased public and national attention is needed to combat the problem of teenage suicide. See article p. 16.

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William H. Webster, Director

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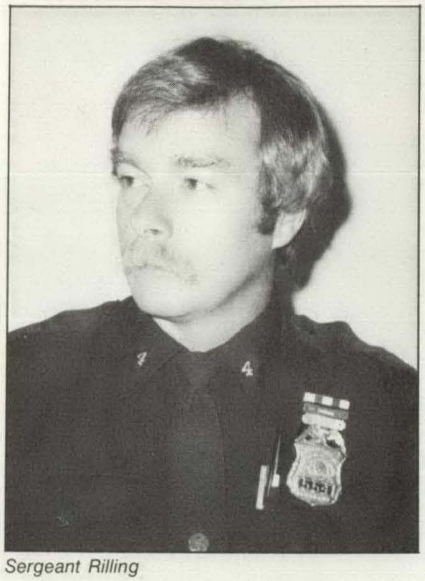
Agency Anniversary Years
A Tool for the Progressive Law Enforcement Administrator

By
SGT. DOUGLAS R. RILLING
Suffolk County Police Department
Hauppauge, NY

The author (right) congratulates the department's historian on the successful restoration on a 25-year-old Plymouth sedan to original patrol car specifications. A foot patrolman's booth (background) was also restored for historic preservation. Photo: J. Stanley

"... progressive law enforcement administrators are viewing anniversary years as a tool to unite their members in common goals and interests, while enhancing the agency's image to the public it serves."



Sergeant Rilling

DeWitt C. Treder
Commissioner

Each year, hundreds of law enforcement agencies across the Nation have anniversaries that are significant to their particular organization. Many agencies choose to let these dates pass without comment, not seizing an opportunity for possible agency-wide improvement. But more and more of today's progressive law enforcement administrators are viewing anniversary years as a tool to unite their members in common goals and interests, while enhancing the agency's image to the public it serves. The task of maintaining or improving a high degree of morale and esprit de corps rests primarily with the chief executive of any agency. The way he projects his views to his membership is an important factor which weighs heavily on how his subordinates view the agency. If the chief openly shows a positive attitude about his position and his department, this feeling of good will permeates the rank and file of the organization.

One such agency which chose to take advantage of an anniversary in 1985 was the Suffolk County, NY, Police Department, which was formed on January 1, 1960, by a merger of 5 town and 6 village police departments in western Suffolk County, NY. Originally comprised of 619 sworn officers, the department now has a current strength of over 2,700. Only 20 miles east of New York City, the police district covers some 900 square miles of suburbia, including over 400 miles of Long Island's shoreline and barrier beaches.

In the spring of 1984, the police commissioner, aware that the department's silver anniversary was approaching, set up a small task force of officers, who were assigned the task of collecting the first 25 years of Suffolk County police history for future preservation. They were also asked to submit ideas and ways of bringing special attention to the occasion from both inside and outside the department.

The first step was to let the members of the Suffolk County Police know that the department was interested in the preservation of its heritage and the fact that a significant anniversary was due. The department's internal magazine and command bulletins and newsletters were used to ask the members, especially those who became county police officers on January 1, 1960 (when the towns and villages merged), to go through scrapbooks, closets, attics, and basements for items of interest. Retirees were also tapped as a possible source of law enforcement memorabilia. As a result, artifacts started pouring in, as did telephone calls from people who wanted to contribute time and energy to preserving the police history of their department.

On January 25, 1985, the department opened a museum consisting of several interesting law enforcement displays depicting the department's formative and early years. In addition to mannequins adorned in original town and village uniforms, weapons, breath-test equipment, awards and decorations, and police badges and shields were proudly displayed. A 10-minute, continuous-play video cassette on the formation and history of the agency was also made. The museum now conducts tours by appointment to organizations such as Boy Scouts, school classes, and senior citizens. It is also open 2 hours a day to the general public.

While the museum was under construction, research was conducted on ways of creating an item of departmental history that officers who have served during the first 25 years could own and cherish as a memento of their

chosen profession. Selected was a 25th anniversary commemorative revolver with a stainless steel finish. Unlike most law enforcement commemoratives, the Suffolk County Police 25th Anniversary revolver included in its presentation case an engraveable pewter facsimile of the department's shield and a department anniversary award breast bar.

The anniversary breast bar was awarded to every sworn member of the force, regardless if the member chose to participate in the anniversary revolver program. The bar was created in the same basic configuration as other departmental award bars, with the silver dates 1960 and 1985 in blue ceramic separated by a brushed silver center. By special order of the commissioner, the anniversary breast bar became an authorized part of the uniform for the anniversary year, after which it became the property of the recipient as a token of appreciation of his or her service to the agency.

Civilian support personnel play a major role in the successful operation of any law enforcement agency. This is true of those in Suffolk County, NY. For presentation to them, the department designed and distributed a "civilian service" lapel pin in the department's logo with the dates 1960–1985 appearing in silver numerals on the face. These also became the property of the recipient in appreciation of continued efforts and contributions to the department.

Because of restrictions placed on who could purchase an anniversary revolver, as well as State laws governing handgun sales, the task force also sought to create a unique item of commemoration which would not only be available to sworn officers of the department but also to auxiliary police and supporters of law enforcement. The suggestion that a special folding utility knife with black sheath be designed to fulfill that need gained extra merit, since on January 1, 1985, New York State became the first State in the Nation to enact into law a mandatory seat belt use requirement. A high-quality knife would provide a means of cutting the seatbelts of victims of accidents where normal release mechanisms failed.

To promote a team spirit and feeling of belonging, the dedication and service of the civilian support personnel was recognized by the creation of a civilian service pin which was presented to all civilian employees who served during the anniversary year. Photo: S. Glass

Public Support

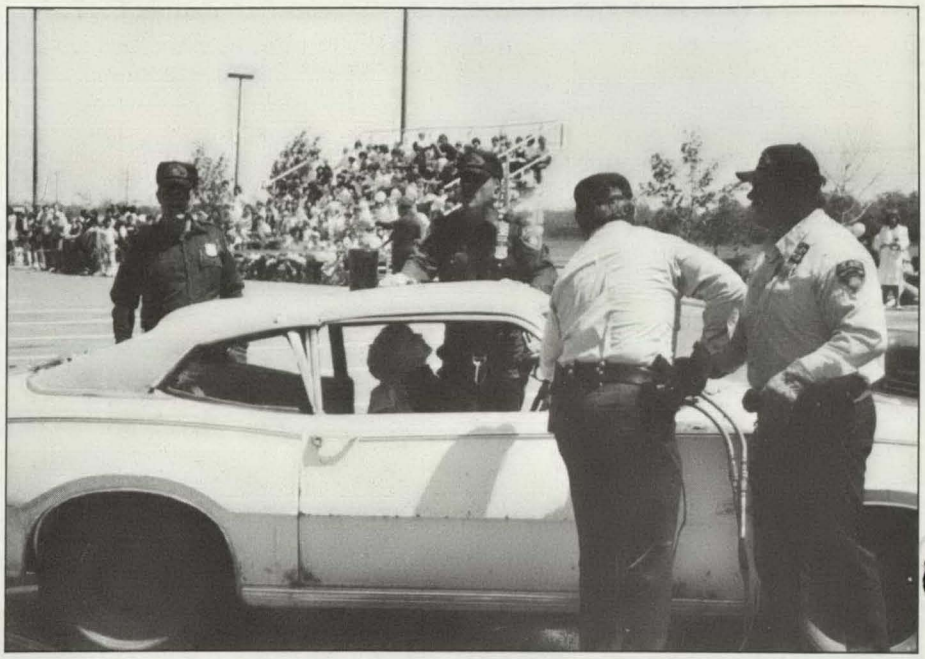
Once employees were aware of what the department was trying to accomplish, the next logical step was to enlist public support. The local news media played a major role by featuring old photos, along with a story on preserving local law enforcement history. For example, the department wanted to restore a patrol car from 1960, their first year in operation as a unified police agency. The public was asked to supply any information it could on a 1960 Plymouth sedan for restoration. Several responses came in, and eventually, a vehicle was purchased and another was donated for spare parts. Americans have always had a love affair with the automobile and the idea of restoring a 25-year-old vehicle received much attention, with a local auto body shop donating the time and materials to refinish the outer body to original paint schemes, using old photographs as a guide.

The completed vehicle now stands on display in front of police headquarters in Yaphank, NY. The car is also available for public relations functions, and in its first summer of operation, led several local parades and appeared at auto shows and historic events within the county. It instantly attracts onlookers and the radical fin designs have the school-aged youngsters affectionately nicknaming it the "Batmobile." Its popularity has grown so rapidly that its appearances are now done only by advanced reservation.

Modern-day electronics allow the vehicle to carry on a two-way conversation with the curious children. An officer with a remote transmitter and receiver can flash the roof and headlights, sound the siren, and operate the windshield wipers from a secreted position some 100 feet away.

Any law enforcement agency planning to open its doors to the public can expect a good response from citizens. Uniformed police officers explaining the use of law enforcement equipment are of great interest to the average person. In Suffolk County, the equipment display and simulated emergency response demonstrations were coordinated with National Police Week. Local radio and television stations, as well as daily and weekly newspapers, were of great assistance in getting the word to the public. The

"Special attention to milestones in law enforcement history can have positive effects among the members of the department."



Crowds watch from portable grandstands as emergency service officers remove trapped victim by cutting off the vehicle's roof in a simulated rescue operation during the anniversary celebration. Photo: J. Stanley

county's Office of Public Education supplied a list of mailing labels to alert the schools of the displays and demonstrations. A nearby military installation loaned large tents to provide shade and a place to enjoy a picnic lunch, and portable grandstands provided additional seating and improved viewing of emergency service rescue operations, helicopter evacuation procedures, K-9 tracking and apprehension abilities, and emergency vehicle handling. Each unit within the department was able to use the time between demonstrations to explain its own particular function, distribute brochures and literature, and answer a continuous flow of questions from interested onlookers.

There are certain considerations which agencies must address when planning to invite the public to its facilities. Sufficient restrooms, seating, and refreshments should be available in order for the public to appreciate their visit. Also, the demand for souvenir-type items was extraordinary. Although items like baseball caps, T-shirts, lapel pins, and coffee mugs were made available, supplies quickly dwindled. The degree of disappointment displayed by Suffolk residents when the keepsake items were depleted demonstrated that many people expect and appreciate the opportunity to bring a reminder of their visit home with them.

The goal of preserving law enforcement history was further enhanced as general public awareness grew. Countless items of historic value from the past were donated by people outside the law enforcement field. Many had parents and grandparents who were police officers or constables. They were glad to donate their memorabilia to a place where it would be appreciated and displayed with pride. One such donation included the police commissioner shield carried by Theodore Roosevelt when he served with the New York City Police Department. With an ample supply of donated historic law enforcement equipment and the money earned in interest while awaiting delivery of the commemorative revolver, the Suffolk County Police Department Museum was created without cost to the department or the taxpayer.

Benefits To The Agency

The items discussed above generate interest regardless of the rank or assignment of the particular member. The historic contributions of the 30-year patrolman or the deputy chief carry equal weight when attempting to preserve them for future reference. Contact between police and public in an atmosphere where time is available to explain the various functions of the agency's units does much to improve public relations. The presentation by the agency of items of appreciation, such as the anniversary award bar and civilian service pin, to its members does much to create a "team spirit" among its workers and lays the groundwork for long term improvements in employee relations at a small cost to the agency. Although difficult to measure precisely, a sincere effort on the part of the agency to renew loyalty and motivation in its employees can lead to a decline in absenteeism, increased productivity, and a general positive attitude throughout the law enforcement field.

Hands-on viewing of police equipment gives spectators a rare opportunity to ask questions of the officers who actually operate it. Photo: J. Stanley

Some of the attitude improvements are almost immediate in nature. For example, some officers who were scheduled to give equipment demonstrations and answer questions about their units were initially somewhat apprehensive and skeptical at the onset of the program. By the end of the week-long celebration, these same officers were quick to volunteer for the same assignment, should it ever again be made available in the future. Several suggested the "open house" policy and demonstrations be held annually each spring. Many of the individual units have been requested to give public relations talks and demonstrations as a result of the reception they were given during the agency's 25th anniversary program in May 1985.

A View Toward The Future While Recapturing The Past

As mentioned earlier, the support and enthusiasm of the chief administrator of the organization is the single most important aspect in the success or failure of such a program. In Suffolk County, not only did the support come from within the agency, but also from outside. A Suffolk County executive, a self-proclaimed history buff, provided additional support from the county in his dedication speech at the museum's opening ceremony. There are now plans under consideration to expand the floorspace of the museum and to recreate a circa 1925 police stationhouse with an on-site law library and historical research facility. The model stationhouse would feature an old cell block, brass rail-type, full-length ornate steel desk, and a circa 1900 6′ × 5′ concrete-lined steel safe. Items adding to the detailing of the project would include wooden desks, chairs and files, wooden plug-in type telephone switchboard with upright desk phones, and a gun locker featuring the famous Thompson submachine guns of the Roaring Twenties. The interior decorating would include tin ceilings, slow rotating ceiling fans, wainscoting, frosted glass doors, and green "Police" globe entrance lamps. Calendars, photographs, and wanted posters from that time would provide the final touch and enhance the atmosphere of that famous era.

In realizing that police work has traditionally been the subject of interest to the general public, the museum library and research center has the potential to become an even greater tourist attraction, as well as its obvious use to students of criminal justice. Perhaps most important, it demonstrates Suffolk County's commitment to preserving its law enforcement heritage as it continually moves toward the future.

Conclusion

Special attention to milestones in law enforcement history can have positive effects among the members of the department. Projects that were undertaken and targeted for completion during the anniversary year brought members of all ranks and assignments together as a cohesive and goal-oriented team. Talents and resources of the organization which had never before been tapped soon came to light. Seeing so many ideas becoming realities in just 12 short months brought great satisfaction to the members, while at the same time improving the channels of communication between the people of Suffolk County and its police department.

Long term goals of the department brought forth in general concepts generated spontaneous participation from the rank and file. General goals like "museum expansion" or "on-site research library" allows for input from all personnel. The staff officer in possession of items of historic interest or the patrol officer preparing to study for promotion can each view these future goals as personally affecting them.

Goals that were realized during the anniversary year can continue to serve the department long after the highlighted year is completed. In the Suffolk County example, the museum became a permanent part of headquarters, the 1960 patrol vehicle will continue to attract onlookers and lead parades, and the documentary film on the creation and formative years will be replayed to receptive audiences for years to come.

In summary, the net results of the 25th anniversary celebration of the Suffolk County Police Department was a general feeling of enthusiasm, pride, and accomplishment by the entire membership. FBI

State Crime Trends

Crime was up 7 percent or more in one of every four of the Nation's States during the first half of 1985, according to Uniform Crime Reporting figures. Comparisons of State-level semiannual Crime Index figures for 1984 and 1985 showed only Hawaii, West Virginia, and the District of Columbia with 7-percent or greater declines.

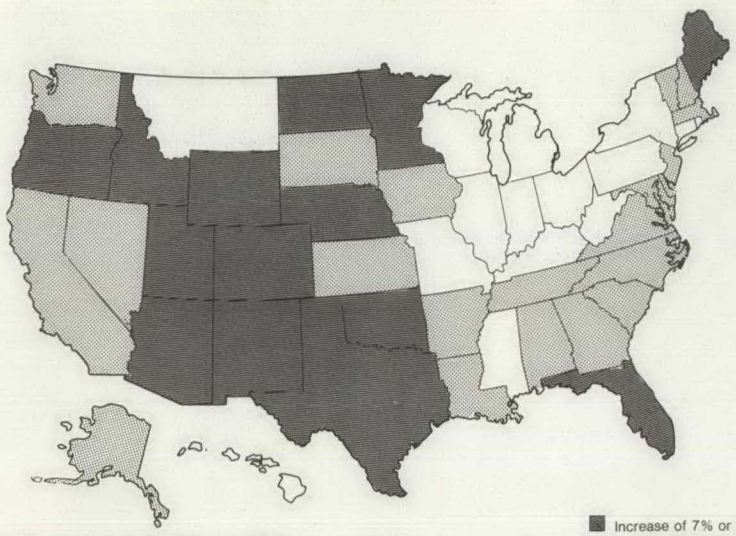
After reaching all-time highs, nationwide Crime Index levels began dropping in the second quarter of 1981 and continued to fall until the fourth quarter of 1984 when a 2-percent increase occurred. Led by States west of the Mississippi River and in the South, the overall increases continued in the first two quarters of this year, with all four geographic regions experiencing upturns for the 3-month period of April through June.

Crime Index Offenses
Percent Change January through June 1985 vs. 1984, Offenses Known to the Police

State	Crime Index Total	Violent[1] Crime	Property[2] Crime	State	Crime Index Total	Violent[1] Crime	Property[2] Crime
Alabama	+ 1	+10	0	Missouri	− 1	+ 7	− 2
Alaska	+ 4	+ 1	+ 5	Montana	− 2	0	− 2
Arizona	+15	+22	+14	Nebraska	+ 7	+15	+ 6
Arkansas	+ 4	+ 7	+ 3	Nevada	+ 4	+ 3	+ 4
California	+ 5	+ 5	+ 5	New Hampshire	+ 1	−24	+ 2
Colorado	+ 8	+ 9	+ 8	New Jersey	+ 5	+ 1	+ 5
Connecticut	− 2	− 2	− 2	New Mexico	+ 7	+ 9	+ 7
Delaware	+ 2	+ 2	+ 2	New York	− 2	− 3	− 2
District of Columbia	−10	− 2	−12	North Carolina	+ 1	+ 4	+ 1
Florida	+11	+ 9	+11	North Dakota	+ 9	−11	+ 9
Georgia	+ 4	+ 6	+ 3	Ohio	− 2	− 1	− 3
Hawaii	− 9	− 6	− 9	Oklahoma	+12	+ 2	+13
Idaho	+13	+ 9	+13	Oregon	+ 7	+10	+ 7
Illinois	0	0	0	Pennsylvania	− 2	+ 2	− 3
Indiana	− 2	+ 2	− 2	Rhode Island	− 2	+10	− 3
Iowa	+ 5	+16	+ 5	South Carolina	+ 3	+ 6	+ 3
Kansas	+ 1	+13	0	South Dakota	+ 3	− 3	+ 3
Kentucky	− 5	+12	− 6	Tennessee	+ 2	+ 7	+ 1
Louisiana	+ 6	+ 3	+ 7	Texas	+10	+ 8	+10
Maine	+ 7	+ 2	+ 7	Utah	+15	+ 5	+15
Maryland	+ 3	+10	+ 2	Vermont	+ 2	+ 1	+ 2
Massachusetts	+ 6	+ 3	+ 6	Virginia	0	+ 1	0
Michigan	− 2	+ 8	− 3	Washington	+ 6	+12	+ 6
Minnesota	+11	+29	+10	West Virginia	− 7	− 2	− 7
Mississippi	− 1	− 9	+ 1	Wisconsin	− 1	+ 3	− 1
				Wyoming	+14	+12	+15
				U.S. Total	**+ 3**	**+ 4**	**+ 3**

[1]Violent crimes are murder, forcible rape, robbery, and aggravated assault.
[2]Property crimes are burglary, larceny, and motor vehicle theft and exclude arson for this report.

Crime Index Offenses
Percent Change
January — June, 1985 vs. 1984



Crime Index offenses are murder, forcible rape, robbery, aggravated assault, burglary, larceny - theft, and motor vehicle theft.

The accompanying table and chart show semiannual changes in the Crime Index for each of the 50 States and the District of Columbia.

Pre-Employment Polygraph Screening of Police Applicants

"The polygraph has proven to be one of the best aids available in the selection process for Florida Highway Patrol applicants...."

By
MAJ. BILLY DICKSON
Florida Highway Patrol
Tallahassee, FL

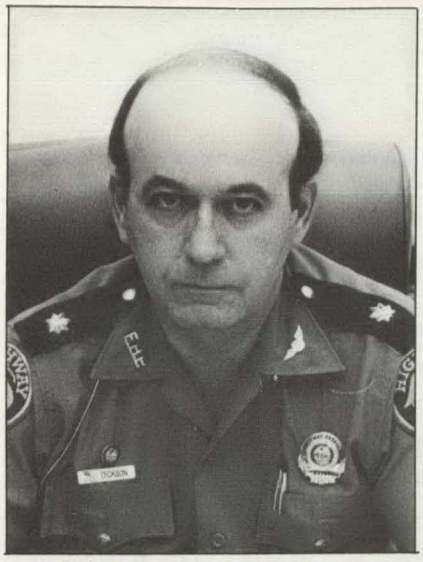
Polygraph examinations have become a very important part of the police applicant screening process and are used by law enforcement agencies throughout the United States. If properly administered, polygraph testing of police applicants as to their honesty and moral character is nondiscriminatory with respect to race, sex, color, religion, and national origin.

In June 1980, the Florida Highway Patrol started using the polygraph as an additional tool to help them select the best possible candidates for patrol officers. The polygraph was initially conducted after the completion of the background investigation; however, after an 18-month period, it was decided that the polygraph screening should be administered prior to the initiation of the background investigation in order to reduce the high rejection rate. This was prompted by the fact that background investigations have become less reliable in recent years. Background investigations conducted on long term residents of the State pose few problems. But when you consider the number of applications from out-of-State residents and today's transient society, such investigations tend to be less credible.

There are other areas of concern today that in the past were of no real consequence. The popularity of drugs is a well-known fact and must be adequately addressed when considering an applicant for police work. Likewise, since some criminal justice agencies do not accept nonserious arrest records for filing, applicants willing to falsify an application could be hired. In reality, an applicant with an unblemished record could have been arrested and convicted for *misdemeanor* crimes such as carrying a concealed weapon, possession of stolen property, larceny, gambling or bookmaking, illegal possession of drugs, or sexual crimes.

The Federal Privacy Act and Federal case law regarding liberty interests have also caused employers to be reluctant to divulge information that might even remotely place them in a position of liability. Rather than face the possibility of complaints or law suits, the employers will either refuse to answer inquiries or gloss over any questionable conduct of a former employee. The end result is usually a poor perspective of the applicant's background with regard to honesty.

For these reasons, applicants for the Florida Highway Patrol are given the polygraph immediately after the prescreening process. This accelerates the applicant selection process considerably and reduces the demand on manpower for conducting lengthy background investigations.



Major Dickson

Col. Bobby R. Burkett
Director

Polygraph Theory

Everyone has at least a partial understanding of the psychology of lying and lie detection. Most of us are personally acquainted with the inner sensations that so often accompany a lie. "In endeavoring to conceal the truth, one might experience a thudding increase in heart beat, the rush of blood to the face, an uncontrollable impulse to swallow, or other physiological symptoms resulting from fear over the possibility that the lie will be detected."[1]

These physiological changes are the phenomena with which the polygraph examiner concerns himself. The polygraph is a scientific, diagnostic instrument used to measure the physiological response of an examinee under controlled conditions. "The polygraph is based on the theory that when telling a lie, an examinee will respond physiologically because of fear of detection."[2]

Applicant Selection Process

All applicants for the Florida Highway Patrol must submit an application to the Bureau of Certification of the Department of Administration and the Florida Highway Patrol supplemental application to the Bureau of Human Resource Management and Development (Personnel) of the Department of Highway Safety and Motor Vehicles.

The Bureau of Certification informs the applicant when and where the written examination will be given, administers and grades the examination, and notifies those who passed the examination. Personnel screens the supplemental applications to insure that all meet the minimum qualifications, and if so, the personnel file is placed in the investigation phase.

The Florida Highway Patrol Investigation Section administers a pre-employment polygraph examination, the results of which are evaluated by a general headquarters staff screening committee composed of the chief investigator, the chief of the Bureau of Human Resource Management and Development (Personnel), and the department's EEOC coordinator. Once the applicant is approved by the staff screening committee, a thorough background investigation is conducted by an investigator specially trained in this area. While the background investigation is on-going, the applicant receives a thorough physical and eye examination.

If the applicant successfully completes the above areas, he or she must appear before an oral interview board consisting of five patrol officers. Upon successfully completing this phase, he or she is then placed on an eligibility roster in rank order based on the total of grades received from the written examination and the oral interview board.

Pre-Employment Polygraph Screening

The pre-employment polygraph screening process consists of two phases—the polygraph examination and the staff review of the polygraph examination results.

Phase I—Polygraph Examination

There are three steps to the polygraph examination—pre-test interview, the polygraph test, and the post-test interview. During the first step, a standardized preprinted interview is conducted to insure uniformity statewide on all applicants regardless of race, color, religion, sex, or national origin. By using the most up-to-date interviewing techniques, all applicants are questioned extensively in the following categories: Employment his-

tory, medical and mental health, military service, gambling habits, drinking habits, arrest, use and sale of illegal drugs, theft of money and merchandise, and undetected crimes.

If the applicant is or has been employed as a police officer or corrections officer, he or she is also questioned extensively on job-related activities.

Once the pre-test interview has been completed, the applicant is given the polygraph test in accordance with Florida Polygraph Association and American Polygraph Association standards. A minimum of two charts are run on each applicant. If consistent physiological responses indicative of deception are noted on the polygraph charts on any relevant issue, the polygraph examiner attempts to resolve the issues during the post-test interview, along with additional testing.

Phase II—General Headquarters Staff Review

After careful analysis of the polygraph charts, the polygraph examiner determines if consistent deceptive responses are indicated on any relevant issue. A comparison is then made between pre-test admissions and information contained in the applicant's application.

A written report on the above information is then submitted to the general headquarters staff review committee for evaluation. The polygraph examiner submits information from the applicant's application, pre-test admissions, post-test admissions, and polygraph test results only and makes no recommendations.

The review committee either approves or disapproves the applicant based on the examiner's report in relation to established qualification factors. The committee may reject the applicant, refer the applicant to background investigations, direct additional polygraph testing, or place the applicant inactive for a specific period of time.

Applicants who are deceptive and do not adequately address the deceptive responses are referred to background investigations for verification through additional investigation. Applicants are not disqualified solely on deceptive results.

Results

Since the inception of the preemployment polygraph screening through December 1985, Florida Highway Patrol examiners have screened 2,711 applicants. Of these applicants, 1,626 (60 percent) were rejected on the basis of admissions that were sufficient to disqualify the applicant.

Analysis of the polygraph reports indicates that of the 1,626 applicants rejected, many had committed serious felony crimes such as attempted murder, sexual battery, statutory rape, self-reported incidents of child abuse, arson, assault with a firearm, robbery, breaking and entering, grand theft, receiving stolen property, auto theft, and miscellaneous felonies.

When the Florida Highway Patrol began using the polygraph for preemployment purposes in June 1980, it was learned that the majority of all applicants had used some type of illegal drug during their lifetime. It became obvious that the department had to establish some standards concerning drug involvement for qualification purposes.

Applicants who have used hallucinogenic drugs such as LSD or other hard drugs such as heroin are rejected. Involvement with other illegal drugs is individually evaluated on the basis of circumstance of use, length of use, and volume in determining suitability. Applicants must not have used marijuana or any other similar substance for a period of at least 6 months prior to application.

Analysis of the pre-employment polygraph screening reports indicates that of the 633 applicants polygraphed in 1985, 303 (45.7 percent) were rejected. Of these, 112 (37 percent) were rejected due to some type of felony drug involvement.

Summary

The polygraph has proven to be one of the best aids available in the selection process for Florida Highway Patrol applicants and has reduced the incidents significantly where employees could violate the public trust and discredit the department. The polygraph, like all investigative aids, is not a substitute for a thorough background investigation. However, in the hands of trained examiners, it is invaluable in the selection process for police applicants. FBI

Footnotes

[1]James K. Murphy, "The Polygraph Technique—Past and Present," *FBI Law Enforcement Bulletin*, vol. 49, No. 6, June 1980, p. 2.

[2]Ibid.

I-SEARCH For Missing and Exploited Children

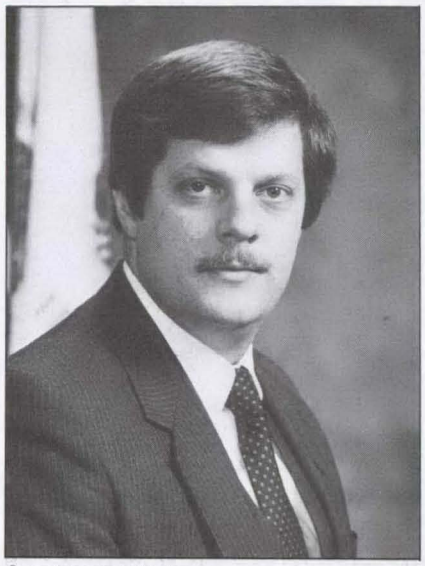
"I-SEARCH . . . is a comprehensive program designed to promote an immediate and effective response to the issues of missing and exploited children."

By
ALEX FERGUSON
Superintendent
and
DANIEL G. MASCARO
Deputy Superintendent
Department of State Police
Springfield, IL

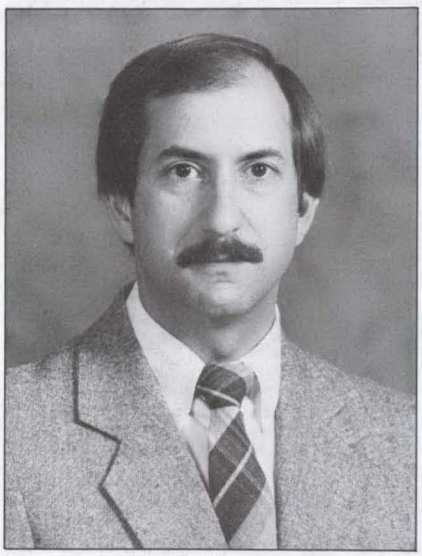
The authors served as key consultants to a fast foods corporation's national "Safe Kids" program. They cooperatively developed the child safety messages contained in a special booklet designed to stimulate communication between parents and their children.

The issue of missing and exploited children is a serious and complex problem that threatens the well-being of our Nation. Yet, despite the nature and national scope of the issue, the criminal justice response to missing and exploited children has a tainted history, and even today, is filled with paradoxes.

Many of the current efforts in this area were initiated by victims or their families. Parents of missing, exploited, or murdered children have become some of the most vocal critics of the ineffectiveness and irrationality of our criminal justice system in handling these cases. Fortunately, victims are not the only critics. Criminal justice pol-



Superintendent Ferguson



Deputy Superintendent Mascaro

icy makers and practitioners are changing the system from within, with a heightened concern for the safety of children.

History of I-SEARCH

In Illinois, there has been a continuing evolution in the manner in which missing children cases are handled. In late 1982 and early 1983, several highly publicized incidents involving missing children, in particular, the murder of a 16-year-old girl, resulted in the Illinois General Assembly adopting a resolution that called for public hearings to identify and define the scope of the missing children problem and the government's response. The Illinois Criminal Justice Information Authority and the Illinois Department of Law Enforcement were assigned the responsibility of conducting the hearings, and after extensive research, prepared a report to the general assembly detailing the problem and making numerous recommendations on the issue.

In the spring of 1984, legislation was passed that implemented many of the report's recommendations. The new measure, signed into law by the governor in September 1984, and entitled the "Intergovernmental Missing Child Recovery Act,"[1] created the I-SEARCH Program.

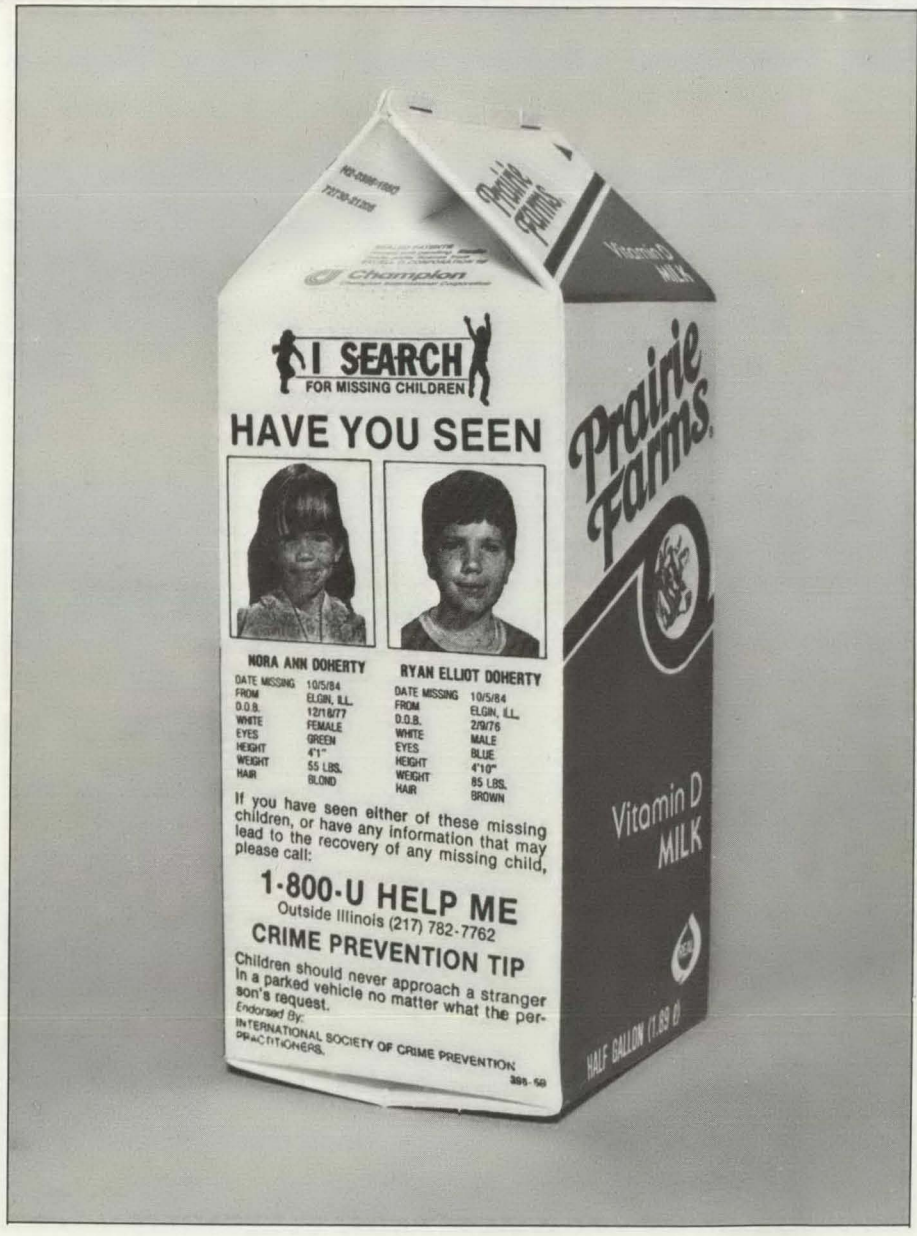
I-SEARCH is an acronym which stands for *I*llinois *S*tate *E*nforcement *A*gencies to *R*ecover *CH*ildren. It is a comprehensive program designed to promote an immediate and effective response to the issues of missing and exploited children.

I-SEARCH defines a missing child as a child whose whereabouts is unknown to the parents. Based upon a report of a missing child, I-SEARCH responds with a network of resources linked together for maximum effectiveness. This comprehensive network includes police, parents, public and private agencies, schools, and the general public working together to address this problem.

The primary purpose of I-SEARCH is to prevent children from becoming victimized by molesters, abductors, or exploiters through public education programs. I-SEARCH also seeks enhanced investigative efforts in finding children who are missing, identification and investigation of child exploitation, and reintegration of recovered children with their families.

The development of I-SEARCH included an analysis of governmental responses to the issue of missing and exploited children. A retrospective view of criminal justice efforts to prevent, investigate, and provide follow-up treatment for missing and exploited children revealed a system of actions based upon erroneous and potentially dangerous assumptions. Perhaps the most egregious of these is the "24-hour rule." Many law enforcement agencies have developed an administrative policy of waiting 24 hours in missing person investigations. In fact, an informal poll in Illinois during the development of I-SEARCH revealed that about one-third of the agencies surveyed had such a policy in effect at the time.[2] The problem has been exacerbated by the fact that in the absence of clear evidence of foul play, many law enforcement agencies have assumed that the child is a runaway and therefore not at risk. As we are discovering today, the possibility of foul play cannot be ruled out until clear evidence to the contrary surfaces, and our basic assumption about runaways not being at risk is ill-conceived. It is all too often the sad experience of those investigating cases of child exploitation

I-SEARCH, in cooperation with a local dairy producer, published photographs on milk cartons distributed over a seven state area. This carton led directly to the recovery of Nora and Ryan Doherty, parentally abducted from Illinois and recovered from Terre Haute, IN.



to find that runaways provide the constant source of vulnerable children for criminal exploitation.

Parental abductions have traditionally been viewed as an insignificant problem by law enforcement, the courts, and even the general public. It is inconceivable to many that a parent would abduct his or her child and subject that child to abuse—psychological, physical, or sexual. In examining the motivations for these abductions, we have found that they are primarily committed out of anger and frustration in an attempt to control or manipulate a spouse. The child is frequently the pawn in a struggle between parents. In many I-SEARCH recoveries of child victims of parental abductions, we have found a varied but common pattern of abuse and neglect.

Although the mass media has become a cooperative and powerful ally in the search for missing children, it too cannot withstand the acid test of its historic treatment of the issue. For years parents appealed to the media for exposure of their cases; yet only recently has the media consented to the routine use of its resources in educating the public regarding the issue and locating and recovering missing children.

The system has broken down in many other ways. Territoriality between agencies sometimes results in critical information not being shared, and therefore, missing children stay missing and exploited children continue to be exploited. Cumbersome bureaucracies may result in cases "slipping through the cracks" of the system. Ineffective legislation and questionable judicial action can further hamper efforts. The issue of missing and exploited children is highly complex and demands that those dealing in this issue be educated and informed. Yet, few incisive training programs are available at each level of the criminal justice system.

Victim Perspective

In the development of I-SEARCH, one consideration emerged as primary—view the problem from the perspective of the victim and family. The victims of crimes against children speak with a soft voice. They have neither power nor influence. The adults that criminally abuse and profit by the inexperience and vulnerability of children betray the natural trust that children have of adults.[3] Parents of these children deserve sensitive treatment by criminal justice practitioners and a system that is both responsive and effective in handling these cases.

"The issue of missing and exploited children is highly complex and demands that those dealing in this issue be educated and informed."

This display has traversed the nation with I-SEARCH speakers in an effort to raise public awareness.

Cycle of Violence

Perhaps the most compelling argument for aggressive action in dealing with abuse and exploitation of children is the interdiction of the "cycle of violence." Mounting research evidence indicates that children who have been violently abused or sexually exploited will become the abusers and exploiters of the future.[4] There is also increasing evidence that a common link between most violent criminals in society today may be the fact that they were abused psychologically, physically, or sexually as children.[5] The nexus between child victimization and violent adult criminality demands our attention and continued research.

Data Collection

The statistics regarding missing and exploited children have long been an issue of contention. Long term planning requires accurate data. I-SEARCH is collecting this data in LEADS (Law Enforcement Agencies Data System). LEADS is the Illinois computer telecommunications system linked to the FBI's National Crime Information Center (NCIC) and serving over 900 terminals located in Illinois law enforcement agencies.

Through legislation, I-SEARCH mandates immediate entry of missing children into LEADS and automatically produces a regional alert to law enforcement agencies whenever a missing child is entered into the system. Local law enforcement agencies are also required to provide prompt confirmation of the entry of a missing child report into LEADS to the parent or guardian of the child.

LEADS also provides the vehicle for the entry of dental and other physical descriptive records of missing persons into NCIC for comparison of these records with the national unidentified person file in an attempt to identify missing persons found dead.

Several modifications have been made in the system to collect detailed information for the LEADS data base. I-SEARCH mandates data entry and cancellation codes to collect specific information on case type and disposition. These basic files provide the research and are developing into one of the most accurate State-level data bases yet developed for missing and exploited children.

I-SEARCH Units/Participating Agencies

The I-SEARCH grant program provides funding for the development of local I-SEARCH units. Local government units including police, other criminal justice agencies, social services agencies, school boards, and other organizations can band together to address the problem of missing children on a community or regional basis with the assistance of State funding. In the last year, over $2 million of State monies have been distributed to fund the development of local units. Agencies desiring to be a part of the statewide I-SEARCH network without receiving State funding may become an I-SEARCH "participating agency" by signing an agreement of intergovernmental cooperation with the Illinois State Police.

"In the development of I-SEARCH, one consideration emerged as primary—view the problem from the perspective of the victim and family."

I-SEARCH units and participating agencies have a primary responsibility of increasing public awareness and educating children and parents in crime prevention techniques, as well as ensuring an effective response to all cases of missing and exploited children.

I-SEARCH units also provide child information packets for parents to maintain fingerprints and other identification information about their children to be used by investigators.

Investigations

Through I-SEARCH, the Illinois State Police actively investigates any report of a missing or exploited child. The safety of the child is always the primary concern of the investigation.

To assist in locating missing children, I-SEARCH has a toll free hotline—1-800-U-HELP-ME. It is used by the public to report information on a missing or exploited child or by a child in need of help. It has also been extremely useful as a central number for use in collecting leads in major case investigations.

Investigators have been deployed across the State to work exclusively on cases involving sexual exploitation of children. Cases of child prostitution, pornography, and sexually victimized or exploited children are the target of these investigations. Training has been provided in the special interview and investigative techniques designed and developed for such cases.

The investigators work closely with the FBI, U.S. Postal Inspection Service, U.S. Customs Service, Chicago Police Department, and many other local law enforcement agencies and are supported by the necessary resources, including sophisticated communications and advanced surveillance technology. In addition, the investigators may be supplemented by selected Illinois Department of Children and Family Services case workers and I-SEARCH child psychologists who will assist in the investigation and provide support, counseling, and placement assistance for child victims. Training in sexual exploitation and related investigative techniques is also provided by the State to local law enforcement officers to enhance the response at the local level.

Under the "Intergovernmental Missing Child Recovery Act," all law enforcement agencies in Illinois are mandated to submit to the Illinois State Police a detailed sex motivated crime analysis report (SMCAR) in all cases where criminal acts are sexually motivated. The report contains information on victims, offenders, vehicles, and methods of operation. I-SEARCH has developed and funded a criminal intelligence computer system to provide support for the SMCAR and other investigative data bases. The network encompasses all investigative zones throughout the State, bringing intelligence capabilities to the fingertips of every special agent in the field.

Public Information and Education

Awareness of the problem is the first step to prevention. I-SEARCH uses a multifaceted program to inform the public and advise them on dealing with the issues of missing and exploited children. I-SEARCH publishes the "Missing Children Bulletin," a compendium of photographs of missing children, articles on new developments in the field, and crime prevention information. It is sent around the Nation in an effort to locate missing children and elevate the consciousness of the public regarding these tragic cases.

Other publications include a *National Directory of Missing and Exploited Children Organizations* and a guide for parents and children on preventing abduction and actions to be taken if a child is missing. I-SEARCH has also provided speakers to numerous child safety workshops, national conferences, civic organizations, and governmental bodies.

The Illinois State Police has hired and trained 10 child safety officers under I-SEARCH to provide materials and make presentations in a very active ongoing child safety program. They are using a specially equipped robot—Trooper B. Safe—to interact with children and provide safety information. In addition, a series of televised public service announcements have been released describing how to get involved in the I-SEARCH network. Numerous and varied commercial enterprises have also cooperated with I-SEARCH to publish millions of pictures of missing children and child safety tips on milk cartons and billboards, in mass transit vehicles, grocery stores, magazines and newspapers, and numerous other media.

Psychological Services

The Illinois State Police's Office of Psychological Services has a crucial role in the I-SEARCH Program. A police psychologist has been employed by I-SEARCH to handle the special concerns relating to children's issues. These responsibilities include profiling offenders, interviewing recovered children and child exploitation victims, as-

sessing credibility of child testimony, and easing victim and family trauma. Also, psychologists are used to provide guidance and direction in the development of public education materials and crime prevention activities targeted for children.

Whenever a child is located, a unique team approach is used to effect the recovery. Special agent(s) and I-SEARCH psychologist(s) work with the family members to handle the reintegration of the child back into the family. In criminal investigations involving child victims, the main consideration is developing new information and insight without causing additional trauma to the child. This team can effectively develop the criminal case against an abductor or abuser, while caring for the immediate psychological needs of the victim and family.

Legislation

Those involved with the I-SEARCH Program continue to refine the program and address additional problems by introducing and supporting child protection legislation. The proposed changes in the statutes are numerous and varied, but concentrate on making government's response to the missing and exploited children issue more effective and appropriate. These new initiatives seek increased awareness and involvement of many sectors of society, restructuring criminal law to provide greater protection for children, and procedural changes that allow for effective interagency cooperation. Some of these measures include:

—Mandatory crime prevention education in grades K-8;

—Requirement that public schools grades K-8 notify legal guardian within 2 hours if child is absent;

—Criminal background checks on child care facility workers;

—Creation of a new criminal offense "Harboring a Runaway;"

—Modification of child abduction laws to include parental abductions that occur *prior* to custody or paternity decisions;

—Seizure of vehicles used with consent of owner in the commission of certain sex offenses; and

—Criminalizing the mere possession of child pornography.

This effort to address statutorily these needs in State law is an ongoing activity of the I-SEARCH Program that also requires the public to voice their concerns to their elected officials.

Interstate Agreement

The I-SEARCH concept has expanded to six States in the Midwest. The governor of Illinois brought together the governors of Iowa, Indiana, Kentucky, Missouri, and Wisconsin to become signatories to an agreement creating a new meaning for the I-SEARCH acronym. I-SEARCH now stands for *I*nter-State *E*nforcement *A*gencies to *R*ecover *CH*ildren. The purposes of the agreement to:

—Develop a network to collect and share data concerning missing and exploited children and a criminal intelligence system to research and analyze trends and patterns of child victimization;

—Explore the feasibility of participating in a regional "Missing Children Bulletin" and hotline, a regional alert system, and cooperative training and investigation;

—Develop a model structure for the approach to the problems of missing and exploited children, including standards for law enforcement response;

—Examine improved methods for the return of missing children, extradition of offenders, standardized safety programs, and the integration of public and private sector resources to further the identification and recovery of missing and exploited children.

The governors of the six signatory States have also created an advisory board of high-level public safety officials to oversee the implementaton of the agreement.

Conclusion

I-SEARCH works. Many children have been recovered in several different States and local I-SEARCH units have also recorded hundreds of success stories in Illinois. No barrier is too large to stand in the way of the ultimate interest of I-SEARCH—the safety of a child.

The challenge to law enforcement in this emotionally charged issue is great. The response by law enforcement must meet both the traditional public expectations and a new human imperative. I-SEARCH and the law enforcement and government officials which guide it have accepted that responsibility. FBI

Footnotes

[1]Illinois Public Act 83–13541.

[2]Illinois Criminal Justice Information Authority and Illinois Department of Law Enforcement, *Report to the General Assembly on Missing Young Adults*, 1984, p. 12.

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[4]Chief William L. Hart, et. al., *Attorney General's Task Force on Family Violence* (Washington, DC: U.S. Department of Justice, 1984), pp. 2–3.

[5]Robert W. ten Bensel, "The Scope of the Problem," *Juvenile and Family Court Journal*, vol. 35, No. 4, 1984, pp. 3–5.

Teenage Suicide
An American Tragedy

"Identifying a suicidal youngster and then connecting him with appropriate treatment and rehabilitation programs represents a major way of saving lives."

By
ROBERT J. BARRY
Assistant Director
Delinquency Control Institute
Center for the Administration of Justice
School of Public Administration
University of Southern California
Los Angeles, CA

During the past 20 years, the suicide rate has tripled among people aged 15 to 24. Suicide has become the third leading cause of death for this age group, with over 5,000 young people killing themselves in 1984 alone. As many as 500,000 other youths attempt suicide, while probably a million, or more, children think about committing suicide.

This article is an attempt to look at youth suicide from different points of view, with the goal of assisting police officers deal with the problem. Identifying a suicidal youngster and then connecting him with appropriate treatment and rehabilitation programs represents a major way of saving lives. Law enforcement officers must be aware and alert to identify possible suicidal juveniles.

Authorities at the National Institute of Mental Health recently reported that an American teenager commits suicide every 90 minutes. Although the American Psychiatric Association recently reported that the incidence of suicide among young people had reached a temporary plateau, it has risen quite dramatically—by 300 percent over the past 30 years. The suicide rate for teenagers rose 41 percent between 1970 and 1980.[1]

These statistics are probably conservative as youthful suicides tend to be underrecorded because survivors tend to opt for a more acceptable reason of death for social, legal, religious, and economic reasons. Who are the young people behind these statistics?

It is impossible to draw a single, simple portrait of the typical young suicide victim. Children from all socioeconomic and ethnic groups have committed suicide. Family problems, loneliness, depression, and desperation appear to be important factors. Most frightening to authorities is the fact that young people may get the idea to kill themselves from reading or hearing about other suicide victims. Some had parents who were suicidal or who had committed suicide. Their example may have taught the child this terrible form of coping. Most have an inordinate amount of stress, a broken home by divorce, remarriage, or marital discord, and many are the firstborn child. Observation has shown that poor communication within the family unit, a sense of isolation, feelings of rejection, and lack of self-esteem are also factors in teenage suicide. Not one of these factors brings about suicidal behavior, but when they occur in combination, they are very dangerous.

Many suicidal young people have the inability or lack of opportunity to express their unhappiness, frustration, or failure. They find that their efforts to express their feelings are either totally unacceptable to their parents, ignored, or met by defensive hostility. This response often drives the child into further isolation, reinforcing the belief of something being terribly wrong.

"Some youths ... lack coping mechanisms for the enormous psychological stresses they face."

The increasing use, and abuse, of alcohol by teenagers has added another element to the problem.[2] Drinking is a big factor in suicides. Alcohol causes depression, affects one's judgment, and may pave the way for a suicidal attempt.

Many teenagers contemplate suicide; some attempt it; an alarming number succeed in taking their own lives. Yet, many of these depressed, desperate youngsters do not really want to die; they simply want to escape their problems.

Adolescence itself is a particularly precarious, comparatively short transitional period in which a child is expected to be transformed into an adult. Change, by its nature, means instability. Adolescence is also a period of forming, however imperfectly, self-esteem, the sense of individuality, the values, and the coping skills that one must depend on in adulthood. It is an enormous task even in the most supportive and stable environments. It is not accomplished in a formal, rational, structured fashion, but rather piecemeal, intuitively, instinctively, and unconsciously. In our modern society, in which everything from cultural mores to the cohesiveness of the basic family unit is often riddled by instability, it is little wonder that an adolescent's struggle can sometimes end disastrously.[3]

Authorities offer different theories about why teenagers end their lives. In some cases, a teenager may be driven by a precipitating event or "trigger incident" which might include an argument at home, a breakup of a relationship, not making a team, not getting a date, not passing an exam, or other such events. These are perceived as insurmountable failures and embarrassments.[4] Adolescents lack the adaptive skills or experience an adult might employ in handling such setbacks. They suffer from tunnel vision; all they see is darkness. They do not understand that there is light at the end of the tunnel.[5]

During adolescence, the mind itself undergoes changes that enable it to take on new ways of thinking and dealing with the world. In changing from a child to an adult, the adolescent must come up with totally new definitions of who he is, what his talents are, what the world is, how it stands in relation to him, and how to relate with it.[6] Some youths have never learned to withstand disappointment and have not had enough experience with life to understand that problems will be resolved. In summary, they lack coping mechanisms for the enormous psychological stresses they face.[7]

Some Psychodynamic Observations

Certain specific, clear-cut differences have been found between the committed-suicide group and the other groups of suicidal adolescents. Greater frequency of psychiatric hospitalization, combined with a higher rating of emotional disturbance and fewer prior suicide attempts, marked the history.

There is some evidence that the adolescent who commits suicide has a greater predisposition toward self-destruction, and therefore, requires less overt stress than his colleagues to initiate the suicide act. This evidence was confirmed in some degree by the fact that the loss or threatened loss of a loved one operates less often as a precipitating stress or "trigger" among those in the committed-suicide group than it did on the attempts of those in the suicidal groups. Stress was reported to be higher among people who attempted suicide. The reaction was to communicate their suicidal intent openly, i.e., verbally or behaviorally, in order to let others know of the psychological pain they were experiencing, and thus ultimately, to reduce the stress they were feeling.

Categories of Youth Suicide

The Loner

This personality type begins to emerge at age 14 or 15 and has been described as fitting a clear-cut symptom pattern. Characteristics associated with this kind of person center around loneliness, isolation, lack of friends, and poor interpersonal communication with peers and parents. Most often, youngsters who are described as "loners" come from intact families, though it appears that these parents have difficulty with their image of themselves as parents and are constantly concerned about making mistakes and not being good parents. They interpret the child's complaints about problems, unhappiness, or general life difficulties as a statement of their lack of competence, and therefore, in a defensive gesture, will often insist to the child that he really is not unhappy and has nothing to complain about. In these families, the child usually learns at an early age that what he thinks of himself and what his parents think of him are different and he begins to distrust his own thoughts and feelings. His solution is not to communicate his unhappy thoughts and feelings to anyone. This builds up to a person in the late teens with potential high suicide risk.

Acting Out Depression

Suicidal thoughts and attempts are most common in this group. The number of youngsters who fit this category began increasing in the early 1970's. Although there may be many white males in this group, there is a larger proportion of ethnic groups and females than in the other categories. These youngsters are characterized primarily by behaviors that are seen by others as illegal, dangerous, disruptive, harmful, or hostile. The major symptoms represented by people in this category are that of drug and alcohol abuse, running away, petty crimes (e.g., shoplifting and joyriding), assaultive behaviors (frequently with members of one's own family), and occasionally, serious violence. Psychodynamically, these youngsters experience in their early teens surges of depressive feelings that they are unable to understand, explain, or cope with. They often experience and interpret these feelings as painful boredom, and frequently, through role models in their nuclear or extended families, they decide that the most effective way to cope with these feelings is through some form of action. The action, which often includes substance abuse, typically helps them get through the most difficult part. They keep doing it as long as it works. However, these people often get in trouble, particularly with the authorities, who treat them as delinquents rather than depressed youngsters, adding to their sense of despair. These children often come from broken homes, where chaos, inconsistency, and substance abuse is not uncommon. Learning to use alcohol and drugs as a solution to their problems is very frequently something that comes directly from a parent or older sibling.

The Crisis Suicide

Youngsters who evidence suicidal behaviors and symptoms who fit into the crisis category probably represent less than 15 percent of all suicidal youngsters. The major findings among these kinds of persons are that there is an apparently normal pre-morbid personality, no history of severe emotional trauma, and a reasonably stable family pattern.

The typical pattern is that of an adolescent who reaches a point in his life where he becomes aware of, or has inflicted upon him, sudden traumatic changes. The changes may include the loss of a loved one or the loss (or threatened loss) of status in school through academic or atheletic failure. Subsequently, the youngster undergoes sudden and dramatic changes in behavior that may include loss of interest in things that were previously important, sudden hostile and aggressive behaviors in a previously placid youngster, and signs of confusion and disorganization. There is typically an inability to concentrate, and frequently, a series of classical depressive symptoms.

The Psychotic Suicide

This category of youth suicide is somewhat smaller in numbers than the others, and psychologically, are very difficult to work with. The symptom picture often includes delusions, hallucinations, and occasionally, direct messages from voices to kill oneself. Much of the fantasy and some of the behavior of these youngsters would be considered violent and bizarre. The suicidal behavior itself is often bizarre.

These youngsters most often come from single-parent families, i.e., at least families in which only one parent is psychologically present. Sometimes the parents are grossly psychotic, alcoholic, or both; sometimes, the behavior patterns are quite varied and they resemble other categories of suicidal youngsters. But the decision to place the youngster in the particular category of the psychotic suicide is determined by the bizarre symptoms combined with suicidal behavior.

Suicidal Behavior as Communication

This final category focuses on a rather large number who attempt to threaten suicide and for whom communication is a major factor in their suicidal behavior. It is a much less frequent category when examining suicide deaths. In these cases, the person becomes suicidal when more common avenues of expressing frustrated feelings become blocked, interrupted, and stymied. This is not to say that the young suicidal person who is communicating through suicidal behavior is doing so in a calm, rational manner. The experience of a person is usually one of desperation, unhappiness, and great upset. But the lethality of the behavior is almost always low. The ultimate purpose of the behavior seems to clear the way, to open up and break through the barriers, so that the significant others will know how desperate or how unhappy he feels. This represents the classical "cry for help." This suicidal youngster does not necessarily have a history of severe disturbance or prior suicidal episodes, although they may be present.[8]

Warning Signals

Depressed youths will usually display one or more of the following symptoms:

"It is impossible to draw a single, simple portrait of the typical young suicide victim."

1) Change in personality (sadness, withdrawl, irritability, anxiousness);
2) Change in behavior (lack of concentration on school, work, or routine tasks);
3) Change in sleep patterns (oversleeping, insomnia, or early waking);
4) Change in eating habits (loss of appetite and weight or overeating);
5) Loss of interest in friends, sex, hobbies, or activities previously enjoyed;
6) Worry about money or illness, either real or imaginary;
7) Fear of losing control (going crazy, harming self or others);
8) Feelings of helplessness and worthlessness ("Nobody cares," "everyong would be better off without me");
9) Feelings of overwhelming guilt, shame, self-hatred;
10) No hope for the future ("It will never get better; I will always feel this way");
11) Drug or alcohol abuse;
12) Recent loss through death, divorce, separation, broken relationship, or loss of job, money, status, self-confidence, self-esteem;
13) Loss of religious faith;
14) Suicidal impulses, statements, plans, giving away favorite things, previous suicide attempts or gestures; and
15) Agitation, hyperactivity, and restlessness to indicate masked depression.

What causes the depression? Authorities believe that a combination of genetic and environmental factors are probably responsible. It is known, for example, that children of depressed parents and grandparents have a far greater chance of developing the disorder than those without depressed relatives.[9]

Whether this is caused by an inherited chemical imbalance in the brain or by children mimicking the behavior of depressed adults around them, or both, is unclear. However, there seems to be general agreement that a depressed child is often the victim of "many losses." Divorces, deaths in the family, constant moves and separations (especially in the first few years of life), coupled with a loss of self-esteem brought on by abusive parents, are usually part of the pattern.

It is also true, though, that not every child who experiences such losses suffers from serious depression. Some children are more resilient and invulnerable than others for reasons that may never be understood.

Prevention

What can be done to prevent these tragic deaths? Parents who suspect their child is depressed should choose a comfortable and relaxed time to talk to the child about his feelings and problems. Sometimes all it takes to lift a depressed child's spirits is to give that child special amounts of attention, affection, praise, and emotional support. Provide the child with opportunities to regain or boost their pride, ego, and self-esteem.

For law enforcement personnel confronted with a potential suicide, it is important not to act as if nothing is wrong, according to the American Association of Suicidology. Talk to him; listen to him; draw him out; let him know you are concerned. Most people who attempt suicide do not really want to die—at least not at first. It is only when no one responds to their signals that they become convinced that their only option is death. Do not be afraid to ask: "Do you sometimes feel so bad you think of suicide? Just about everyone has considered suicide, however fleetingly, at one time or another. There is no danger of "giving someone the idea." In fact, it can be a great relief if you bring the question of suicide into the open and discuss it freely without shock or disapproval.

Raising the question of suicide shows that you are taking the person seriously and are responding to the potential of his distress. If the answer is, "Yes, I do think of suicide," you must take it seriously. Then continue with other questions, such as: Have you thought how you would do it? Do you have the means? Have you decided when you would do it? What happened then? If the person has a definite plan, if the means are easily available, if the method is a lethal one, and the time is set, then the risk of suicide is very high. Your response will be geared to the urgency of the situation as you see it. It is vital not to underestimate the danger. Ask for details.

Do not leave a suicidal person alone if you think there is immediate danger. Stay with the person until help arrives or the crisis passes. Nearly everyone can be helped to overcome almost any kind of situation which might destroy their self-confidence if they have someone who will listen, take them seriously, and help them feel worthwhile and wanted again.

Common to almost every suicidal crisis is a strong ambivalence: "I want to kill myself, but I don't want to be dead—at least not forever." What most suicidal people want is not death but some way out of a terrible pain of feeling, "Life is not worth living; I am not fit to live; I am all alone with this; I don't belong and nobody cares." After being allowed to unburden, without interruption—without being judged or criticized, or rejected or told what to do—the tension drops, the pain is relieved, and the suicidal feelings pass—maybe not forever, but for now. Suicidal kids just want to know someone cares. The key is to listen. If the person is hallucinating, influenced by drugs or alcohol, if the danger of suicide is imminent and the means are available, obtain professional help. Do not carry on alone. Talk in confidence to a person trained in suicide prevention. If someone is in trouble, there are many resources. These include school counselors, local suicide prevention programs, crisis hotlines, and psychologists and psychiatrists.

Conclusion

Youthful suicide is a serious national problem for society as a whole that calls for total involvement. There must be an increased public and national awareness to this problem and an expansion of community-based strategies for addressing it.

An educational program must be undertaken to alert parents and local institutions with which our youngsters came into everyday contact—schools, churches, athletic organizations, volunteer and youth services groups, recreational clubs, parent/teachers associations and others—to the signs and symptoms of potential suicide victims. Progress will be made when all members of our society are better educated and made aware of the very serious nature of this problem. The youth of America are our most priceless assets.

FBI

Footnotes

[1]Dorcas R. Hardy, *Juvenile Justice Digest,* Assistant Secretary, Human Development Services, U.S. Department of Health and Human Services. June 17, 1985, p. 5.

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[3]Peter Giovacchini, *The Urge to Die—Why Young People Commit Suicide* (McMillan Publishing Co., 1981), pp. 45–80.

[4]Andre Haim, *Adolescent Suicide* (International University Press, 1974), pp. 40–50.

[5]Pamela Cantor, "Teen Suicide," *People Magazine,* February 18, 1985.

[6]Supra note 3, pp. 101–122.

[7]Michael Weiss, "The Riddle of Teenage Suicide," *Ladies Home Journal,* June 1984.

[8]Maurice L. Farber, *Theory of Suicide* (Funk and Wagnalls, 1968), pp. 117–230.

[9]Robert Barry, et al, *Police Work with Juveniles and the Administration of Juvenile Justice* (Thomas Books, 1982), ch. 6.

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Drug Arrests On The Rise

Over the past 5 years, the number of heroin and cocaine arrests by local law enforcement agencies rose 167 percent, according to recent Uniform Crime Reporting figures. This increase could be attributed to the emphasis placed on drug enforcement policy and the acceleration in criminal activities involving heroin and cocaine. During this same time frame, 1980 to 1984, arrests for marijuana increased only 3 percent in volume, due to a significant decrease in marijuana arrests among those under 21 years of age.

Although heroin and cocaine are gaining prominence in law enforcement arrest statistics, marijuana continues to be the drug most frequently resulting in arrest. Numerically, heroin and cocaine accounted for 1 of every 4 drug violation arrests last year, a shift from the 1 of every 8 ratio in 1980.

Data on heroin and cocaine arrestees showed every age category increasing from 1980 to 1984. The number of arrestees under 21 more than doubled and those aged 21 and older nearly tripled. However, for marijuana, there were 27 percent fewer arrestees in the under 21 age group, while the 21-and-over category registered a 37-percent increase.

Admissibility of Post-Hypnotic Testimony

" . . . an investigator should use hypnosis only in situations where the potential gains outweigh the risk of prejudice that may result and only after more traditional methods have failed."

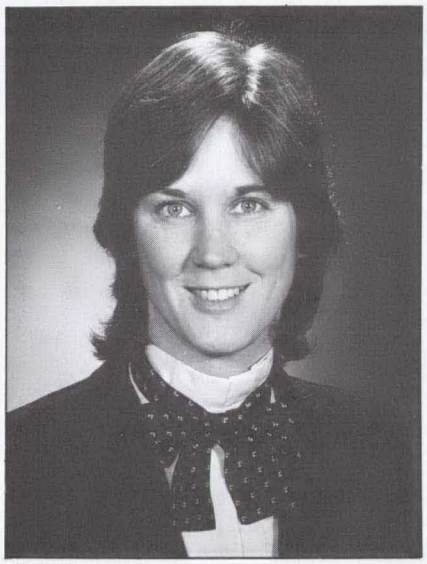
By
KIMBERLY A. KINGSTON
Special Agent
FBI Academy
Legal Counsel Division
Federal Bureau of Investigation
Quantico, VA

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.

In Chowchilla, CA, a busload of 26 school children and their driver were kidnaped by 3 masked gunmen who forced the victims into an abandoned trailer truck buried 6 feet underground. Sixteen hours after their abduction, the captives managed to free themselves and were soon rescued. Much to the investigators' dismay, however, neither the children nor the bus driver were able to provide any clues as to the identities of their kidnapers. In desperation, a hypnotist was called to assist in the investigation. During his first session with the hypnotist, the bus driver was able to recall all but one digit of the license plate on the kidnapers' white van. This information helped investigators to identify and locate three individuals who were eventually arrested, tried, and convicted on kidnaping charges.[1]

In Arizona, the mother of two young children stood helplessly by while her husband died of gunshot wounds inflicted during an exchange of fire with an intruder in their home. Highly traumatized as a result of the incident, the witness could not give a clear description of the intruder until she was placed under hypnosis. Once under hypnosis, the women not only assisted in the construction of a composite drawing of a suspect but also recalled that the intruder had been shot during the altercation. The suspect who was ultimately identified on the basis of the composite drawing had, at the time of his arrest, a fresh gunshot wound in the same location described by the witness under hypnosis.[2]

These and countless other similar successes have made hypnosis a very popular and widely used investigative tool over the past 2 decades. So common has the use of hypnosis become in the investigation of crimes that many police departments and law enforcement agencies have established specially trained units that exist primarily for hypno-investigative purposes. These so called "Svengali Squads" came into existence in the early 1970's[3] and have been credited with hundreds of convictions since that time. Unfortunately, hypnosis is not an exact science, and for every success story attributable to the "Svengali Squads," there is an equally striking example of how hypnosis has failed to produce accurate results. Consequently, some courts are less than totally enamored with hypnosis as a forensic tool and have significantly curtailed the usefulness of hypnosis in many jurisdictions. These courts question the reliability of recall enhanced by hypnosis, whether the hypnotic process affects the accuracy of prehypnotic recall, and ultimately what, if



Special Agent Kingston

any, post-hypnotic testimony should be legally admissible against a criminal defendant.

This article will identify the problems inherent in using hypnosis to enhance witness recall, discuss rules that State and Federal courts have adopted to determine the admissibility of post-hypnotic testimony, and suggest procedural safeguards to be implemented when using hypnosis as an investigative tool.

PROBLEMS WITH RELIABILITY

As courts which have confronted this issue point out, experts in the "science" of hypnosis themselves are unable to agree on a theory that adequately explains the phenomenon of hypnotic recall. One school of thought maintains that memories are "recorded" in the human mind much like movies are recorded on film. Under hypnosis, these memories can be "played back" in precise detail, and as a result, the subject's memory is accurately refreshed.[4] While this particular theory enjoyed considerable acceptance in the past, its popularity in recent years has been usurped by a more realistic approach. Today, a majority of experts in the scientific community adhere to the proposition that the human mind perceives an event, receives the information, and retains only portions of the memory for later recall. Hypnosis can aid in that recall by relaxing the subject and removing exterior distractions. However, because hypnotic retrieval of memory entails a reconstruction of events rather than an errorless "play back," recollections induced in this manner may be fraught with inaccuracies.[5]

The inaccuracies associated with hypnotic recall cannot, necessarily, be blamed on the individuals involved in the process. Rather, the inaccuracies are more often attributable to problems inherent in the hypnotic process itself, problems such as hypersuggestibility, hypercompliance, and confabulation.

Hypersuggestibility

Hypnosis is a state of altered consciousness "marked by heightened suggestibility"[6] or hypersuggestibility. Thus, an individual in a hypnotic state is very open and responsive to suggestions made by the hypnotist. While this particular characteristic is what makes hypnosis a successful technique in both the medical and entertainment fields, hypersuggestibility presents a very serious problem when using hypnosis for investigative purposes. When using hypnosis to refresh the memory of a potential witness, there exists a very real danager that the subject will respond to suggestions made by the hypnotist, no matter how subtle or unwitting those suggestions may be. The unfortunate result is an inaccurately refreshed recollection based on a commingling of the subject's original observations and the suggestions received from the hypnotist.[7]

Hypercompliance

Very closely related to hypersuggestibility is a characteristic of hypnosis known as hypercompliance—the hypnotized subject's overwhelming desire to please either the hypnotist or others who have urged him to undergo hypnosis.[8] Motivated by hypercompliance, it is not uncommon for a subject being questioned under hypnosis to suppress an appropriate response and respond, instead, in a manner that he believes is expected of him.[9] When the subject under hyp-

" ... the admissibility of post-hypnotic testimony is contingent upon a showing that the hypnotically refreshed recall is reliable."

nosis is a potential witness attempting to refresh his memory, and the individual he is seeking to please is a prosecutor or an investigator, it is not difficult to imagine the havoc hypercompliance could wreak on the subject's accurate recall.

Confabulation

In a hypnotic state, a subject, already prone to hypersuggestibility and hypercompliance, will unconsciously invent facts in order to answer questions posed by the hypnotist, if the subject lacks adequate knowledge or memory to respond honestly to the inquiry. This process of articifically enhancing memory or "filling in the gaps" is called confabulation.[10]

Although hypersuggestibility, hypercompliance, and confabulation present serious problems when attempting to refresh the recollections of a witness through hypnosis, these problems are, by no means, unique to hypnosis. It is not uncommon for an individual who is overly anxious to assist in an investigation to engage in activities closely resembling hypersuggestibility, hypercompliance, and confabulation without the aid of hypnosis. However, many experts in the field of hypnosis contend that an additional feature of hypnosis puts the previously hypnotized witness in a class by himself. This distinguishing feature is the fact that a witness who admits to being uncertain of the accuracy of his recollections prior to hypnosis often becomes firmly convinced of the accuracy of his recollections after hypnosis, despite the fact that his recollections may include false memories induced by hypersuggestibility, hypercompliance, and confabulation.[11]

These problems inherent in the use of hypnosis were powerfully demonstrated in a laboratory test which involved instilling false guilt in experimental subjects through hypnosis. The subjects were so strongly convinced of their own guilt that they were unable to pass a subsequently administered lie detector test. Although completely innocent, the subjects' admissions of guilt registered as truths on the polygraph.[12]

JUDICIAL ANALYSIS

Overwhelming as the problems inherent in the hypnotic process appear to be, some experts still believe the harmful effects of hypnosis can be minimized and are of the opinion that if proper precautions are taken, previously hypnotized witnesses can provide accurate courtroom testimony.[13] Nevertheless, many appellate courts have opted to curtail drastically the use of previously hypnotized witnesses in criminal proceedings.[14] The courts that have limited the use of post-hypnotic testimony have done so on the ground that prior hypnosis renders a witness intrinsically unreliable. However, like their counterparts in the scientific community, appellate court judges are unable to agree on what constraints should be placed on the use of post-hypnotic testimony. As a result, a wide discrepancy exists among the courts with regards to the admissibility of testimony of a previously hypnotized witness. This discrepancy, in turn, has created a dilemma for the investigator deciding when to use hypnosis to enhance witness recall and for the prosecutor determining how to present his best evidence to support a criminal conviction.

A review of the Federal and State appellate court decisions which address the issue of admissibility of post-hypnotic testimony indicates that the variance in treatment by these courts can be analyzed by grouping their decisions into four categories: (1) Those that find prior hypnosis to be an issue affecting credibility, not admissibility; (2) those that make admissibility of post-hypnotic testimony contingent upon a showing of reliability; (3) those that declare inadmissible any testimony based on hypnotic recall while permitting testimony relating to events recalled prior to hypnosis; and (4) those that hold prior hypnosis to be an absolute bar to admissibility. The cases in each category, although factually different, are decided on similar rationale. Each category is discussed below in terms of factors considered by courts in deciding the legal admissibility of such testimony.

Credibility Not Admissibility

This first category was created in the 1968 case of *Harding* v. *State.*[15] In that case, the Maryland Court of Special Appeals became the first appellate court to address specifically the issue of the admissibility of post-hypnotic testimony. The trial court in *Harding* had heard the testimony of Mildred Coley, the victim of an apparent attempted rape and murder, and had admitted her testimony over defense objections, despite the fact that the evidence clearly demonstrated the victim had little or no accurate recall of the assault prior to hypnosis. The trial judge allowed the case to go to the jury in its entirety with the following precautionary statement:

> "You have heard, during this trial, that a portion of the testimony of the prosecuting witness, Mrs. Coley,

was recalled by her as a result of her being placed under hypnosis. The phenomenon commonly known as hypnosis has been explained to you during this trial. I advise you to weigh this testimony carefully. Do not place any greater weight on this portion of Mrs. Coley's testimony than on any other testimony that you have heard during this trial. Remember, you are the judges of the weight and the believability of all the evidence in this case."[16]

On appeal, the Maryland Court of Special Appeals upheld the defendant's conviction and found that the post-hypnotic testimony of the prosecuting witness was sufficient to support that verdict. Essentially, the court held that prior hypnosis, in and of itself, does not render a witness incompetent to testify and that any ill effects the hypnotic process may have on accurate recall create issues of credibility, not admissibility. In so holding, the court considered neither the potential dangers of hypersuggestibility, hypercompliance, or confabulation nor the viewpoints of the scientific community on the reliability of hypnotically induced recall. Rather, the court simply emphasized the witness' own statement that she was testifying from her own refreshed recollection of the events as they occurred, the opinion of the hypnotist that there was "no reason to doubt the accuracy of the witness' recollections,"[17] and the trial court's cautionary instruction to the jury. Based on the foregoing observations, the appellate court believed it was justified in drawing the following conclusion:

"The admissibility of Mildred Coley's testimony concerning the assault with intent to rape case causes no difficulty. On the witness stand she recited the facts and stated she was doing so from her own recollection. The fact that she has told different stories or had achieved her present knowledge after being hypnotized concerns the question of the weight of the evidence which the trier of facts, in this case the jury, must decide."[18]

Although the rather simplistic approach adopted by the court in *Harding* drew considerable criticism from legal commentators and the Maryland court's position was subsequently reversed in the 1982 case of *Collins* v. *State,*[19] the case won immediate acceptance among many State and Federal courts faced with like issues, and the opinion has managed to retain considerable vitality.[20]

Today, several courts still hold to the proposition that the possible effects of hypersuggestion, hypercompliance, and confabulation impact on the weight, not the admissibility, of the testimony of previously hypnotized witnesses. These courts assume that "skillful cross-examination will enable the jury to evaluate the effects of hypnosis on the witness and the credibility of his testimony."[21]

Admissibility Contingent Upon Reliability

Several State appellate courts since *Harding* have created a second category of cases on this issue by rejecting *Harding's* per se admissible standard, and instead, adopting a rule of limited admissibility.[22] Court decisions that fall into this category are more concerned with the problems inherent in the hypnotic process and hold that the admissibility of post-hypnotic testimony is contingent upon a showing that the hypnotically refreshed recall is reliable. While these courts agree that the key to admissibility of post-hypnotic testimony is reliability, the methods prescribed for demonstrating such reliability vary greatly by jurisdiction.

Some jurisdictions have embraced a very elementary test of reliability that requires the party proposing the testimony of a previously hypnotized witness to show that the testimony is based on the witness' independent recall and is not merely the product of the hypnotic process. Conceivably, this burden could be met by demonstrating a consonance between the witness' pre- and post-hypnotic statements, corroboration of the witness' statements made under hypnosis, or merely by establishing the opportunity of the witness to observe the events which he purports to recall under hypnosis.[23] Other jurisdictions apply a balancing test[24] which measures the probative value of the post-hypnotic testimony and weighs it against the "danger of unfair prejudice, confusion of issues, or misleading the finder of fact."[25]

However, a majority of courts that subscribe to the limited admissibility rule have shifted their attention away from the proffered post-hypnotic testimony and focus, instead, on the hypnotic process itself. Typically, these courts attempt to insure the reliability of post-hypnotic recall by imposing procedural safeguards which must be strictly adhered to during the hypnotic session. Although differing slightly from jurisdiction to jurisdiction, a majority of these safeguards have been adapted from suggestions made by Dr. Martin Orne,[26] an expert in hypnosis, and are, therefore, fundamentally quite similar.

" . . . law enforcement officers should be selective in their use of hypnosis and should follow procedures that grant them the greatest likelihood of admissibility."

Dr. Orne's suggestions were first introduced in the 1981 New Jersey Supreme Court case of *State* v. *Hurd*.[27] In this case, defendant Hurd was arrested and charged with assault with intent to kill when the victim of the assault identified Hurd as her assailant. The victim, Hurd's ex-wife, informed investigators that on the evening of the attack, she was asleep in the bedroom of her ground floor apartment when someone reached through the window and stabbed her numerous times. Although she was unable to identify her attacker immediately after the incident, the victim asked the police to "check out" her former husband. Later, the victim was informed that her current husband, David Sell, and her former husband, Paul Hurd, were the primary suspects in the case.

The victim then agreed to undergo hypnosis in an attempt to refresh her memory. While under hypnosis, the victim began to relive the incident and became hysterical. When asked whether the assailant was her ex-husband, the victim responded affirmatively.

After she was brought out of the hypnotic trance, the victim expressed mistrust about her identification of Hurd. However, investigators encouraged her to vindicate her current husband by making a formal identification of Hurd. Consequently, the victim gave a statement to police identifying Paul Hurd as her assailant.

Prior to trial, the defendant moved to suppress the victim's proposed in-court identification on the ground that the original identification procedure was tainted by the suggestive hypnotic process, and therefore, was inherently unreliable. After hearing expert testimony regarding the reliability of hypnotically refreshed recall in general and reviewing the circumstances of the particular hypnotic process in question, the trial court granted the defendant's motion to suppress. On appeal, the New Jersey Supreme Court upheld the trial court's decision to suppress the in-court identification and imposed the following procedural safeguards to insure the reliability of post-hypnotic testimony:

1) The hypnotic session should be conducted by a licensed psychiatrist or psychologist trained in the use of hypnosis.
2) The qualified professional conducting the hypnotic session should be independent of and not responsible to the prosecutor, investigator, or the defense.
3) Any information given to the hypnotist by law enforcement personnel prior to the hypnotic session must be in written form so that subsequently the extent of the information the subject received from the hypnotist may be determined.
4) Before induction of hypnosis, the hypnotist should obtain from the subject a detailed description of the facts as the subject remembers them, carefully avoiding adding any new elements to the witness' description of the events.
5) All contacts between the hypnotist and the subject should be recorded so that a permanent record is available for comparison and study to establish that the witness has not received information or suggestion which might later be reported as having been first described by the subject during hypnosis. Videotape should be employed if possible, but should not be mandatory.
6) Only the hypnotist and the subject should be present during any phase of the hypnotic session, including the pre-hypnotic testing and post-hypnotic interview.[28]

Clearly, these safeguards, when made a condition precedent to admission of post-hypnotic testimony, are designed to limit the effects of hypersuggestion, hypercompliance, and confabulation while, at the same time, providing the court with adequate grounds on which to judge the reliability of post-hypnotic recall.[29]

No matter what test in this category is used to determine the admissibility of post-hypnotic testimony—the elementary test of reliability, balancing, compliance with procedural safeguards, or a combination of all three—the result is the same: The party attempting to use a previously hypnotized witness must first persuade the court that the post-hypnotic recall of the witness is reliable and not simply the product of the hypnotic process. Once the initial burden is met, the testimony will be admitted, "leaving the jury free to hear and weigh all evidence the opponent of the testimony may offer regarding possibilities of pseudomemory resulting from suggestion, confabulation, or deliberate untruthfulness."[30]

Hypnotically Induced Recall Inadmissible

In a third category of cases involving hypnosis, a growing number of appellate courts are retreating from the case-by-case analysis of admissibility of post-hypnotic testimony, contingent upon its reliability. These courts are

holding, as a matter of law, that the probative value of hypnotically induced recall is outweighed by the danger of prejudice in every instance.[31] In their analysis, the courts that subscribe to this view unanimously rely on the test for the admissibility of scientific evidence announced in the 1923 case of *Frye* v. *United States*[32] to support their decisions.

In discussing the admissibility of evidence obtained through scientific means, the court in *Frye* rejected expert testimony based on a lie detector test, despite the fact that the proper foundation had been laid. The court held that regardless of the expertise of the operator, the lie detector test itself was too unreliable to warrant acceptance as a measure of truth. In so holding, the *Frye* court looked to the scientific community and formulated the following rule:

> "Just when a scientific principle or discovery crosses the line between the experimental and demonstrable stages is difficult to define. Somewhere in this twilight zone the evidential force of the principle must be recognized, and while courts will go a long way in admitting expert testimony deduced from a well recognized scientific principle or discovery, the thing from which the deduction is made must be sufficiently established to have gained general acceptance in the particular field in which it belongs."[33]

Accordingly, the court in *Frye* determined that the lie detector test had not gained sufficient recognition among physiologists or psychologists to permit the admissibility of evidence derived from the administration of the test.

Since *Frye,* many jurisdictions have adopted the *Frye* test and applied it in a variety of situations,[34] each with the same result. If the scientific principle, theory, or discovery in question has not gained sufficient general acceptance in the scientific community from which it stems, the evidence arising from the use of such principle, theory, or discovery will not be admissible in a court of law.

Courts that apply the *Frye* test to determine the admissibility of post-hypnotic testimony thus require the party offering the testimony to demonstrate the general acceptance of hypnosis among members of the scientific community. Regardless of the efforts displayed by proponents of hypnosis, courts which apply the *Frye* test to the admissibility of hypnotically induced testimony inevitably conclude that hypnosis, although to a large extent accepted as a viable therapeutic tool, is not generally regarded as a reliable forensic tool by hypnosis experts. This conclusion is not surprising, considering that one need only peruse legal and scientific journals to find a number of articles written by hypnosis experts that warn against the dangers of hypersuggestibility, hypercompliance, and confabulation—dangers that militate against the acceptance of hypnosis as a forensic tool.[35]

Most courts which apply the *Frye* test, however, have been reluctant to declare all post-hypnotic testimony inadmissible. Rather, they have attempted to protect against the dangers inherent in the hypnotic process while, at the same time, preventing the total disqualification of a previously hypnotized witness by excluding only the testimony that is based on hypnotically induced recall. More specifically, these courts permit a witness to testify regarding events known prior to hypnosis but prohibit testimony based on events recalled only under hypnosis. Unquestionably, this position is a compromise designed to preserve the use of hypnosis as an investigative technique under limited circumstances. This compromise is explained by the Arizona Supreme Court in the case of *State ex rel Collins* v. *Superior Court for the County of Maricopa.*[36]

> "As a practical matter, if we are to maintain the rule of incompetence, the police will seldom dare to use hypnosis as an investigatory tool because they will thereby risk making the witness incompetent if it is later determined that the testimony of that witness is essential. Thus, applying the Frye test of general acceptance and weighing the benefit against the risk, we ... hold that a witness will not be rendered incompetent merely because he or she was hypnotized during the investigatory phase of the case. That witness will be permitted to testify with regard to those matters which he or she was able to recall and relate prior to hypnosis."[37]

It is noteworthy that the Arizona Supreme Court in *State ex rel Collins,* like all other courts that have adopted a similar position, requires the prosecution to obtain and record information known to the witness prior to hypnosis. Only that pre-hypnosis recollection is admissible when the witness testifies. Other information obtained from the witness in the hypnotic session is useful for investigative purposes but not as testimony.[38]

"Under current judicial analysis, hypnosis remains a useful investigative technique, and in many jurisdictions, post-hypnotic testimony has evidentiary value."

Inadmissible Per Se

Court decisions in the fourth category of cases concerning the admissibility of post-hypnotic testimony hold that prior hypnosis of a witness is an absolute bar to admissibility of that witness' testimony.[39] Some courts have reached this result by combining the application of the *Frye* test with an analysis of the sixth amendment confrontation clause, concluding that the inherent dangers of the hypnotic process render a previously hypnotized witness completely incompetent to testify. These courts apply the *Frye* test in the same manner as those courts which exclude post-hypnotic recall as testimony. Their analysis, however, also includes an application of the sixth amendment guarantee that all defendants have the right to confront witnesses against them. The right to confrontation embodies the right of defendants to effectively and meaningfully cross-examine witnesses against them.[40] The concern some courts have is that the hypnotic process may irrevocably alter the witness' recall and demeanor so as to deny the defendant the opportunity to confront and cross-examine the witness against him. Particularly troublesome to these courts is the fact that witnesses often become firmly convinced of their recollections made under hypnosis and thereby immunize themselves from the rigors of cross-examination. In *State ex rel Collins,* the court stated the problem as follows:

> "The concern in the area of posthypnotic testimony is that posthypnotic memory may be different than prehypnotic memory. This memory alteration may result from purposeful or unwitting cues given by the hypnotist, the phenomenon of confabulation, and the need for the subject to achieve some sense of certainty within his or her own mind. The basic problem is that if a witness sincerely believes that what he or she is relating is the truth, they become resistant to cross examination and immune to effective impeachment to ascertain the truth."[41]

Thus, the court in *State ex rel Collins*[42] and others with similar reasoning have concluded that because the impervious nature of previously hypnotized witnesses works to deny a defendant his fundamental right to effective cross-examination all posthypnotic testimony is per se inadmissible in a criminal trial.

Although the per se inadmissible rule won fairly wide support from hypnosis experts and legal commentators,[43] most courts have not adopted this extreme approach.

PROCEDURAL SAFEGUARDS

As the analysis of court decisions concerning the admissibility of post-hypnotic testimony indicates, there is continued inconsistency among jurisdictions, and no uniform treatment appears forthcoming. Several State appellate courts which have ruled on the admissibility of post-hypnotic testimony have subsequently modified their own position on this issue.[44] This variance in the way courts look at hypnosis has resulted in confusion on the part of law enforcement. Officers do not have a clear and structured view of when this investigative technique may be judicially accepted in criminal prosecutions.

Most courts that have addressed the issue, even those that hold the extreme position that post-hypnotic testimony is per se inadmissible, have concluded that hypnosis is an acceptable, reliable investigative technique.[45] This conclusion suggests that hypnotically induced recall may be used in furtherance of investigation and to establish probable cause. However, investigators who wish to use hypnosis as an investigative tool are placed in the unenviable position of having to guess whether the testimony of a witness who has undergone hypnosis will be admissible in court. The investigator who chooses to proceed with the use of hypnosis in his investigation risks losing a potentially valuable witness and possibly his whole case, if the court in his jurisdiction takes an adverse position on the issue of admissibility. Therefore, law enforcement officers should be selective in their use of hypnosis and should follow procedures that grant them the greatest likelihood of admissibility. In this regard, the following procedural safeguards, which have evolved in judicial analysis of hypnosis, merit consideration.

First, if an investigator is unsure of a particular court's position on the issue of post-hypnotic testimony, he should use hypnosis only in situations where the potential gains outweigh the risk of prejudice that may result and only after more traditional methods of investigation have failed. To insure further the admissibility of a witness' post-hypnotic testimony, hypnosis should only be used to further a legitimate investigative need and should not be used simply to bolster a witness' confidence.

Second, the investigator who chooses to use investigative hypnosis and desires to have the testimony of hypnotized witnesses admissible in court should consider following the procedural safeguards that were announced in the *Hurd* case.[46] These safeguards require use of a licensed psychologist or psychiatrist trained in the use of hypnosis, who is independent of both prosecution and defense and whose contacts with the witness are both restricted and recorded.

By following these safeguards, the investigator insures the admissibility of the witness' post-hypnotic testimony, if the court in his jurisdiction adopts either the *Harding*[47] per se admissible rule or the limited admissibility rule advanced by the court in *Hurd*. Under both rules, following the safeguards establishes the reliability of the post-hypnotic testimony. Compliance would enhance the witness' credibility in the jury's eyes under *Harding* and establish reliability of the process itself before the court under the *Hurd* rule. Moreover, because the safeguards specifically require the recording of a subject's pre-hypnotic recall, adherence to the safeguards will document, and thereby save, the pre-hypnotic portion of the witness' testimony in the event the court rules that only post-hypnotic recall is inadmissible. As the Arizona Supreme Court required in *State ex rel Collins*, the investigator should always obtain and record information known to the witness prior to hypnosis.

Finally, the reliability of the hypnotic process itself can be improved if both the subject and the hypnosis expert conducting the session are not made aware of the identities of potential suspects or the investigator's theories regarding the case. These precautions will reduce the possibility that the subject's post-hypnotic recall is the product of hypersuggestibility, hypercompliance, or confabulation and further enhance the chances of admissibility.[48]

CONCLUSION

Under current judicial analysis,[49] hypnosis remains a useful investigative technique, and in many jurisdictions, post-hypnotic testimony has evidentiary value. However, investigators who use this technique should take every precaution to insure the reliability of both the hypnotic process itself and the witness' post-hypnotic recall. While most experts believe that the effects of hypersuggestibility, hypercompliance, and confabulation can never be totally eliminated when using hypnosis to enhance recall, strict adherence to procedural safeguards can minimize their effects and provide the best opportunity for admissibility of post-hypnotic testimony.

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Footnotes

[1]*People* v. *Schoenfeld*, 111 Cal. App. 3d 671, 168 Cal. Rptr. 762 (1980).

[2]Reiser, "Investigative Hypnosis: A Controversial Technique," *The Police Chief*, August 1984, p. 65. The individual arrested in this case never went to trial because the Arizona trial court disqualified the witness from testifying on the ground that the hypnotic process rendered the witness' testimony inherently unreliable.

[3]The Los Angeles Police Department pioneered the use of "Svengali Squads" in 1970. During the first 5 years of its existence, the Los Angeles hypnosis squad was involved in approximately 70 cases. *See generally*, "The Svengali Squad," *Time*, September 13, 1976, p. 56.

[4]Plotkin, *The Previously Hypnotized Witness: Is His Testimony Admissible?* 106 Military L. Rev. 163, 173 (1984).

[5]*Id.*

[6]*People* v. *Gonzales*, 329 N.W. 2d 743, 746 (Mich. 1980).

[7]*Id. See also, State ex rel Collins* v. *Sup. Ct. for the County of Maricopa*, 644 P. 2d 1266, 1269 (Ariz. 1982).

[8]*Id.*

[9]*Id.*

[10]*See State ex rel Collins* v. *Sup. Ct. from the County of Maricopa*, 644 P. 2d 1266, 1270–71 (Ariz. 1982).

[11]*Supra* node 5, at 746, *See also, Commonwealth v. Kater*, 447 N.E. 2d 1190, 1197 (Mass. 1983).

[12]*Supra* note 10, at 1269, citing Margolin, "Hypnosis-enhanced Testimony: Valid Evidence or Prosecutor's Tool?" *Trial*, The National Legal News Magazine, October 1981, pp. 43–44. Although not all experts would concur with the results of this experiment, the court in *State ex rel Collins* relied on its validity, *supra* note 10.

[13]*See generally*, Reiser, *supra.*

[14]The admissibility of testimony given while under hypnosis and evidence of what was said under hypnosis is well-settled. All courts which have considered the question are in agreement that such testimony is inadmissible. *See, e.g., Pearson* v. *State*, 441 N.E. 2d 468 (Ind. 1982); *State* v. *Pusch*, 46 N.W. 2d 508 (N.D. 1950); *Jones* v. *State*, 542 P. 2d 1316 (Okla. Crim. 1975).

[15]246 A.2d 302 (Md. 1968).

[16]*Id.* at 310.

[17]*Id.* at 311.

[18]*Id.* at 306.

[19]447 A. 2d 1272 (Md. App. 1982), *aff'd.* 464 A.2d 1028 (Md. 1983). In *Collins*, a differently constituted Maryland court of appeals abandoned the position stated in *Harding* and held that testimony developed through hypnotism was inadmissible.

[20]*See, e.g., Clay* v. *Vose*, 771 F. 2d 1 (1st Cir. 1985); *United States* v. *Awkard*, 597 F. 2d 667 (9th Cir. 1979); *United States* v. *Adams*, 581 F. 2d 193 (9th Cir. 1978); *Crum* v. *State*, 433 So. 2d 1384 (Fla. App. 1983); *Key* v. *State*, 430 So. 2d 909 (Fla. App. 1983); *State* v. *Little*, 674 S.W. 2d 541 (Mo. 1984); *State* v. *Brown*, 337 N.W. 138 (N.D. 1983); *State* v. *Glebock*, 616 S.W. 2d 897 (Tenn. Cr. App. 1981); *Chapman* v. *State*, 638 P. 2d 1280 (Wyo. 1982).

[21]*State* v. *Hurd*, 432 A. 2d 86, 91 (N.J. 1981).

[22]*See, e.g., State* v. *Contreras*, 674 P. 2d 792 (Alaska App. 1983); *State* v. *Iwakiri*, 682 P. 2d 571 (Idaho 1984); *People* v. *Cohoon*, 457 N.W. 2d 998 (Ill. App. 1984); *Gentry* v. *State*, 471 N.E. 2d 263 (Ind. 1984); *Strong* v. *State*, 435 N.E. 2d 969 (Ind. 1982); *State* v. *Luther*, 663 P. 2d 1261 (Or. App. 1983); *State* v. *Jorgensen*, 492 P. 2d 312 (Or. App. 1971); *Walters* v. *State*, 680 S.W. 2d 60 (Tex. App. 1984); *Zani* v. *State*, 679 S.W. 2d 144 (Tex. App. 1984); *Hopkins* v. *Com.*, 337 S.E. 2d 264 (Va. 1985).

[23]*See generally*, Plotkin, *supra* node, 4 184–85. *See also, State* v. *Contreras*, 674 P. 2d 792 (Alaska App. 1983); *People* v. *Cohoon*, 457 N.E. 2d 998 (Ill. App. 1984); *Gentry* v. *State*, 471 N.E. 2d 263 (Ind. 1984); *Strong* v. *State*, 435 N.E. 2d 969 (Ind. 1984); *Walters* v. *State*, 680 S.W. 2d 60 (Tex. App. 1984); *Hopkins* v. *Com.*, 337 S.E. 2d 264 (Va. 1985).

[24]*See, e.g., United States* v. *Valdez*, 722 F.2d 1196 (5th Cir. 1984); *United States* v. *Valdez*, 722 F. 2d 1196 (5th Cir. 1984); *State* v. *Iwakiri*, 682 P. 2d 571 (Idaho 1984).

[25]Plotkin, *supra* note 4, at 185.

[26]For a resume of Dr. Orne's qualifications, *see supra* note 10, at 1288, n. 6.

[27]432 A. 2d 86 (N.J. 1981).

[28]*Id.* at 89–90.

[29]Oregon has adopted similar safeguards by statute. *See*, Or. Rev, Stat, §136.675.

[30]*Supra* note 10, at 1290.

[31]*See, e.g., Prewitt* v. *State*, 460 So. 2d 296 (Ala. Cr. App. 1984); *People* v. *Quintanar*, 659 P. 2d 710 (Colo. App. 1982); *State* v. *Atwood*, 479 A. 2d 258 (Conn. Super. 1984); *Felker* v. *State*, 314 S.E. 2d 621 (Ga. 1984); *State* v. *Moreno*, 709 P. 2d 103 (Hawaii 1985); *State* v. *Seager*, 341 N.W. 2d 420 (Iowa 1983); *State* v. *Goutro*, 444 So. 2d 615 (La. 1984); *Commonwealth* v. *Kater*, 447 N.E. 2d 1190 (Mass. 1983); *State* v. *Ture*, 353 N.W. 2d 502 (Minn. App. 1984); *State* v. *Patterson*, 331 N.W. 2d 500 (Neb. 1983); *People* v. *Hughes*, 453 N.E. 484 (N.Y. 1983); *State* v. *Payne*, 325 S.E. 2d 205 (N.C. 1985); *State* v. *Maurer*, 473 N.E. 2d 768 (Ohio 1984); *Robinson* v. *State*, 677 P. 2d 1080 (Okla. Cr. 1984); *Com.* v. *Smoyer*, 476 A. 2d 1304 (Pa. 1984); *State* v. *Coe*, 684 P. 2d 668 (Wash. 1984).

[32]293 F. 1013 (D.C. Cir. 1923).

[33]*Id.* at 1014.

[34]*See, e.g., United States* v. *Tranowski,* 659 F.2d 750 (7th Cir. 1981) (photograph dating by mathematical and astronomical calculations); *United States* v. *Kilgus,* 571 F. 2d 508 (9th Cir. 1978) (forward looking infrared system); *United States* v. *Brown,* 557 F. 2d 541 (6th Cir. 1977) (ion micro-probic analysis of human hair); *United States* v. *McDaniel,* 538 F. 2d 408 (D.C. Cir. 1976) (spectographic voice identification); *State* v. *Canaday,* 585 P. 2d 1185 (Wash. 1978) (breathalyzer); *State* v. *Clawson,* 270 S.E. 2d 659 (W. Va. 1980) (hair analysis).

[35]*See, e.g.,* Diamond, *Inherent Problems in the Use of Pretrial Hypnosis on a Prospective Witness,* 68 Cal. L. Rev. 313 (1980); Dilloff, *The Admissibility of Hypnotically Influenced Testimony,* 4 Ohio N.L. Rev. 1 (1977); Sanders and Simmons, "Use of Hypnosis to Enhance Eyewitness Accuracy: Does it Work?" *Journal of Applied Psychology,* vol. 68, February 1983, p. 70; Smith, "Hypnotic Memory Enhancement of Witnesses: Does it Work?" *Psychological Bulletin,* vol. 94, November 1983, p. 387; Timm, "The Factors Theoretically Affecting the Impact of Forensic Hypnosis Techniques on Eyewitness Recall," *Journal of Police Science and Administration,* vol. 11, December 1983, p. 442.

[36]644 P. 2d 1266.

[37]*Id.* at 1295.

[38]In *State ex rel Collins, supra* note 36, the Supreme Court of Arizona stated that a "review of the literature and the position of law enforcement experts, lead us to conclude that hypnosis is generally accepted as a reliable investigative tool by the relevant scientific community."

[39]*See, e.g., People* v. *Shirley,* 641 P. 2d 775 (Calif. 1982); *State* v. *Conley,* 627 P. 2d 1174 (Kan. App. 1981) (unless both parties stipulate to admissibility); *People* v. *Gonzales,* 329 N.W. 2d 743 (Mich. 1982) subsequently modified by *People* v. *Nixon,* 364 N.W. 2d 593 (Mich. 1985); *State* v. *Pierce,* 207 S.E. 2d 414 (S.C. 1974).

[40]*Pointer* v. *Texas,* 380 U.S. 400 (1965).

[41]*Supra* note 36, at 1274.

[42]The decision in *State ex rel Collins, supra* note 36, which held post-hypnotic testimony to be inadmissible per se, was modified in a supplemental opinion filed in that case. The supplemental opinion of the court declared inadmissible only hypnotically induced recall testimony.

[43]*See, e.g.,* Diamond, *Inherent Problems in the Use of Pretrial Hypnosis on a Prospective Witness,* 68 Cal. L. Rev. 313 (1980); Sanders and Simmons, "Use of Hypnosis to Enhance Eyewitness Accuracy: Does it Work?," *Journal of Applied Psychology,* vol. 68, February 1983, p. 70.

[44]*See, e.g., State ex rel Collins* v. *Sup. Ct. for the County of Maricopa,* 644 P. 2d 1266 (Ariz. 1982) modifying *State* v. *Mena,* 624 P. 2d 1274 (Ariz. 1981); *State* v. *Collins,* 464 A. 2d 1028 (Md. 1983) modifying *State* v. *Harding,* 246 A. 2d 302 (Md. 1968); *People* v. *Nixon,* 346 N.W. 2d 593 (Mich. 1985) modifying *People* v. *Gonzales,* 329 N.W. 2d 743 (Mich. 1982); *State* v. *Peoples,* 319 S.E. 2d 177 (N.C. 1984) modifying *State* v. *McQueen,* 244 S.E. 2d 414 (N.C. 1978).

[45]*See State ex rel Collins, supra* note 36, at 1295. *See also,* Orne, Soskis, Dinges, Orne and Torney, *Hypnotically Refreshed Testimony: Enhanced Memory or Tampering With Evidence?* National Institute of Justice, Issues and Practice, January 1985, pp. 2 and 40.

[46]*Supra* note 21.

[47]*Supra* note 15.

[48]*See generally,* Orne, Soskis, Dinges, Orne and Tonry, *supra* note 45.

[49]The U.S. Supreme Court has not ruled on the admissibility of post-hypnotic testimony. If that Court should conclude that the use of post-hypnotic testimony violates a defendant's 6th amendment right to confrontation, then the admissibility question would be resolved in all the States because the States are bound by the proscriptions of the 6th amendment through the Due Process Clause of the 14th amendment.

FBI Law Enforcement Bulletin

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The purpose of this journal is to promote an exchange of professional information among the various components of the criminal justice system.

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FORMAT AND LENGTH—Manuscripts should be typewritten and doublespaced. Three copies should be submitted. In general, articles should be approximately 3,000 words long, but adequate treatment of subject matter, not length, should be the primary consideration.

PHOTOGRAPHS AND GRAPHICS—A photograph of the author, and when applicable, his police chief, should accompany manuscripts. If possible, other suitable photos, illustrations, or charts supporting the text should be furnished. Black and white glossy prints reproduce best. In addition, special effort should be made to obtain a quality, black and white glossy photograph, vertical format, for possible use as a cover.

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WANTED BY THE FBI

Photograph taken 1969

Right index fingerprint

Leo Frederick Burt,

W; born 4-18-48 (not supported by birth records), Darby, PA; 5'11" to 6'; 185 lbs; mus bld; brn hair; hazel eyes; med comp; occ-laborer, watchman; remarks: reportedly wears mustache and beard, hair worn long in back. Wanted by FBI for SABOTAGE; DESTRUCTION OF GOVERNMENT PROPERTY; CONSPIRACY.

Fingerprint Classification:

4 O 1 R 12
S 17 Rt

I.O. 4399

Social Security
Number Used 189-40-9409

FBI No. 506 463 H

Caution

Burt is being sought in connection with the destruction by explosives of a building in which one person was killed and several injured. Consider dangerous.

Photographs taken 1971 and 1983

Left ring fingerprint

Mary Kathleen Brooks,

also known as Mrs. Don Luis Church, Mary Kathleen Church, Marjorie Cummings, Mrs. Ron Firmi, Ann Haggerty, Mrs. Colin Marshall, Jane Roach, Mrs. David Henry Sidwell, Gloria Stewart, Mary Walker.

W; born 6-7-50 (true date of birth), 11-10-50, Baltimore, MD (true place of birth), Jarroo, Great Britain, 5'9"; 140–150 lbs; med bld; brn hair; brn eyes; light comp; occ-clerk; remarks: Brooks may be accompanied by her three sons, ages 14, 10, and 8. Wanted by FBI for INTERSTATE FLIGHT—POSSESSION AND DETONATION OF DESTRUCTIVE DEVICES.

NCIC Classification:

POPOPOPOPO23PIPIPIPI

Fingerprint Classification:

23 O 28 W OOO
L 32 W I I I

I.O. 4490

Social Security
Number Used 214-54-4597

FBI No. 956 352 H8

Caution

Brooks reportedly has carried a knife. Consider dangerous.

Photographs taken 1964 and 1967

Right middle fingerprint

Vasile Suceveanu,

W; born 5-7-41, Romania; 5'10"; 145 lbs; sldr bld; lt brn hair; hzl eyes; fair comp; occ-coal miner, electrician, farm worker, porter. Wanted by FBI for INTERSTATE FLIGHT—MURDER.

Fingerprint Classification:

16 O 28 W OOI
L 24 W MII

I.O. 4331

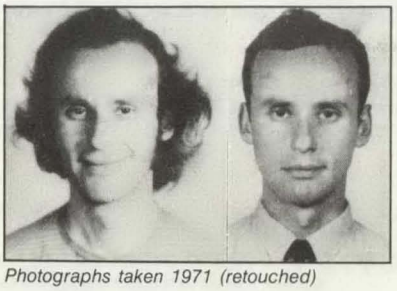
Social Security
Number Used 097-40-3917

FBI No. 407 684 G

Caution

Suceveanu is being sought for murder by handguns committed during holdup. He reportedly has stated that he will not be taken alive. Consider extremely dangerous.

WANTED BY THE FBI



Photographs taken 1971 (retouched)

Right middle fingerprint

Ronald Kaufman,

also known as Christopher Charles Mohr, Christopher Curtis Mohr, James Edward Jensen, Charles E. Owens.

W; born 2-5-38, Milwaukee, WI; 5′10″–5′11″; 160–165 lbs; med bld; brn hair; brn eyes; med comp; occ-laborer, office worker, mail handler, radio repairman, research associate; scars and marks: pea-sized birthmark on right ankle; remarks: may wear glasses; stutters when excited; described as extremely intelligent; knowledgeable in the German language; meticulously clean and neat; a loner who maintains a spartan existence; a health foods enthusiast; has been diagnosed in the past as having mental problems and indications of homosexual tendencies. Wanted by FBI for MALAICIOUS ATTEMPT TO DAMAGE AND DESTROY BUILDINGS BY EXPLOSIVES; NATIONAL FIREARMS ACT; FEDERAL RESERVE ACT.

NCIC Classification:
PMPICOPI16DI17152116

Fingerprint Classification:
17 M 29 W IOI 16 Ref: 29
I 25 U OOO 17

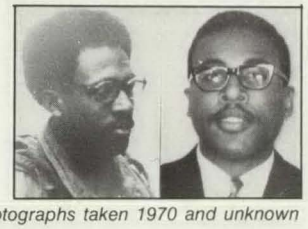
I.O. 4483

Social Security
Numbers Used 389-34-8220; 572-98-1398; 572-98-4495; 398-34-8220; 398-34-3220

FBI No. 242076 J7

Caution

May be armed and should be considered very dangerous.



Photographs taken 1970 and unknown

Right ring fingerprint

Richard Bernard Thomas,

also known as "Ricky."

N; born 5-25-46, Philadelphia, PA; 6′1″; 170 lbs; med bld; blk hair; brn eyes; med comp; occ-telephone lineman; scars and marks: vaccination scar on left arm, scars on right arm, right thumb, and left leg; remarks: may be wearing gold-rimmed glasses. Wanted by FBI for INTERSTATE FLIGHT—MURDER.

Fingerprint Classification:
20 L 5 R OOO 13 Ref: 13
I 1 R OOO 1

I.O. 4426

Social Security
Number Used 201-36-3251

FBI No. 534590 H

Caution

Consider armed and extremely dangerous.

Photographs taken unknown

Left index fingerprint

John Emil List

W; born 9-17-25, Bay City, MI; 6′; 180 lbs; med bld; blk (graying) hair; brn eyes; fair comp; occ-accountant, bank vice president, comptroller, insurance salesman; scars and marks: mastoidectomy scar behind right ear, herniotomy scars both sides of abdomen; remarks: reportedly a neat dresser. Wanted by FBI for INTERSTATE FLIGHT-MURDER.

Fingerprint Classification:
23 L 17 W IOI 14 Ref: 17
L 1 R OOI 3

I.O. 4480

Social Security
Number Used 365-24-4674

Caution

List, who is charged in New Jersey with multiple murders involving members of his family, may be armed and should be considered very dangerous.

Referenced Pattern

The impression which appears this month is classified as an angular-type tented arch. To be classified as such, the angle must be 90 degrees or less. Due to the exactness required in determining the degree of angle, all angular-type tented arches are referenced to plain arches unless the angle is very acute. The pattern presented is referenced to a plain arch.

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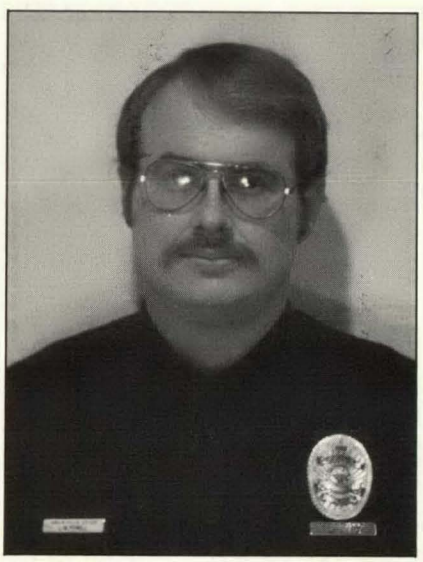
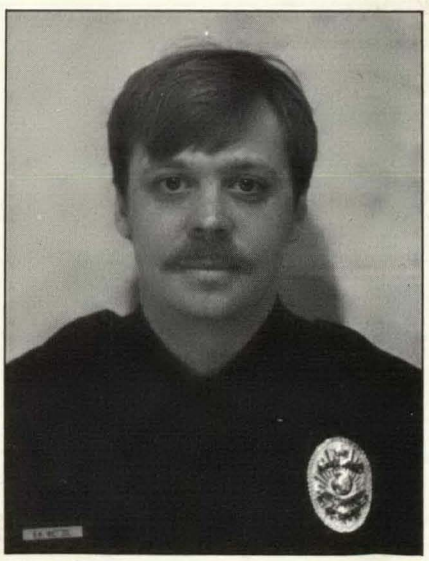
The Bulletin Notes

Officers James M. Powell and Kurt K. Wetzel of the Westminister, CO, Police Department responded to an emergency medical call in January 1985, and found that the victim had suffered a full cardiac arrest. Officers Powell and Wetzel administered CPR until the arrival of paramedics who revived the victim and credited the officers with professional action in saving the victim. The Bulletin is pleased to join their chief in commending these officers for their service to their community.



Officer Powell



Officer Wetzel