

AUGUST 1973



FBI

LAW ENFORCEMENT BULLETIN



FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

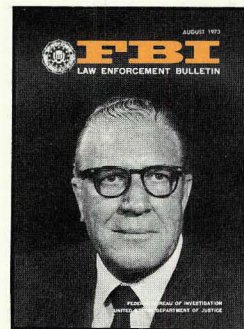
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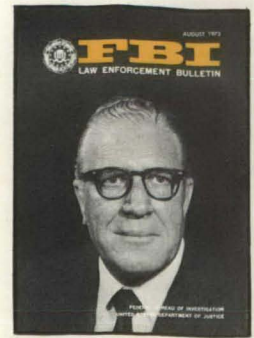
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MESSAGE FROM THE DIRECTOR . . .

. . . To All Law Enforcement Officials

Nearly 33 years ago I came to Washington, D.C., to begin a career in law enforcement with the FBI. It was a wise decision. The years since then have been professionally rewarding. I have come to know law enforcement officers of every rank, at all levels of responsibility, and from every corner of the Nation. They are as able, honest, and dedicated a group as can be found. They have made me immensely proud to be a part of the law enforcement profession.

To have returned now to the Nation's Capital to lead the FBI is a great honor. The FBI has had much influence on my life. I earnestly hope to make significant contributions to its success. While I am mindful of the heavy responsibilities ahead, I am more concerned with the opportunities they represent.

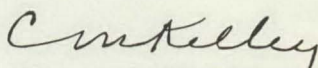
Under the guidance of its late Director J. Edgar Hoover, the FBI earned a worldwide reputation for integrity and accomplishment in public service. I am determined to see that these high FBI standards do not wane and, indeed, that they grow in stature.

The FBI has a vital role in our society's administration of justice system. To a very large extent the FBI serves as an impetus to other law enforcement agencies in the nationwide mobilization against crime and injustice. The nature of its duties attracts unusual public attention to much

of its activities. As a result, FBI performance tends to provide a benchmark for the entire law enforcement profession. Not only should we display superior competence in our investigative obligations but we should also be innovators of new techniques, models of professional cooperation, and examples to follow in the observance of individual rights. The FBI has developed these skills well in the past. I look forward to the challenge of improving them in the future.

It has been my privilege to serve two splendid law enforcement agencies—the FBI and the Kansas City, Mo., Police Department. More significant is the fact that I have seen the law enforcement profession from two important perspectives: as a Federal officer and as a municipal police chief. One fact stands out from this experience: the various law enforcement jurisdictions—local, State, and Federal—can and do complement each other. Working together, they create a formidable deterrent to crime and an implacable foe to the criminal.

There can be no doubt—as Mr. Hoover often observed—that local and State law enforcement officers are society's frontline defense against crime. The struggle against lawlessness will stand or fall on their performance. It is a welcome opportunity for me to see that the FBI gives both inspiration and support to their performance within the limits of our authority.


CLARENCE M. KELLEY
Director

AUGUST 1, 1973

TOTAL CONFINEMENT of Clandestine Device Explosions

Co-authors Rogers (left) and Taylor examine a shear-ring type closure for a bomb containment vessel.



"The Los Alamos Scientific Laboratory has developed a family of systems for the total confinement of explosive experiments . . . [covering] . . . a wide variety of explosive, toxic, and radioactive events without venting any deleterious material to the atmosphere, and without any of the blast, flame, or external shock commonly associated with an explosive detonation."

It is now possible to completely contain the explosion of a clandestine device. The noise from a fully contained explosion is trivial, and all fragments and any toxic compounds that might be included in the more sophisticated devices of the future can also be fully contained. Total confinement of explosions is not merely a theoretical concept. The Los Alamos Scientific Laboratory (LASL) routinely fires totally confined explosive experiments depending on programmatic need.

The vessels used to contain these explosions are, however, not now commercially available. They are at present made exclusively for LASL from design specifications prescribed by the experience of research conducted at Los Alamos over many years. While the cost of a single containment vessel would most likely be, on a construction contract basis, prohibitive to all but the largest law enforcement agencies, the potential these designs

By

B. T. ROGERS and R. W. TAYLOR

Los Alamos Scientific Laboratory
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Los Alamos, N. Mex.

hold for secure and convenient bomb disposal capability should be of great interest to the law enforcement profession.

Historically, the LASL has been in the business of total or partial confinement of explosions since the early 1940's. "Jumbo" was a bench mark vessel designed to contain the explosive yield of the first atomic bomb at Trinity Site near Alamogordo, N. Mex. The rare fissionable material could be recovered if there were no nuclear yield. Jumbo was not used because the supply of fissionable material had improved by test time, and the vessel was later destroyed in another experiment. The 112-ton "Jumbo, Jr." is another notable vessel built in the early 1950's for containment, and it is still used almost daily.

During the past few years, considerable emphasis has been placed on designing experiments for complete containment of the detonation products and fragments of valuable materials, which results in more economical operation, good housekeeping, and environmental protection. The noise from these experiments is not audible more than a few tens of yards from the confinement vessel, and the sound is not identifiable as an explosion.

Presently, over 200 experimental shots have been fired in which all detonation products and fragments have been totally contained. These shots have been in the range of 5 to 40 lbs. of high explosive (Composition "B"¹ equivalent). Several of these shots have involved assemblies that produce severe fragmentation; all have been completely confined. We now have the

demonstrated capability to design, test, and evaluate confinement vessels of any practical size and load limit. Further, we feel that we are well qualified to develop confinement vessels for special applications and operating conditions. We are now engaged in both development and consultation on specialized confinement projects.

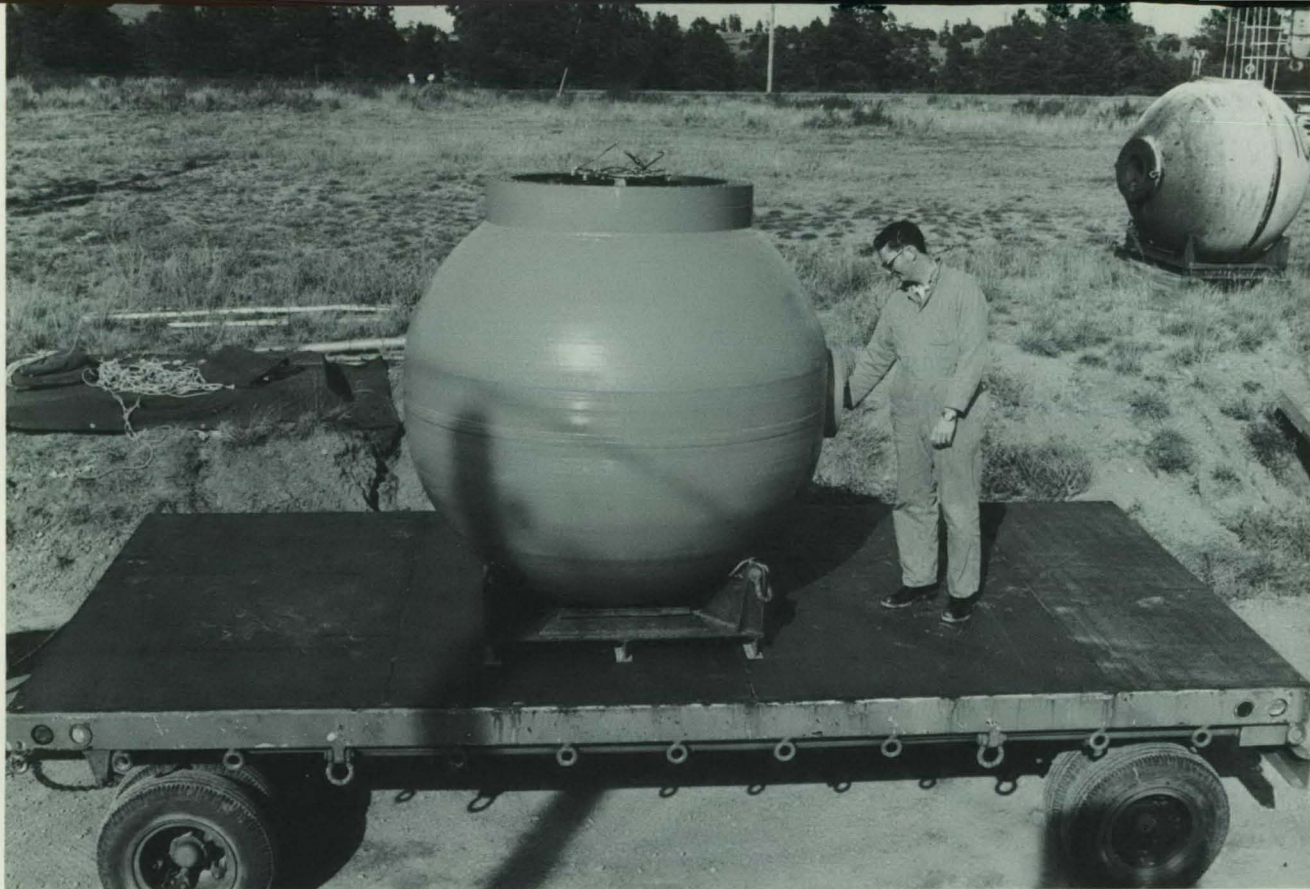
With the increase of civil clandestine bombing incidents, it is obvious that a logical spin-off from LASL containment vessel research would be the application of already developed hardware and methods to contain, transport, and destroy clandestine devices. Once such a device is bottled up in a containment system, the public is protected from blast, fragments, and noxious material.

There are two work-horse total confinement systems in routine use at LASL: (1) a 3-foot diameter spherical vessel with 1-inch walls is used to contain 6 to 8 lbs. of Composition "B" high explosive, and (2) a similar 6-foot system that will withstand 22 to 25 lbs. of the same explosive. In terms of the common commercial explosives frequently found in clandestine devices, these vessels would be rated equal to 16 and 50 sticks of dynamite, respectively, assuming the usual half-pound dynamite stick. Because most dynamite has a significantly lower specific energy content than Composition "B," the rating is conservative. The military plastic explosive is comparable to Composition "B," so that the vessel would be operating at rated loading when dealing with this type of device.

It is recognized that short of dismantling a suspect object for careful inspection, there is no certain means of determining the explosive power of most clandestine bomb packages encountered by law enforcement personnel. Disassembly procedures, of course, are extremely hazardous, and they represent precisely the dangers that explosion containment vessels seek to avoid. The safest procedure to follow in selecting a disposal site or vessel for an unknown quantity of explosives is to assume that the suspect object holds a maximum load of explosives for its size.

The authors consider the 6-foot vessel to be most useful for dealing with the wide variety of devices encountered in the field. Both vessels are massive and require some sort of transport gear to make them easily deployable. The limited port size that can be designed into the 3-foot system precludes disposing of larger devices, and the rather impressive loading that the 6-foot system will deal with provides a factor of safety that should make the disposal team comfortable when dealing with the more common devices.

A 6-foot vessel with 1-inch walls and 3-foot loading port has been designed, fabricated, and placed in the field for testing. This vessel has been fitted with a universal loading port flange so that a number of quick closing sealing schemes can be investigated. The closure must be quick, reliable, and as simple as possible to avoid problems in the field. Standard LASL systems use bolted flanges that



Six-foot bomb containment vessel.

are too slow for disposal service. While the 6-foot test vessel was being fabricated, a number of closure schemes were evaluated on an in-house, 20-inch diameter thick wall test vessel. All closure schemes contained the detonation of 4 lbs. of Composition "B" (a rather stiff loading density for a vessel of this size); however, several other attractive closure devices will be evaluated before the design is frozen.

Typical Operation

The actual firing of a totally contained shot is an exercise in understatement. To one accustomed to the blast and shock of an open detonation, or the great belch of flame and directed shock of an open containment system, the whole operation is an anticlimax. There is no blast or flame. The only sound is a low-intensity

"clang" that sounds as if two pieces of pipe had collided. If the shot has not been instrumented (and if the firing crew has retired to a shelter), it is necessary to place a microphone adjacent to the vessel to assure the crew that an explosion has taken place.

A typical disposal operation in closed geometry differs from standard experimental procedures; and would proceed as follows.

1. Having recovered the device, place it in a suitable sling

"With the increase of civil clandestine bombing incidents . . . logical spin-off from LASL containment vessel research would be the application of already developed hardware and methods to contain, transport, and destroy clandestine devices."

and lower it into the vessel. It is important that the device not be in contact with the vessel wall because the wall might suffer spalling (shock damage to the outer surface of the vessel wall) or other damage. A basketball net makes a cheap and effective sling² and might be included as a part of the recovery kit. If the device in the vessel is to be destroyed, a small shaped charge, without a liner,³ directed at the location of the device should already be in place and wired.

2. Close and secure the port.

3. Start the vacuum pump.⁴ Experience shows that the allowable loading of a vessel can be approximately doubled by firing in vacuum. This eliminates abuse to the vessel from the strong air shock. All LASL vessels are rated for vacuum firing.

"There is no blast or flame. The only sound [from an explosion in a total confinement vessel] is a low-intensity 'clang' that sounds as if two pieces of pipe had collided."

4. At this point, a. Proceed to move the vessel to a safe disposal area if attempts are to be made to deactivate and examine the suspect device for clues as to origin. b. If the suspect device is to be destroyed on the spot (which would be wise if other devices are present for subsequent destruction in the containment vessel), wait until the vessel is pumped

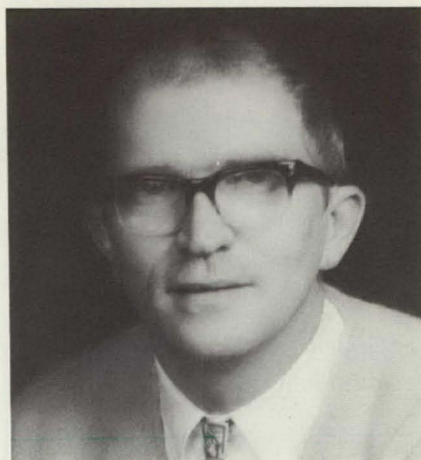
down to a good vacuum (about 500 microns absolute pressure) and close the high pressure valve between the containment vessel and the vacuum pump. The destruct charge is then fired.

5. Bleed off the overpressure (through suitable filters if chemical agents are suspected) and flush the vessel with air several times.⁵

6. Open the vessel, fish out any debris, rig a new destruct charge, and wire.

7. Stand by for the next device.

The above outline is intended to serve only as a guide, not as an operating procedure. It is intended to illustrate the method in which closed



John W. Taylor, group leader of those responsible for the development of bomb containment vessels at Los Alamos.

containment systems function in general and would not apply in detail to any specific system.

It is highly recommended that any agency contemplating a totally contained disposal system for clandestine devices should develop a Standard Operating Procedure (SOP) for its system, train a crew to follow the SOP, and go through extensive field training with both inert and active simulated devices. No one should be asked to go into the field and destroy an actual device without having destroyed a number of simulated but live devices under close instructional supervision. This training not only develops the crew's skill, it also exposes flaws in the SOP. In training crews to follow complicated confinement shot procedures at Los Alamos, the entire operation is frequently filmed. Seeing oneself make an SOP error in a movie forever imprints the proper procedure on the mind of the trainee.

"No one should be asked to go into the field and destroy an actual device without having destroyed a number of simulated but live devices under close instructional supervision."

Three-foot vessel accepts suspect attache case.



Films are a powerful training aid and are a useful tool for developing effective SOPs. The above principles can, and should, be applied to any disposal system training program. They are in no sense limited to total confinement schemes.

Containment Vessels

Literature covering the rapidly developing field of bomb disposal discloses a plethora of undocumented statements regarding the integrity of the containment vessels. This applies to blast tube, mortar type, or partially closed systems. Vessels are described as being made of armor plate, as having an estimated ability to withstand so many sticks of dynamite, as being made of high-strength steel, and so forth. Exceptions to the above involve the well-documented work of the Naval Research Laboratory and Battelle Memorial Institute.

In the field, an officer, with a background in law or police science cannot be expected to be an authority on metallurgy or dynamic stress analysis; however, he should assure himself that his gear has been designed on the basis of a high level of engineering skill and experience. Agencies having vessels not yet subjected to actual proof tests should take prompt action to see that proof shots are fired in them. It is better to blow a beautiful containment vessel to smithereens in an isolated test range rather than to subject the public to additional fragments in a densely populated city.

The design of blast-resistant structures is a complex problem. Steels that have a very high tensile strength may have a low level of toughness against certain other types of stress or when exposed to different climatic conditions. A steel that would do a fine job of containment in the heat of an El Paso, Tex., summer⁶ might break into glassy fragments in the cold of a Bangor, Maine, winter. A steel may

"Agencies having vessels not yet subjected to actual proof tests should take prompt action to see that proof shots are fired in them."

have beautiful properties for this application and may have a weld with equal qualities, but the heat-affected zone where they meet may be brittle. The officer responsible for disposal cannot be expected to deal with these problems, but he must assure himself that they have been dealt with by experienced people because he is the first to suffer if personnel are injured due to a field failure.

The procedures used to design a vessel and to place it in service at Los Alamos are demanding. The objective is to produce a vessel that will satisfy the requirements and have known properties and predictable performance. We proceed as follows:

First, establish the criteria, including port sizes and location, the weight of explosive of a given type to be contained, and any special features that may be required. Next, lay the vessel out as a preliminary design according to some rules of thumb developed over the years. When everyone who is to be concerned with the use of the vessel is satisfied with the design, a computer calculation is performed. This calculation⁷ uses a hydrodynamic code that simulates the detonation of the explosive, the expansion of the gas ball, and the passage of the shock waves through the wall of the vessel. If this calculation reveals no design problems, the drawings are placed in final form and sent out for bids. All girth welds are required to be completed before making port cut-outs; these cut-outs are then available for quality control testing. Thirty tests per vessel produced are routinely required. These include a demanding variety of tests⁸ which are applied to

both the plate and the welds. All welds are subject to 100 percent radiographic inspection. We have the option of requiring any other tests that the project engineer may feel are needed. From time to time vessels selected from production may be subjected to 100 percent ultrasonic and 100 percent radiographic inspection for the entire vessel, not just the welds. Magnetic particle inspection is also used in some cases.

Before delivery the vessel is given a post-weld heat treatment, and then is hydrostatically tested to a pressure that will produce a stress equal to the specified minimum yield stress for the material. This is a much more severe hydrostatic test than is required under the pressure vessel code. If all is well, the vessel is painted and prepared for shipment. When the first prototype vessel arrives at Los Alamos it is scheduled for proof testing. If a number of vessels arrive in one shipment, a vessel is selected at random.

Proof testing consists of firing a series of increasingly large charges in the vessel until it fails. The vessel is heavily instrumented, and the maximum loading that the vessel will withstand without showing plastic deformation⁹ is determined. Diametrical excursion may also be measured and checked against the calculations. The certified load limit for the vessel for one-shot applications is usually set at a level that will not exceed the dynamic yield stress¹⁰ of the vessel with an additional requirement that the system is operating within a permissible temperature range.¹¹

Further Work in the Field of Bomb Disposal Related Confinement Projects

For a number of years the Los Alamos Scientific Laboratory has been interested in the shock mitigation properties of particulate matter. Many

experimental shots have been fired to determine the shock velocity in vermiculite and pearlite (both in the expanded state). Although the wave front of a shock wave in these materials is much too coarse to use in sophisticated experimental work, the shock mitigation properties of both of these materials are spectacular.

F. A. Loving, Jr., of E. I. duPont de Nemours & Co.,¹² noted that the sand he used to provide a convenient working floor in his vented Noise-Reducing Structure reduced the maximum strain in the shell as compared to that in the empty structure. Loving found that the quantity of sand had to be optimized or the shell stresses again rose as the quantity was increased above the optimum. Our work has indicated that this is not the case for vermiculite. We have fired shots in a 6-foot spherical vessel in which the vessel was completely filled with vermiculite. The peak shock pressure was reduced by a factor of 10 to 15, and the pressure waveform was a long rolling pulse rather than the sharp spike of a typical detonation.

The studies with vermiculite have opened up a new vista in the bomb containment business. Edward Roth of the Sandia Laboratories, Albuquerque, N. Mex.,¹³ has demonstrated that major charges of high explosive can be destroyed in place in their storage magazine, with little or no venting, if the magazine is completely filled with expanded vermiculite.¹⁴ The implication of this work is obvious. It may be possible to allow many clandestine devices of sophisticated design to run through their firing cycle with little hazard to the disposal crew by filling the space in which they are located with expanded vermiculite. There are commercial insulation blowers that can do the filling job with little or no modification. The decision to use this method would be based on structural considerations and the manner in

which the device has been placed. A charge located close to an important structure would contraindicate this procedure unless it could be moved away from the structure. However, the light weight of the vermiculite fill would allow this operation to be accomplished with pull lines after the fill had been placed. Again, the hazard to the disposal crew would be reduced.

A fascinating possibility has been introduced by the radical reduction in observed pressure rise in experiments with vermiculite-filled total confinement vessels. We feel that it is now possible to develop an airborne total containment system for disposal of small quantities of explosive that might be found aboard aircraft. Prototype vessels have been designed and fabricated to further explore this concept and soon will be field tested. These vessels could be carried on aircraft or brought on board to deal with a device when needed. They are light enough to be moved on a dolly similar to those used for carrying compressed gas cylinders and are sized to allow them to pass down the aisles of commercial aircraft.

It is contemplated that these vessels will be capable of dealing with a few sticks of dynamite. With a fragment shield as part of the system, there should be no trouble in dealing with grenade-type devices. In the airborne situation the system would be used to secure a device until the craft could land and discharge passengers and crew. In the roll-on mode, the system would be used to minimize the exposure time to the disposal team and the aircraft.

Summary

The Los Alamos Scientific Laboratory has developed a family of systems for the total confinement of explosive experiments. These systems cover ways to deal with a wide variety of explosive, toxic, and radioactive events without venting any deleterious

"We feel that it is now possible to develop an airborne total containment system for disposal of small quantities of explosive that might be found aboard aircraft."

material to the atmosphere, and without any of the blast, flame, or external shock commonly associated with an explosive detonation.

A logical spin-off from this program is the adaptation of a part of these systems to the field of bomb disposal. A 6-foot diameter vessel with a 3-foot diameter loading port has been developed to withstand 22 to 25 lbs. of high explosive and is now in field test. A small airborne vessel has been designed and fabricated in two configurations to evaluate the feasibility of airborne confinement and shortly will be scheduled for tests. A number of experiments have been fired with

(Continued on page 31)

Airborne vessel prototype.



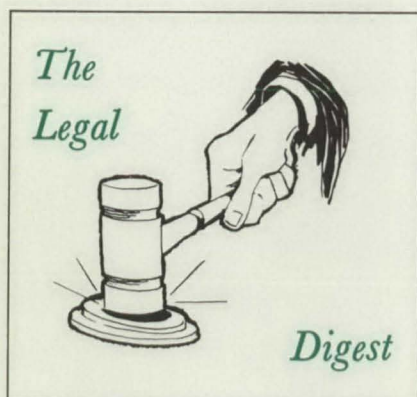
CONFESSIONS TO PRIVATE PERSONS

By

JOHN J. BURKE

Special Agent,
Federal Bureau of Investigation,
Washington, D.C.

"While the courts tend to scrutinize statements made to law enforcement officers more carefully than those made to private persons, it is the apparent trend of the case law to apply a general standard of voluntariness to all confessions—whether made to a police officer or not."



A teacher, suspected of the rape of a student, was held in a locked room in the basement of an Oklahoma school building and struck by the superintendent of the school system until he confessed his guilt.¹ Should the court exclude this confession from evidence because of the use of force? Would your response be different if, instead of striking the suspect, the school superintendent had told the teacher "it would be lighter on him if he'd tell the truth"?²

New York department store security guards arrested the defendant, a female employee at the store, and interrogated her concerning a shoplifting violation. The guards were not public police officers, but private employees of the department store.³ Should the security guards have warned the suspect of her rights to remain silent and to the assistance of counsel and other rights as set forth in *Miranda v. Arizona*?⁴ Did the failure of the guards to give all of the warnings set out in *Miranda* render their testimony as to any confession made by the defendant inadmissible in evidence?

Approaches to the Problems

The overwhelming legal authority that permits the simplex statement that evidence otherwise admissible is not made inadmissible by the fact that it was obtained through a wrongful seizure by a private person⁵ is not completely paralleled by the case law that addresses the question whether interrogation by persons other than law enforcement officers is similarly unfettered.

While the traditional statement of the rule directing the exclusion of confessions was that such utterances "must be made to an officer of the law in consequence of improper influences exerted by him . . .";⁶ it is now apparent that tradition has given away to the generally applied standard of *voluntariness*. That is, a confession is admissible in evidence at the trial of an accused if it is affirmatively shown by the prosecution to have been voluntary, whether made to a private individual or to a *person in authority*.⁷

In the fact situation set out above, can the confession of the rape suspect be said to be the utterance of the defendant resulting from his free and unconstrained choice and not a response to improper compulsion, inducement, violence, promise, or threat? A negative response results in a denial of the statement into evidence. An acknowledgement of voluntariness gives permission to advance to yet another standard—the requirements of *Miranda*.

In 1966, the Supreme Court of the United States in *Miranda v. Arizona* laid down minimum requirements for preinterrogation warnings, stating that such warnings were absolutely required at the time of interrogation in order "to overcome its pressures and to insure that the individual knows he is free to exercise the privilege (against self-incrimination) at that point in time."⁸ But these warnings

were not to be legal gems absent a proper setting. The setting was:

. . . when an individual is taken into custody or otherwise deprived of his freedom by the *authorities* in any significant way and is subjected to questioning. . . .⁹ (Emphasis added.)

Who are "the authorities"? *Miranda* on its facts dealt with incustody interrogation by public police officers as did its three companion cases. And the cases that have succeeded *Miranda*, when called upon to determine by whom the preinterrogation warnings must be given, have generally looked to the black letter of the law of *Miranda* and limited it to public police officers.¹⁰

Involuntary Confessions

A. Bases for Exclusion

It does not require constitutional doctrine to exclude an involuntary confession or admission to a private person. Such statements may be excluded because they are testimonially unreliable and untrustworthy;¹¹ flagrant violations of the principles of justice and freedom;¹² or contrary to a spirit of fairness towards the accused—the sporting or "fox hunter's" reason.¹³

The Supreme Court of the United States has not spoken directly to the question whether the Constitution requires the exclusion of an involuntary confession by a private person. In *Bram v. United States*,¹⁴ the Court in examining the history of the common law concerning confessions accepted that the fifth amendment privilege against self-incrimination was but a crystallization of the doctrine as to confessions. It, therefore, necessarily recognized that it was a history not completely devoid of some reservation concerning the status of confessions prompted by private persons.

Part of the historical precedent to the fifth amendment was the English doctrine that restricted the voluntariness test of confessions to persons in authority. The Court, on the issue of the applicability of the fifth amendment to private persons, responded:

Whether it (English doctrine) is one which should be followed by this Court in view of the express terms of the Constitution, need not be now considered as it does not arise under the state of facts here presented.¹⁵

B. Persons in Authority

No distinction is made concerning the admissibility of a confession procured by actual physical force or the threat of such force on the basis of the identification of the interrogator as a private party or a person in authority.¹⁶ And the reason is apparent. It would indeed be a supercritical analyst who could draw the line on the comparative voluntariness of a statement produced by the physical beating by a private citizen or a public police officer. If a confession is to be ruled involuntary based on the threat of immediate physical harm, again the test is a uniform one that considers the question of the apparent ability of the interrogator to carry out the threat to harm rather than his identity.¹⁷

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

"... with persons who possess official clout, real or reasonably imagined to exist by the accused, there is a presumption that confessions made to them have been the products of the promises of leniency and even a slight inducement held out by such persons will render the statement involuntary."

However, the distinction between private person and person in authority is apparent and of importance when a confession is elicited by the promises of nonprosecution or leniency by a person in a position to exercise power of authority over the accused. For in this instance the voluntariness of such a confession would logically depend upon the nature of the inducement held out, and the strength of this inducement depends upon the power of the person offering it to produce the promised benefit or effect to the accused.¹⁸

The term "persons in authority" has not been defined with precision. The most limited view is that one in authority is a person with some official control over the prosecution of the accused. Here we can place police officers and their official superiors, prosecuting attorneys and their assistants, magistrates and other governmental officers who are in some manner connected with the prosecution of the accused.¹⁹ This narrow definition of persons in authority corresponds closely to those persons who have been identified with "governmental action" when the courts have sought to determine if evidence has been seized in violation of an accused's fourth amendment rights.²⁰

However, "persons in authority" has also been interpreted in a broader fashion to include those who are involved in some manner with the apprehension, prosecution, or examination of the accused. And under this definition are found persons who would generally be viewed as persons without the aura of officialdom or persons who have no governmental

identity; persons who would normally be called private parties.

Here are found cases in which the injured party, victim of a crime,²¹ or the prosecuting witness²² has been identified as a person in authority. An employer of the accused has been called a person in authority even in the instance where he is not personally harmed or directly concerned by the actions of the defendant.²³

It is this broader definition of "persons in authority" that allows the observation that the present trend of the law is one that recognizes the essential inquiry as whether the promises or inducements, whatever the source, did in fact cause the admission or confession. The position of the interrogator and the fact that he fits the term "person in authority" is relevant only insofar as promises of leniency, or similar inducements to confess, made by a public police officer or a public prosecutor would be more likely to produce a confession.²⁴

- So then, in *Sullivan v. State*,²⁵ the Supreme Court of Arkansas ruled that an owner of stolen property, although not in an official position of any kind, was the injured party and in reality the prosecutor in the case, and as such was a person in authority.

- In *Agee v. State*,²⁶ the Supreme Court of Mississippi said that a confession made by the accused to his former teacher after being told "it would be lighter on him if he'd tell the truth," was not voluntary. The court stated

that the same rule of voluntariness applied to both public officers and private individuals.

The Court of Criminal Appeals of Texas in *Fisher v. State*²⁷ reversed judgment and remanded the case in an instance where the trial court refused the defense counsel's requested charge that a confession elicited as the result of an employer-minister's promise not to press charges for a theft rendered it involuntary.

However, it would be erroneous to dismiss the distinction between persons in authority and those who are not as merely anecdotal. Courts still tend to scrutinize with greater care confessions given to police officers or other public officials. This closer examination is apparently based on the assumption that sovereign identity bespeaks sovereign authority, and the danger that the accused's will has been overborne is greater if the interrogator is in a position of authority.²⁸ Thus, with persons who possess official clout, real or reasonably imagined to exist by the accused, there is a presumption that confessions made to them have been the products of the promises of leniency and even a slight inducement held out by such persons will render the statement involuntary.²⁹

Miranda Warnings

The Supreme Court in its own summary of its holding in *Miranda v. Arizona* stated:

"(T)he prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the de-

fendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. By *custodial interrogation*, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.”³⁰

(Emphasis added.)

It is now firmly established by the overwhelming weight of authority that the preinterrogation warnings found in *Miranda* have a bearing upon the rights of an accused only if there exists the unitized condition of custodial interrogation by law enforcement authorities. That is, there is no need to *Mirandize* an accused unless all three conditions precedent are discoverable in the facts of the case, custody *plus* interrogation *plus* a law enforcement interrogator.³¹ And while much of the case law succeeding the landmark decision of *Miranda v. Arizona* has struggled with the terms “custody” and “interrogation,”³² the courts have found little difficulty in deciding who is *not* a law enforcement officer.

A. Private Security Police—The Rule

It generally has been held that *Miranda* warnings are not necessary prerequisites to an interrogation of an accused for a confession when it is conducted by private security personnel. The cases draw a definite line of demarcation between interrogation by governmental police officers and those who are not. The following cases illustrate the general rule:

- A private security guard employed by a department store in New York arrested defendant for stealing merchandise from the store. She was taken to a basement security office in the store

and asked by another security officer to write out a statement of her guilt. The court held that the private security officer was not a peace officer but a privately employed security guard who is under no duty to warn the accused of her *Miranda* rights.³³

- Two private investigators, hired by an Arizona store owner to investigate a series of fires, administered lie detector tests to several employees of the store and questioned the defendant for three hours, after which she confessed. The Court of Appeals of Arizona upheld the accused’s conviction for arson citing with emphasis the statement of *Miranda* that custodial interrogation means “. . . questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.”³⁴

- Six private security guards employed by a New York department store detained an employee of the store and interrogated her in connection with suspected shoplifting. The court stated that the *Miranda* rule applied only to law enforcement officers, and there was no indication that the guards acted upon the direction or request of public law enforcement officers.³⁵

- A security guard employed at a county hospital, owned and operated by a governmental agency in California, was held not to be a law enforcement officer within the meaning of *Miranda*. The court stated that the term “authorities” as used in *Miranda* meant a peace officer who was employed by an agency of the government whose chief function was the enforcement of the law.³⁶

- A narrow limitation on the general rule of nonapplicability of *Miranda* to private security guards was recognized in the case of *Pratt v. State*.³⁷ The Court of Special Appeals of Maryland ruled that a security officer employed by a department store, but commissioned by the Governor under a State statute was a “law enforcement officer” within the meaning of *Miranda*. The court found the statute, providing that a person appointed as a policeman with the power of arrest “for the protection of the property of the corporation requesting his appointment, and for the preservation of peace and good order on its premises”³⁸ made the security officer primarily a State officer. The court pointed out that the officer was responsible to the State for the proper discharge of his duty and not to the company; he could be indicted for malfeasance as any other State officer; the company had no authority to order him to arrest any one; and no authority to restrain him in the exercise of his sworn duties as a policeman under the statute. The court noted that when an individual possesses State authority and purports to act under this authority, his action is State action.

B. Private Citizen Interrogator

Invariably it has been held that a failure on the part of a purely private citizen interrogator to give an accused preinterrogation warnings will not affect the admissibility of a confession. The cases so holding are a virtual registry of professions and occupations that excepts only the public law enforcement officer. Each of the following cases illustrates the principle found in the overwhelming number of cases dealing with private persons, custody *plus* interrogation does not equal *Miranda*; the necessary third

element of a "law enforcement officer" is absent:

- A hardware store merchant apprehended the accused as he attempted to flee after allegedly stealing three guns from the store display case. The accused was taken by the merchant to a small office in the store and questioned by him and other employees. Damaging statements from the accused were ruled admissible by the Supreme Court of Washington based on the finding that *Miranda* provided the armament for resisting the government's promptings to speak. The court found such protections unnecessary to ward off the unskilled inquiries of the hardware store merchant.³⁹

- A 70-year-old Los Angeles retiree who apprehended a suspected burglar and obtained a confession upon questioning him was not barred from testifying about the statement. The Court of Appeals of California stated that *Miranda* was only applicable to law enforcement officers. This same case also raised the interesting and novel point of whether statutory authority for citizens to arrest so colors the citizen with state action that he is in effect a law enforcement officer. The court rejected the theory without comment.⁴⁰

Vicarious Responsibility

There is a major qualification on the rule of nonapplicability of *Miranda*'s preinterrogation warnings to private persons. That is, the courts will not suffer the use of private persons by law enforcement officers in order to escape the requisites of *Miranda*. This parallels the law in relation to the wrongful search and seizure of evidence by private parties at the direc-

tion and request of the police.⁴¹ In either instance the evidence, that is, the physical objects and the confession, will be excluded.

- The Supreme Court of Missouri reversed the conviction of a defendant who made a statement to a robbery victim in the presence of a police officer to whom the defendant had indicated he desired to remain silent. The court found the interrogation by the private person a continuation of the police officer's incustody interrogation and contrary to the ruling of *Miranda*.⁴²

- In *Commonwealth v. Bordner*,⁴³ the Supreme Court of Pennsylvania stated that incriminating statements made by an accused to his mother and father while in police custody were not spontaneous, but rather the result of a plan on the part of the police authorities to use the parents as an instrumentality in the accused's interrogation. As such, the statements were held to be "... as though made to the police themselves ..." and therefore inadmissible in evidence absent the warnings.

Conclusion

While the courts tend to scrutinize statements made to law enforcement officers more carefully than those made to private persons, it is the apparent trend of the case law to apply a general standard of voluntariness to all confessions—whether made to a police officer or not. In marked contrast, the preinterrogation warnings required by *Miranda* have generally been strictly limited to public law enforcement officers. Of course, a confession obtained by a private person upon the request or direction of a police officer will be excluded from evidence based on a vicarious violation of the defendant's rights.

FOOTNOTES

¹ *Balding v. State*, 77 Okla. Cr. 36, 138 P. 2d 132 (1943).

² See *Agee v. State*, 185 So. 2d 671 (Sup. Ct. Miss., 1966).

³ *People v. Frank*, 52 Misc. 2d 266, 275 N.Y.S. 2d 570 (Sup. Ct. N.Y., 1966).

⁴ 384 U.S. 436 (1966).

⁵ The Supreme Court of the United States has ruled that the fourth amendment of the U.S. Constitution in providing: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated..." was intended to be a limitation only on the activities of the sovereign authority and its law enforcement officers, and not on private persons. *Burdeau v. McDowell*, 256 U.S. 415 (1921). This ruling of the Court has remained virtually unchanged and is the general rule accepted by both Federal and State courts. *Barnes v. United States*, 373 F. 2d 517 (5th Cir. 1967); *United States v. Goldberg*, 330 F. 2d 30 (3rd Cir. 1964), cert. denied, 377 U.S. 953 (1964). See generally, Burke, "Searches by Private Persons," FBI Law Enforcement Bulletin, October 1972.

⁶ *State v. Sharp*, 334 Mo. 46, 54, 64, S.W. 2d 249, 254 (1933).

⁷ McCormick, *Evidence* § 162 (2d Ed. 1972); Wigmore, *Evidence* § 830 (Chadbourn Revision, 1970).

⁸ *Miranda v. Arizona*, supra footnote 4 at 469.

⁹ Id. at 478.

¹⁰ E.g., *United States v. Antonelli*, 434 F. 2d 335 (2d Cir. 1970) (questioning of accused by pier gate-man employed by private detective agency); *State v. LaRose*, 286 Minn. 517, 174 N.W. 2d 247 (Sup. Ct. 1970) (questioning by victim making citizen's arrest); *Schaumburg v. State*, 83 Nev. 372, 432 P. 2d 500 (Sup. Ct. 1967) (interrogation by supervisors of gambling casino).

¹¹ *People v. Hall*, 413 Ill. 615, 110 N.E. 2d 249 (1953); *Balding v. State*, supra footnote 1.

¹² *People v. Hall*, supra footnote 11.

¹³ *Pearrow v. State*, 146 Ark. 201, 225 S.W. 308 (1920).

¹⁴ 168 U.S. 532 (1897).

¹⁵ Id. at 559.

¹⁶ Wigmore, *Evidence* § 833 (Chadbourn Revision, 1970).

¹⁷ Ibid.

¹⁸ Wharton, *Criminal Evidence* § 390 (12th Ed. 1955).

¹⁹ See cases collected, Annot., 7 A.L.R. 419 (1920); 23 C.J.S., Criminal Law § 825.

²⁰ See generally, Burke, "Searches by Private Persons," FBI Law Enforcement Bulletin, October 1972.

²¹ *Sullivan v. State*, 66 Ark. 506, 51 S.W. 828 (1899); *Hanus v. State*, 104 Tex. Cr. 543, 286 S.W. 218 (1926).

²² *State v. Foster*, 25 N.M. 361, 183 P. 397 (1919); But cf., *United States v. Stone*, 8 F. 232 (Cir. Ct. Tenn., 1881)—private prosecutor unknown to the practice of the Federal courts; the U.S. Attny. being alone authorized to prosecute. Held, therefore, that a private person cannot be in authority over the prosecution so as to exclude a confession.

²³ *Hamilton v. State*, 77 Miss. 675, 27 So. 606 (1900); *Hoobler v. State*, 81 Ala. 51, 1 So. 574 (1887).

²⁴ *State v. Christopher*, 10 Ariz. App. 169, 457 P. 2d 356 (1969).

²⁵ Supra footnote 21.

²⁶ Supra footnote 2.

(Continued on page 31)

Procedures and Policies Relating to Diplomatic and Consular Officials

General Policy

Diplomatic and consular officers should be accorded their respective privileges, rights, and immunities as directed by international law and Federal statute. These officials should be treated with the courtesy and respect that befit their distinguished positions. At the same time, it is a well-established principle of international law that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.

Diplomatic Immunity

Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, and servants. Diplomatic officers should not be arrested or detained for any offense, and foreign career consular officers should not be arrested or detained except for the commission of a grave crime. Family members of diplomatic officers, their servants, and employees of a diplomatic mission are entitled to the same immunities under current U.S.

The Vienna Convention on Diplomatic Relations placed into force on December 13, 1972, changes in the immunity status of family members of diplomatic mission employees serving in foreign countries. As a result, the Office of the Chief of Protocol, U.S. Department of State, has revised standing orders to police officers on immunity of diplomatic personnel and their families. These new guidelines are set out here with the cooperation of the Department of State. They should be informative not only to those departments having official foreign missions in their territories, but to any police officer who could encounter diplomatic personnel and their families traveling throughout the United States.

law (22 U.S.C. 252), if they are not nationals of or permanently resident in the receiving state.

Associated with this personal diplomatic immunity is the inviolability enjoyed by the premises of the mission of the sending state and the private residence of a diplomatic agent, his property, papers, and correspondence.

Diplomatic Officers

Ambassadors and Ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are minister counselor, counselor, first secretary, second secretary, third secretary, and attache. These officials are located either in Washington, D.C., or in New York City. Diplomatic officers, their families, official staff, and servants, who are not nationals of or permanently residing in the receiving state, are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.

Consular Officers

Consular officers are consuls general, deputy consuls general, consuls, and vice consuls. They are also official representatives of foreign governments. Consular officers are required to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their person, freedom, or dignity. They are entitled to limited immunities as described below.

Immunities Accorded to Career Consular Officers

Under prevailing international law and agreement, a foreign career consular officer is not liable to arrest or detention pending trial except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by the competent judicial authority. His immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.

Identification of Accredited Consular Officers

Career consular officers can be identified by credentials issued by the State Department and by other locally issued official identification papers.

The State Department credential bears its seal, the name of the officer, his title, and the signatures of State Department officials.

Honorary Consuls

Often nationals or permanent residents of the receiving state are appointed and received as honorary consular officers to perform the functions generally performed by career consular officers. Such officers do not receive identification cards from the State Department of the type issued to career consular officers, though they may exhibit reduced-size copies of the exequatur or diplomatic note evidencing recognition by the U.S. Government. These individuals are not immune from arrest or detention; they are also not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state except as to official acts performed in the exercise of their consular functions. However, appropriate steps must be provided to accord to such officers the protection required by virtue of their official position. In addition, the consular archives and documents of a consular post headed by an honorary consul are inviolable at all times and wherever they may be, provided they are kept separate from other papers and documents of a private or commercial nature relating to the other activities of an honorary consul and persons working with him.

Families of Consular Officers

Family members of consular officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state as do consular officers. However, they should be accorded appropriate courtesy and respect. See further comment below regarding offenses involving family members of a consular officer.

Consular Premises

Consular premises used exclusively for the work of the consular post cannot be entered without explicit permission of the head of the consular post or his designee or by the head of the diplomatic mission. This permission may be assumed in the case of fire or other disaster requiring prompt protective action.

Consular Archives, Documents, Records, and Correspondence

The consular archives and documents are inviolable at all times and wherever they may be. The official correspondence of the consular post, which means all correspondence relating to the consular post and its functions, is likewise inviolable.

Methods of Handling Selected Incidents, Violations, or Minor Offenses by Consular Officers

Moving Traffic Violations

When a consular officer is stopped for a moving traffic violation, the officer on the scene, upon being advised by the driver that he is a consular officer and ascertaining that he possesses the proper credentials, should exercise discretion based on the nature of the violation and either let him go with a warning of the danger of his actions or proceed with issuance of appropriate citation. *Mere issuance of a traffic citation does not constitute arrest or detention in the sense referred to above.*

Driving While Under the Influence

The primary consideration in this type of incident should be to see that the consular officer is not a danger to himself or the public. Based upon a determination of the circumstances, the following options are available:

1. Take him to the station or a location where he can recover sufficiently to enable him to drive safely.
2. Take him to a telephone so that he can call a relative or a friend to come for him.
3. Call a taxi for him.

4. Take him home.

The consular officer should not be handcuffed, subjected to any sobriety test, or manhandled in any way.

At best this is a sensitive situation. The consular officer should be treated with respect and courtesy. It should be impressed upon him that the officer's primary responsibility is to care for his safety and the safety of others.

Offenses Involving Family Members of a Consular Officer

Family members of a consular officer cannot claim immunity. However, consideration should be given to the special nature of this type of case. A violation should be handled, when possible, through the seeking of a complaint. The individual should be released once positive identification is made and relationship with the consular official is verified. If the relative is a juvenile, as in all juvenile cases, the subject should be released to the parent consular officer.

Reporting of Incidents to Office of the Mayor

In the event that a consular officer or members of his family or personal staff should become involved in any actions taken by members of your department, it is suggested that the Office of the Mayor be immediately furnished with all pertinent information. (FBI)

ASSAULTS ON FBI AGENTS

In calendar year 1970, 77 FBI Agents were assaulted, and in 1971, the number increased to 95. In 1972, there was a 33-percent increase in assaults on Agents, compared with 1971, for a total of 126. The Agents were assaulted in 79 separate incidents by 90 identified subjects and seven unidentified subjects.

Assaults on Agents were inflicted by assailants through the use of a variety of weapons. Sixty-five were assaulted through the use of personal weapons, such as hands, fists, feet, teeth, etc.; 30 were assaulted by firearms; 10 by motor vehicles; 13 by threats that they would be killed; six with knives

or cutting instruments; and two with blunt instruments. In the 30 assaults by firearms, 24 were by handguns, four by rifles, and two with shotguns.

The FBI Agents assaulted in 1972 were assigned to 35 field offices. The distribution of these assaults are shown in the following table:

Field Office	Number of Agents Assaulted
Newark	13
Philadelphia	11
New York	10
Washington Field Office	8
Cleveland	6
Cincinnati	5
Detroit	5
Tampa	5
Atlanta	4

Houston	4
Pittsburgh	4
Portland	4
San Francisco	4
Boston	3
Los Angeles	3
Louisville	3
Memphis	3
New Haven	3
New Orleans	3
Phoenix	3
San Juan	3

Albuquerque, Baltimore, Buffalo, Denver, and Miami each had two Agents assaulted, while Albany, Alexandria, Butte, Charlotte, Las Vegas, Little Rock, Oklahoma City, San Diego, and Seattle each had one Agent assaulted during 1972.

(Uniform Crime Reports, Analysis of Assaults on Federal Officers 1972, p. 1, Booklet published by UCR)

The Honorable Clarence M. Kelley was sworn in as Director of the Federal Bureau of Investigation in the presence of President Richard M. Nixon and Attorney General Elliot L. Richardson at Kansas City, Mo., on July 9, 1973.

Earlier, President Nixon told news reporters that he and the Attorney General selected the best man in the country for the position of Director of the FBI.

Mr. Kelley, son of an electric company worker, was born on October 24, 1911, in the city where he later served with distinction as chief of police—Kansas City, Mo.

After graduating from Northeast High School in Kansas City, Mr. Kelley received a B.A. degree from the University of Kansas in 1936 and an LL.B. degree from the University of Kansas City Law School in 1940. He was at that time admitted to the Bar.

He received his appointment as a Special Agent with the FBI on October 7, 1940, and was first assigned to the then Huntington, W. Va., Field Division and subsequently assigned to the Pittsburgh Field Division. While serving in the Pittsburgh Office, he worked in the Altoona and Johnstown, Pa., Resident Agencies. Mr. Kelley was then transferred to the FBI Training Center, Quantico, Va., as a firearms instructor after which he was assigned to the then Des Moines, Iowa, Field Division.

A break in his FBI career came on July 22, 1944, when he entered on duty with the U.S. Navy. Most of his service was aboard a transport attack ship in the South Pacific. On April 9, 1946, Mr. Kelley completed his military service and was reinstated in the FBI as a Special Agent.

His first assignment after his return

to the FBI took him to the Kansas City Division, and in 1951, he was assigned as a supervisor at FBI Headquarters, Washington, D.C. Mr. Kelley then returned to Kansas City later that year, where he served as a field supervisor until 1953, at which time he was transferred to the Houston Division as Assistant Special Agent in Charge. Mr. Kelley later served in the same capacity in the Seattle and San Francisco Divisions.

In 1957, he returned to FBI Headquarters as an Inspector in the Training and Inspection Division. He later served as Special Agent in Charge of the Birmingham and Memphis Divisions. He was in charge of the Memphis Office at the time of his retirement from the FBI in October 1961. Subsequent to his retirement, he was appointed chief of police of the Kansas City Police Department.

Taking over as chief of police in his hometown presented many new challenges to Mr. Kelley. He was instrumental in the establishment of the "Metro Squad," designed to handle major cases that might develop throughout the Kansas City metropolitan area. He also innovated the "operation barrier," a system to set up roadblocks throughout the area of recently committed crimes; a computer system, which has been described as the best police computer operation in the United States; a regional training center for law enforcement agencies; a helicopter patrol; a strong community and public relations program; and a participatory management program, whereby a series of task forces were initiated utilizing the knowledge and understanding of the policeman on the street.

In addition to these beneficial police programs and techniques, the residents of Kansas City have enjoyed

Intro CLARENCE Director.

*"We must be alert to lo
the facilities of local polic
more effective protection f
the rights of all citizens o*



On June 6, 1973, FBI Director designate
congratulated by the President of the Unite
the White House, Washington, D.C.

icing M. KELLEY f the FBI

*for new ways to coordinate
and the FBI to provide even
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es, Richard M. Nixon, in the Oval Room in

a drop in the area crime rate every year since 1969.

Mr. Kelley has demonstrated a high degree of professionalism. At the time of his nomination for the position of FBI Director, Attorney General Richardson described his Kansas City police force as the most innovative in the Nation.

He presently serves on the Narcotics and Organized Crime Committee of the International Association of Chiefs of Police (IACP) and is a member of the Association's executive council. In 1970, Mr. Kelley was awarded the J. Edgar Hoover Gold Medal as the outstanding police chief in the country. He has gained national recognition as a perceptive law enforcement leader and is widely respected in his profession.

Additional responsibilities which Mr. Kelley has handled include heading the five-man security advisory board for both national political conventions in Miami Beach, Fla., during the summer of 1972.

Mr. Kelley is a deacon of the Country Club Christian Church and actively participates in church functions. He is also a member of the Chamber of Commerce of Greater Kansas City and Rotary.

He married Ruby D. Pickett, who also was born in Kansas City and attended Northeast High School. They are the parents of two children, Mrs. Mary K. Dobbins, who resides with her husband, E. R. Dobbins, in Kansas City, and Kent C. Kelley, who presently resides with his parents. Mr. Kelley has a grandson and a granddaughter.

Mr. Kelley described his nomination and confirmation as FBI Director as truly the climax of his career in law enforcement. He noted his lifelong admiration of Mr. J. Edgar Hoover and

that his earlier years in the FBI were ones of great personal challenge and satisfaction. He feels that his years of service on the local level of crime detection will provide a healthy and beneficial balance in his professional experience, and he has promised to bend every resource of the FBI to achieving higher standards of professionalism, promoting better cooperation among agencies, and engendering public support to defeat the criminal.

Law enforcement professionalism is very close to Mr. Kelley's heart. He feels that effective training of personnel must be accelerated in every possible way.

In Mr. Kelley's eyes professional law enforcement must be constantly alert to change. When such change occurs, the profession must adapt constructively to it. He believes the news media form a strong barrier against repressive law enforcement and he plans to combat crime without infringing on the human rights and dignity of all our people—of every race, creed, and religion.

"In law enforcement nothing can take the place of personal integrity," Mr. Kelley said. "I owe allegiance to no political party, leader, or background. My job will be to carry out my duties as Director as efficiently, honestly, and fairly as I can."

Mr. Kelley has high hopes for the future of the law enforcement profession. He is firmly convinced that there should more than ever be close, continuing, and effective cooperation among local, State, and Federal law enforcement agencies. He said, "We must be alert to look for new ways to coordinate the facilities of local police and the FBI to provide even more effective protection for the lives, the property, and the rights of all citizens of our Nation."

FBI

DOES YOUR DEPARTMENT HAVE A MEDIA RELATIONS PROGRAM?



—Why
Not?

By
ROBERT D. GORDON*
General Manager,
WCPO-TV,
Cincinnati, Ohio

"... the police and the news media are both constructed for the sole purpose of serving the communities in which they exist."

Several years ago it was my pleasure to address a session of the FBI National Academy in Washington, D.C. My talk at that time dealt with the relationship between broadcasters, specifically those in news departments, and the various police agencies. I still feel this topic is an important concern for the law enforcement profession. It comes as an added pleasure for me, therefore, to now express my views on the subject in the FBI Law Enforcement Bulletin. I hope to offer some specific recommendations and share with law enforcement officials some insights that may assist them in dealing with the media in their cities.

It seems to me that the frequent day-to-day association of broadcasters and police officers, which has been spurred by the newsmaking street events of the past decade, has given us all a new awareness and respect for each other. Although our objectives are different, we have come to understand that we have some interesting similarities.

For example, the police and the news media are both constructed for the sole purpose of serving the communities in which they exist. They are organized to learn what has or is happening in the community—one (the police) to protect citizens from crime, the other (news media) to inform and educate.

The police are often accused of provoking violence by confronting it. We

are often accused of inciting violence by reporting it. Police departments are not formed to protect each other, but all of us. Broadcasters and reporters don't exist to entertain, educate, and inform themselves, but all of us. We must both understand those whom we serve, a sometimes impossible task. We must understand the intensity and depth of emotion they feel toward us. The citizens of our communities have strong feelings about us. We are members of their families, we are part of their lives, they depend on us, they care about us. Unfortunately, they don't always appreciate us.

We are both frequent recipients of advice and criticism from those who are convinced that we are at best inept, and at worst incompetent and irresponsible, generally because we don't see things their way.

I have noted that almost everybody pays lip service to the first amendment just as they do to "law and order." Everybody, similarly, is in favor of freedom of the press so long as they agree with what it says. But somehow it's not quite the same if they disapprove of what the media has done or when it has annoyed them by the presentation of some news item or some program with which they disagree. These are often the same citizens who not only want enforcement of the law but insist on laws that are "just" or "right" and do not inconvenience them! They somehow have forgotten that laws are made for *all* of us through the democratic process.

My primary purpose in this article is to identify specific opportunities that are available to the law enforcement administrator and that can help him perform his duties and accom-

plish his goals through the proper use of the news media.

The Potential

How many administrators, I wonder, realize that the television industry alone makes available to governmental organizations, such as police departments, over \$2½ million worth of air time per year in the interest of public service causes and functions. Few persons outside our industry fully understand how really effective this air time is. For example, the average person spends 43 hours each week watching TV. That is more man-hours than is required to produce the gross national product of this country.

The total public exposure to all media sources is comprised of impressive statistics: There are 83 million television sets in the United States; 95 percent of the homes in this country have televisions; 85 percent of the homes across the land receive newspapers; and 96 percent of them have radios. That kind of persuasive power is often available to the police if they just ask for it. Editors, publishers, and the managers of radio and television stations want to work with the police. They, too, are a part of the broad public following that is truly interested in everything the police do.

For as long as television has existed, there have been few seasons where the majority of the television heroes were not police officers, where the majority of the programs' material did not concern an area of crime fighting. Every news gathering entity in the world assigns staff members to do nothing but report on police activities.

"... the television industry alone makes available to governmental organizations, such as police departments, over \$2½ million worth of air time per year in the interest of public service causes and functions."

*Mr. Robert D. Gordon has been General Manager of WCPO-TV, the Cincinnati outlet of the Scripps-Howard Broadcasting Co., since May 1964. He is a vice president of the company and in 1971 was elected to its board of directors. A native of Colorado City, Tex., Mr. Gordon studied at McMurry College and Syracuse University and served for 2 years (1948-1950) with the FBI in Washington, D.C. He entered broadcasting as a radio announcer before entering the U.S. Army in 1951, where he served in Korea. In September 1967, Mr. Gordon was appointed by the Ohio Attorney General to head the Law Enforcement Committee of the Ohio State Crime Commission, a body named to study and update the State's anticrime efforts. His personal interest and background in law enforcement and government service has led into several activities of past and current public service.

And report them we will. It is the responsibility of those of us who inhabit the field of journalism to watch community actions carefully, including those of the police, and report them as we find them.

Although it isn't always comfortable for the police to have us peeking over their shoulder—they should take some consolation from the fact that large corporations pay millions of dollars for this kind of public exposure. They, like the police, generally do good deeds, produce worthwhile products, and perform an honest, worthwhile service which they wish to have brought to the public's attention. They, however, must spend a great deal of money, time, and energy "letting the world know it." The police, on the other hand, are frequently presented with this opportunity gratuitously—it is a tragic waste when they do not use it.

Goodwill

All police departments need as much *goodwill and public support* as they can get. Goodwill, image, and reputation—these are specific items in the purchase price of most businesses. They certainly are in the broadcasting and newspaper business. For example, a television station in my city probably has physical assets of \$3 to \$4 million, yet its worth is probably 10 to 15 times that amount due largely to its image, reputation, and goodwill. Now, if you really want to build this kind of valuable goodwill you will need to apply some skills that may be new to some of you—publicity, promotion, and public relations.

"All police departments need as much goodwill and public support as they can get."

Publicity seeks to inform, to impart information, and to be really effective, it must have some news value, a "news peg" on which the media can "hang" a story. It must be inventive and interesting. A new jail may not be interesting—a new jail with Willie Sutton in it is.

Promotion, too, seeks to inform, but it also seeks to "promote" actively on behalf of a specific program or project. Quite frequently there is no hard "news peg" for such a story; merely a desire to get a new program underway or support an existing one.

Public relations is a combination of the two, plus day-to-day activities designed to build sound and productive relations in a community that will enhance a group's reputation and its ability to serve.

Don't equate these techniques with those of "snake oil" salesmen or other "hucksters." Learn to accept public relations skills for what they are—the professional means to educate, inform, and communicate to others the accomplishments and praiseworthy contributions of an organization and its associates.

Obviously, different news media—for each has its own personality—will react differently to police public relations efforts. It is necessary, therefore, for police administrators to know and understand fully the people—their styles, their policies, their quirks, and their idiosyncrasies—of each news outlet within their territory.

Get Acquainted

How many police administrators know personally the editors of their local papers and the managers of their radio and television stations? How about the program directors and the news directors? Ideally, they all should.

It would be very beneficial if some police officials, preferably the chief or a ranking officer, from each depart-

ment would get to know media management personnel on a friendly first-name basis. They could explain to them police goals and police problems and ask for help. When the "Boss" gets interested in your projects, the whole organization does and it's surprising how quickly things get done.

For example, in Cincinnati our television station reaches almost 3½ million viewers, and the morning paper reaches 300,000 families. Shouldn't it be worth a police executive's time to become acquainted with the people who can make that kind of an audience available to him and his department?

When an example of a successful public relations program is described in professional or other publications, police officers should explore similar possibilities in their cities. For example, not long ago there were published reports of the Beaumont, Tex., Police Department's use of a media "hot line." Three telephones in the department's headquarters would automatically connect with similar phones in every news location in the city. With this "hot line," the Beaumont police could disseminate important information immediately to every news source in town.

Mutual Cooperation

In Cincinnati, we have not only developed a "hot line" but, as in several other large cities, have taken it a step further. A Cincinnati Police "Chief's Media Advisory Committee" has been formed. This committee, meeting once a month, consists of representatives from all Cincinnati television stations, the vast majority of our radio stations, and representatives from the printed media. This group is there to advise the chief on problems dealing with the police department's media relations. Additionally, this group tries to provide public service support for the police division and its programs. Another major public relations effort

"It would be very beneficial if some police officials, preferably the chief or a ranking officer, from each department would get to know media management personnel on a friendly first-name basis."

in behalf of the police takes place in St. Louis on an annual basis. There, all the city's commercial television stations band together and on a rotating basis televise the Chamber of Commerce Annual Medal of Valor Program honoring that city's outstanding policeman.

Police administrators should take the lead in suggesting to their local news media that they give continuing public service announcement (PSA) support on such problems as shoplifting, drug abuse, "light the street," and "lock the car" campaigns. Valuable public services can be performed with the aid of the news media if the necessary material is brought to their attention.

Police officials should also feel free to submit regularly information for use as suggested editorials to their local newspapers, and local radio and television stations. Most journalists I know accept suggestions that enable them to prepare more meaningful, worthwhile editorials.

Police administrators should also be willing to appear, consistent with their duties, on radio talk and TV variety shows, or to write guest columns on safety, crime prevention, and related topics. The public respects and wants to learn police views on many issues affecting the community.

WCPO-TV has also assisted Federal law enforcement efforts. It has prepared announcements with slides on each individual on the FBI's "Ten Most Wanted" list. The video consists of several pictures of the fugitive, followed at the end by the FBI seal. The audio gives the name and complete description of the fugitive, including scars and unusual characteristics.

Viewers are requested to notify the nearest office of the FBI if they have any knowledge of the fugitive in question.

For over 18 years, WCPO-TV has telecast a weekly program entitled "Play It Safe," which is presented in cooperation with the Cincinnati Police Department. It is a half hour safety show for children. It deals with a variety of traffic safety topics. Some of the programs have dealt with pedestrian obligations and privileges, teaching children to be cautious while playing, the meaning of highway safety signs, traffic courtesy and alertness, and a knowledge of slogans used in the traffic safety program. Children from various school, scouting, and other groups take part in the programs. The program's goal is to edu-

cate children in safety and encourage an attitude of carefulness among them and their parents.

WCPO-TV began production of a unique weekly program entitled "Police Call," which premiered in 1968. It has been continually scheduled since.

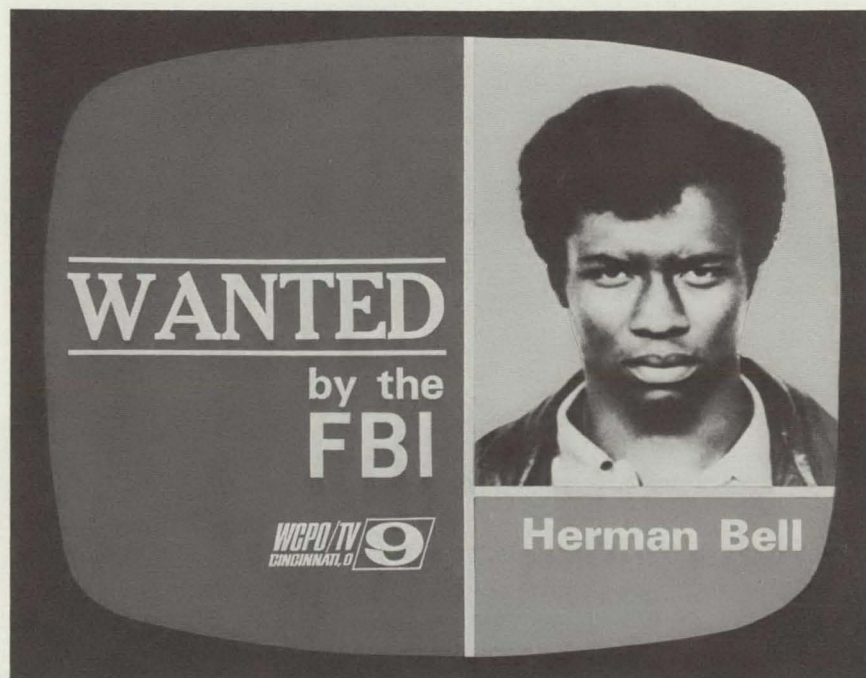
This program is produced in cooperation with the Hamilton County Police Association. "Police Call" is devoted to the policeman's role in today's society. WCPO-TV provides a producer/director to assist in the presentation of the program, but the program content is determined solely by the association.

Each program spotlights police/community problems, and the discussion topic changes each week. Professional policemen and law enforcement specialists are provided to answer viewers' questions.

Common Objectives

In their contacts with broadcast news departments or newspaper city

TV slide of FBI "Top Ten Fugitive."





After placing themselves in two teams, contestants learn the rules of the game.



A young contestant correctly answers a safety question to advance on gameboard.

desks, police personnel should keep in mind these objectives of the media which are closely aligned with law enforcement goals:

To accurately present to the public factual accounts of crime;

To report arrests and interesting aspects of investigations into criminal activities which will not in any manner prejudice court action or injure innocent persons;

To inform the public of situations dangerous to their safety;

To encourage public support for the law and the law enforcement profession.

Now I know there exists in the minds of some police officers the suspicion that news departments do not always perform their function in a way that is helpful or fair to the police agencies. In some cases this is undoubtedly true. However, the great majority of broadcast news practitioners that I have known are sincere men, absolutely dedicated to the cause of good broadcasting and hon-

"... the great majority of broadcast news practitioners . . . are sincere men, absolutely dedicated to the cause of good broadcasting and honest journalism."

est journalism. The resolution of this problem, it seems to me, lies in establishing fundamental understanding between the police and the press so that each will sufficiently understand the other's objectives, methods, attitudes, and limitations.

For example, there was an incident in our city in a high crime area that was the scene of most of Cincinnati's riots and disturbances in recent years. On several occasions a statue of Abraham Lincoln was defaced with paint, and tempers were understandably high. One of our local radio stations, WCIN, which programs primarily to the black population, called a high-ranking Cincinnati police officer and asked him to verify reports that the police were at the scene and had assaulted several black suspects who resisted arrest. The officer was able to quickly advise the station that the reports were not true, that arrests had been made, but that the suspects were placed in custody without incident. Consequently, the radio station made no mention of the arrests until their regularly scheduled news program, at which time a factually accurate report was made. This was an example of a news source seeking police cooperation in obtaining news facts, trusting police information given in response to a request, and reporting the facts in a manner which brought credit to the station and the police.

Pursuing the News

While it is true that some renegade reporters do exist, they are in a minority. In general, people who cover local news are some of the hardest working, most dedicated professional men in our society. They perform in a field

which has hourly deadlines and makes great demands not only on their skill but also on their stamina. They are generally younger than most other individuals with similar responsibilities. While they are not generally brash, they often are unawed by position, wealth, or distinction. By nature they are probing, inquisitive, and skeptical. They are men who particularly resent deceit or half truths or evasion from anyone trying to cover up or hide legitimate news.

Most reporters react favorably to an honest, candid approach. Most of them have an insatiable appetite for every scrap of information that they can possibly term news, and all of them love their profession.

If you believe there is a reason that a certain film or picture will interfere with the ultimate success of an investigation, tell the news editor why. Ask for his cooperation. Avoid "ordering" him not to use something. That's a red flag in any newsroom.

The camera is to television news what the pencil and typewriter are to newspaper people. The television reporter and photographer are looking for ways to shoot film and pictures to illustrate the story. They have to be alert and enterprising to obtain the picture story they need to report the news. It explains why the television crews want to "be there" when things happen and why they want to film or photograph people and elements involved in news stories. Their me-


dium is one which "shows" the news. Unreasonable restrictions can make their task almost impossible in crime news coverage.

A police department which understands and gives consideration to the job of the television crew often will find that it is not betraying any privileged information or material and, at the same time, is building a harmonious working relationship which can bring many benefits to police efforts.

Reporters of any media admire honesty and frankness. If a policeman does not know the answer to their questions, he should tell them so. If answering a question would jeopardize an investigation, this fact should be explained and the question not answered.

Any member of the television news department is interested in hearing news tips. So are, for that matter, other employees and executives of broadcasting stations who often serve as vehicles for transmitting information to their news departments. While such persons can be used to pass on news tips, it is usually better for long-run police-press relations to establish and maintain contacts with newsmen. They, too, are human. They appreciate tips, as do officers in their investigations.

Getting along with your "broadcast neighbor" requires essentially the same ingredients as getting along with any other neighbor. Generally, it involves only a good commonsense approach and a sense of fair play.

The place to start building this relationship is in a meeting with the leaders of the broadcast community in your city. Do it now! 

"Getting along with your 'broadcast neighbor' requires essentially the same ingredients as getting along with any other neighbor. Generally, it involves only a good commonsense approach and a sense of fair play."

Law Enforcement and the Changing Times*

I want you to know what a great pleasure it is for me to address a group with a law enforcement background, particularly such a knowledgeable gathering as this organization of former FBI Agents and their wives.

There are powerful fraternal ties in our profession—I have always considered that an important plus factor; a close kinship serves as a valuable reinforcement of our goals, our policies, and our vitality.

A vital organization is one which maintains its initiative and its dedication in spite of adversity—and, as you well know, the law enforcement profession has been a stern challenge, and I am constantly gratified by the willingness of the typical peace officer to absorb the shock and move on with his job. When the punches are below the belt—and some of them have been—the desire to keep going can easily be blunted.

When speaking before a group of brother officers the temptation is strong to dwell on these common problems, view them with alarm, castigate the perpetrators, and charge the public with the need for greater support of law enforcement.

Don't misunderstand me. The problems and the verbal attacks concern me deeply, particularly those which generate the claims that police "overreact" or have acted "oppressively," as



By
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Commissioner,
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well as the prevalent judicial attitude which seems to be more responsive to the criminal than to society. I believe absolutely in strong public support of the police function, for without that the capacity of peace officers to function effectively is severely jeopardized.

But the changing complexion of society in the last decade has suggested something else—that the relationship of police and society at the very least deserves some thoughtful analysis. The flexible administrator, just as would the chief executive of any business enterprise, studies his market and adapts his marketing approach.

The law enforcement agency administrator has a dual consideration. He must constantly evaluate the actions and reactions of both the public and his men. The needs, desires, and goals of both groups are dynamic. Society is not unique in exhibiting change; the officer is changing, too, and the stubborn unwillingness to permit tactical modifications which recognize the officer's evolving needs is the sign of inflexible management. The old management saying is that if you're doing something the same way you did it 5 years ago, the process must be wrong. Perhaps that isn't always true, but it is valid often enough to give it meaning.

My analysis of the highway patrol actually began years ago, based on a growing feeling that the enforcement actions of highway patrol officers were not totally responsive to the needs of the public.

This was initially mirrored in a public response which too often implied that the average driver considered enforcement to be (1) a "game" in which the loser was the driver who received a citation, or (2) a mechanistic process designed to raise money. The actual purpose of enforcement appeared to be blurred, if not totally obscured.

My evaluation of patrol activities offered partial confirmation. Our enforcement processes had become me-

**This is an address presented to the San Francisco and Palo Alto, Calif., Chapters of the Society of Former Special Agents of the FBI, Inc., at the Alameda Naval Air Station, Calif., on February 22, 1973.*

"Do the officers believe . . . [in what they are doing] ; because if they don't, they won't really commit their energy, their creativity, and their desire to excel."

chanical, not in relation to raising money because no fine income produced by CHP [California Highway Patrol] citations is returned to the State. Rather, because of certain administrative procedures over which we had no direct control, the highway patrol had been forced into the rote production of citations as tangible evidence of efficient performance.

The administrative and budget analysts who reviewed highway patrol activities, working from their need to establish a performance standard, seized on the numerical production of enforcement actions as the most representative measure. And the information was easy to develop.

Therefore, it was a simple step to the equation of numbers with efficiency. The process did not appear illogical, and gradually the necessity to produce a certain number of citations became a fundamental management tool for the patrol. When we sought to gain approval for manpower increases, the first question always was: "What do we get for it?" meaning, how many enforcement actions would result. And it became incumbent upon us to come up with the expected numbers.

This does not in any way imply that the enforcement action is not an essential ingredient in accident prevention. What it *does* say is that we lost sight of the genuine objective, which is *accident prevention*, and concentrated instead on producing an "acceptable" number of citations. Quite obviously, if the purpose for issuing citations is obscure, the result will be a failure to *concentrate* enforcement where it is most needed—on the types of violations and situations which are resulting in the most accidents.

Out of this recognition grew the program we call preventive enforce-

ment—but before I define this, I would like to briefly describe the changes in management philosophy which permitted us to redirect our enforcement efforts along preventive lines.

I said a moment ago that the individual police officer is changing, partly as a reflection of the society he serves. My view of the traditional police administrative structure—strongly authoritative, rigidly disciplined, organized much like the military—was that it no longer satisfies either the demands of our job, or the needs of the individual officer. It seemed to me that the tenor of society was somewhat more attuned to individual creativity and recognition of individual capability.

In private industry this has been reflected in some interesting ways: Trends toward giving workers more responsibility, breaking up assembly lines to eliminate dull, repetitive routines, permitting employees to organize their own work, and treating employees like mature, responsible adults.

In the police field we typically were hiring responsible, intelligent young men, training them rigorously not only in technical skills but in such personal traits as judgment and coolness under pressure, then fitting them into a rigid operational structure which allowed very little opportunity for demonstrating either initiative or creativity.

I put the two factors together—the need for a redirection of our efforts and the need for greater exploitation of individual capabilities, and made what constitutes a sweeping change in management approach.

The philosophy is called managing for results, and it incorporates a

process designated as participative management.

Managing for results makes the simple affirmation that the objective of any organization is a specific result—in our case this is accident prevention—and that the programs, procedures, and processes must be designed to achieve that result. The *what* becomes more important than the *how*—and as long as procedures remain within broad legal and policy guidelines, managing for results advances the proposition that how a job gets done is not the most important consideration. Measurement of accomplishment will be based on goal attainment, *not* on processes used in achieving the goal.

Managing for results thus recognizes that the *ultimate measure of any activity is the end achieved*.

The well-known football coach, the late Vince Lombardi, expressed it succinctly when he said, "Winning isn't the most important thing, it's the *only* thing."

Lombardi's perception of the task was absolutely correct. He saw victory as the objective of all his efforts. Whatever he did, whatever he required his team to do, was essentially meaningless if it did not produce victory.

You never heard Lombardi extol his team for running up 500 yards offensively—if the team lost the game. Victories are measured by points on the board, not yards on the ground.

Participative management adds the extremely important step of extending to each uniformed member and patrol employee a measure of responsibility for his own job. Participation means just that—we encourage and *expect* the individual to assume responsibility for helping to set his

own goals and for determining how he will achieve them.

In fact, the philosophy of managing for results won't go very far if you tell a man that you plan to grade him on what he accomplishes, but that there will be severe limitations on how he goes about his job. That would be roughly equivalent to telling a football team that the object is to win the game, but they may use only one play throughout the contest.

At the highway patrol we have discarded the formal term, participative management, in favor of the far more descriptive phrase—"Giving every member and employee a chance to buy a piece of the action."

The traditional authoritative structure depends largely on the know-how and experience of those at the top; wisdom from above, so to speak. Participative management puts everybody's brain power to work and, you know, it's rewarding to see the resourcefulness and ingenuity displayed by the man who is out there doing the job. He's *been* doing it, so why shouldn't he have some good ideas on how to do it better? He does and he has—and the most satisfying aspect is the new enthusiasm and pride in accomplishment which are becoming apparent.

The final step in this process is preventive enforcement, which in essence is a direction of our energies toward the primary goals of accident prevention and elimination of congestion and other motoring problems. Preventive enforcement, under the managing for results philosophy, requires that we work toward the goal of reducing accidents. It deemphasizes the concentration on *method*, replacing it with concentration on *result*; it's goal oriented. It requires each patrol area, even each beat officer, to determine what the problem is *right there*, and to take the appropriate countermeasure.

Sometimes this isn't enforcement at

all. I can remember when I was on the beat that a visual obstruction, or a highway design problem, or an unmarked railroad crossing were problems of major proportion. The solution lay with someone else, but it was *our* job to let them know and encourage a change. That's part of preventive enforcement, just as much as the citation.

Citations have dropped in the past year, something more than 10 percent. The ones that aren't being written now are those which we candidly identify as marginal. We think we're saving the courts' time, we're eliminating some public resistance, and most important we're increasing the officer's efficiency by letting him aim at the bull's-eye—accident reduction. We think we're back on target, and we are confident the results at the end of the year will tell the most significant story of all—a drop in accidents of all types.

You know, when I became commissioner last July, fatalities in California were in an uptrend over the previous year—approximately 235 more in the January-June period of 1972 than for the same period in 1971.

During the last 6 months of 1972, the fatality figure was almost identical with that for 1971, marking a downtrend which we hope will continue right through 1973. In fact, in California Highway Patrol areas of responsibility, the January 1973, fatality figure was 20 percent below the same month last year, even though January of this year was an extremely rainy month—and bad weather always tends to push accidents higher.

Just because citations dropped doesn't mean we aren't working harder on problems which need to be attacked. The drunk driver is a virtually universal problem, so one of our major preventive enforcement efforts is a statewide emphasis against the drunk driver.

In 1972, we made over 95,000 drunk driver arrests; the previous year it

was 79,000. Now that's what I call progress. Not because we increased the number; that would be falling back into the same old trap. But because of the *result* of this enforcement activity. A major reason the rising death toll started down again last July was our drunk driving campaign.

The clearest evidence came during the holidays. Drunk driving arrests for the Christmas-New Year's period more than doubled, and deaths plummeted. In fact, the fatality toll for the entire month of December was substantially below that for December of 1971.

What we accomplish with this new philosophy in terms of accident reduction will of course be what the public looks at. But my reason for exploring it with you tonight is not only that. I am grateful for the opportunity to discuss it in terms of what such a policy can mean for law enforcement.

Traditionalists typically question such concepts as participative management; they see in it a "soft" approach, perhaps not appropriate to law enforcement. I could challenge that, but I won't, at least not in words. Results speak clearly, and the results are there. Not simply in the accident reductions I spoke of, but in terms of men who are becoming more enthusiastic about their work. Commitment is the descriptive word, and commitment comes from believing that what you are doing is both important and useful.

Of course our work, just as the work of any peace officer, has always been important, and it has always been valuable to the community.

But the significant question is: Do the officers believe it; because if they don't, they won't really commit their energy, their creativity, and their desire to excel.

We find that more and more men are responding in this way. And that, I think, is the ultimate recommendation for this concept.

A County Police Information System

“Through modern technology . . . Bergen County law enforcement agencies are . . . more effectively combatting some of society’s most serious crimes.”

In the past 10 years, the population of Bergen County, N.J., has increased some 15 percent to nearly 1 million people. Daytime population rises considerably due to commuters who are employed by industry, shoppers and employees at several large shopping centers, and people traveling on the State’s major highways which funnel through the county into New York City and to the New England States by way of the George Washington Bridge.

Population increases invariably are accompanied by more problems with vehicular traffic, demands for additional services, and a general crime growth. Bergen County, which encompasses approximately 240 square miles, is no exception.

By
SHELDON T. McWILLIAMS
Chief of Police,
Saddle River, N.J.



"With responsibility of law enforcement divided among 70 separate municipalities and . . . three county agencies . . . [an] effective . . . central police record source had to be established."

With responsibility of law enforcement divided among 70 separate municipalities and with additional services provided by the three county agencies (the sheriff's office, the county police, and the prosecutor's office), it became apparent that in order to be more effective a central police record source had to be established.

Study Committee

Early in 1968, a Crime Data Study Committee was established by the Bergen County Police Chiefs' Association. This committee was to study the need for data processing, and if it found that the need existed, to later establish policies relative to the use of data processing in law enforcement.

The committee was headed by the author and composed of six members of the association, with representatives from the sheriff's office, the Bergen County Data Processing Department, and a computer vendor sitting as advisors.

Bergen County was already operating a computer in the most advanced data processing department in the State of New Jersey.

The study committee found that there was a definite need for a central data bank where police departments could make inquiries resulting in retrieval of up-to-date information on outstanding warrants, arrest records, special narcotic or dangerous drug information, stolen property, and other documented law enforcement data

which could be useful in combatting crime.

The committee further found that, with minimal changes in the present system, additional terminals could be located at selected sites throughout the county and that security provisions would preclude access to police information by any terminal other than those installed in law enforcement agencies. The new system would be known as the Regional Enforcement Information Network or REIN (pronounced "rain").

The Bergen County Board of Freeholders agreed later in 1968 to support the findings and recommendations of the police chiefs group and provided funds for the implementation of its plan.

Warrant Data Bank

The first program which was planned was the creation of a warrant data bank. In order to gather the warrant information from all 73 law enforcement agencies, a special form was designed for the purpose. If no other identification, such as date of birth or social security number, is known, a first and last name is acceptable for entering a warrant into the computer files. Additional information, if available, is entered and includes address; county, State, and FBI arrest ID numbers; descriptive data; birthplace; occupation; and whether the subject should be considered armed, dangerous, mentally deficient, or suicidal, or may resist arrest. Other specific warrant information required for entry is the date of issue, the agency ID issuing the warrant, the charges, and the warrant ID number. Provisions are also made for bail information.

A computer control number (CCN) is assigned to every name entered into the data bank. The computer control number identifies all records or information relating to any one subject individual. When the control number

The REIN terminal in operation at the Paramus Police Headquarters, Paramus, N.J.



"... security provisions . . . preclude access to police information by any terminal other than those installed in law enforcement agencies."

is used to enter additional information in the data bank, a name search of the files is not necessary. Any inquiry using this number will also reveal the full data that is presently on file.

Terminals

A pilot terminal was initially installed in the Bergen County Sheriff's Office, located at the county seat in Hackensack. This pilot terminal became operational in November of 1969, and it is through this terminal that all warrant data is entered. It is manned 24 hours a day by specially trained sheriff's officers of the communications division.

During 1971, 11 additional regional field terminals were placed into operation throughout the county. At the present time, the county has been divided into 10 regions, each one served by a single terminal located in a town which has the capability and the willingness to serve those other towns assigned to its region. The 11th field terminal is installed in the Bergen County Police Headquarters. Each of the terminals is in operation 24 hours a day—7 days a week.

There are 19 radio frequencies in use for general radio communications in Bergen County. Wherever practical or possible, radio frequency sharing was taken into consideration. All towns sharing the same frequency are in the same region; for example, the town of Ramsey serves Allendale, Mahwah, Saddle River, Waldwick, and Upper Saddle River, as well as Oakland which also operates on its own radio frequency.

Training seminars were conducted at each of the 11 field terminal locations for the purpose of teaching those persons who were assigned to operate

the terminals how to make inquiries and prepare warrant data forms for entry into the computer.

Second Program

After the warrant file program was completed and operational, the second program was planned. This program was the establishment of a complete file of arrests made in Bergen County dating back to January 1, 1965. The main problem was gathering the pertinent data from all of the local and county files and converting this information for data processing. This project called for additional man-hours of clerical work in each of the 73 separate law enforcement entities which were already suffering from manpower shortages.

In spite of the problem, each department compiled the necessary data and submitted it for entry in the arrest files. Initially, all past records of arrest data consisted of the subject's last name, first name, middle initial, date of birth, and date of arrest and of the arresting agency identifier and a five letter abbreviated charge code. This abbreviated format was used in order to expedite the addition of the thousands of past records to the computer, and it was felt that all necessary lead information was provided. All records subsequent to January 1, 1972, contain more detailed information relating to the subject's pedigree (vital statistics and identifying data) such as indicated for the warrant file. All names and pedigree are in a common bank regardless of whether the information is in connection with a warrant or with an arrest record.

In order to make an inquiry relating to an individual, the terminal operator must first make a Pedigree 1 inquiry to ascertain if the name is on file. This

may be done by using the last and first name only. No other data is needed. The response will furnish up to five possible matches with added information such as date of birth, weight, height, color of hair, and address. If the birth date were furnished with the initial inquiry, the first of the five possible matches should indicate the subject inquiry. A Pedigree 4 inquiry can be made if necessary to produce an additional five names. This step is not usually necessary.

The CCN which is furnished with the Pedigree 1 response normally dictates the second step used. This is a CCN 1 inquiry which will furnish all information relating to the individual who is being checked.

For example, a patrol car in Mahwah may stop a motor vehicle operator for a traffic violation. In checking the operator's license, the officer, using his radio, calls into headquarters, stating the driver's name and date of birth—asking for a REIN check.

Old v. New

Under old procedures, the desk officer checked his own local files on a name check. If the subject was detained for more serious reasons, a more complete check was desirable. A check with the other 72 agencies took approximately 3½ hours of steady telephoning. Obviously this was not done.

Using REIN, the radio dispatcher in the inquiring officer's headquarters relays the inquiry, either by radio or direct telephone line, to the terminal operator in his region. The terminal operator enters the name and date of birth (if available) into the computer and receives a response of up to five names identical or similar to the name entered. Last entered addresses and vital statistics are also furnished (if available).

A "W" next to any of these names indicates that a warrant is on file some-

where in Bergen County for this individual. If a "W" appears on the printout, the officer in the field is notified immediately. A response from the computer indicating that an individual's name is on file, regardless of whether or not a "W" is evidenced, is cause for a second inquiry using the computer control number to obtain total information on the subject in question. The individual may not be wanted at this time. However, a history of past arrests may prove to be important.

A CCN 1 inquiry will furnish a full description of the person, date of birth, and other pedigree information. Full warrant information (if any), arrest records indicating the agency effecting the arrest, the date of arrest, and the type of offense are also furnished. If the name, the description, and numerical identifiers, such as date of birth, check out with the person being detained, the patrol officer is informed by radio, and the individual will be held for further investigation. The entire procedure takes approximately 95 seconds.

After the detained individual is brought into police headquarters, an officer makes a telephone call to the agency issuing the warrant for verification and more detailed information. If the data retrieved from the computer also indicates a past arrest record, the officer obtains the full details by communicating directly with the agency or agencies involved. In the case of a warrant, if bail has been set by the court, the defendant may be released upon posting of the bail, or the detained person may be picked up by officers sent by the issuing authority.

REIN became operational on November 24, 1969, utilizing the county computer which was upgraded to the next larger model and a special package program called FASTER which provided for a separate storage and retrieval from the computer data bank.

“. . . data stored in the REIN system is documented police information . . . [which] . . . is restricted to duly authorized law enforcement agencies.”

The Crime Data Study Committee was merged with the Bergen County Police Chiefs' Association Communications Committee, which is also chaired by the author. The planning, policymaking, security, and discipline of REIN became the responsibility of this committee which also concerns itself with the usage of radio and teletype operations in Bergen County.

Security

During all stages in the development of the REIN program, security and discipline were kept foremost in mind, and the subject was discussed in depth.

Of paramount importance is the use of the law enforcement agency code number which was assigned for use with the FBI's National Crime Information Center (NCIC) and the New Jersey State Crime Reporting System. This number is commonly known as the "agency identifier." All terminal agencies and their operators assume the responsibility for system security and discipline procedures as set forth by the Bergen County Police Chiefs' Association, and all agencies utilizing this service must comply with the system requirements.

Each record on file is identified with the agency originating the record, and that agency is responsible for the accuracy and correct status of their records.

As in NCIC, the data stored in the REIN system is documented police information and access to this data is restricted to duly authorized law enforcement agencies. Access to REIN information cannot be achieved through any of the other terminals used by other agencies in the county.

The total cost of operating REIN, other than the salaries of the law enforcement personnel who operate the

system, is borne by the county government.

During the first week of every month, a complete list of all warrants on file is printed out by the computer, and each law enforcement agency receives a copy of its listings to check for accuracy. Errors, if any, are noted, and the Bergen County sheriff's communications division is notified to make the correction or deletion.

Plans are underway to program the computer to print out on a monthly basis a list of current narcotics arrests. The list will be sent to each agency along with the warrant list. At the present time, a monthly list is manually compiled and distributed by the chiefs' association narcotics group.

Cooperation

The communications committee, which is now composed of police chiefs in towns where terminals are located and operated, recently sponsored a group of subordinate officers who are more directly involved in the operation of their regional terminals. The purpose of this group is to establish improved lines of communications between all operators and users of the system, to generate ideas for additional programs, and to promote the utmost in cooperation between all of the 73 agencies. Group members have shown great enthusiasm at the few meetings which have been held to date.

It is expected that REIN will be interfaced with the New Jersey State-wide Communications Information System (NJSCIS). This tie-in will provide REIN with access to the State files and the Motor Vehicle Look Up files. With NJSCIS planning to link with NCIC, it will then provide REIN with the ultimate in information capabilities.

REIN has proved its effectiveness in

locating wanted persons and in providing information which has resulted in arrests of suspected persons. If an individual has a criminal record in Bergen County, it is available in seconds.

The Bergen County Police Chiefs' Association is very proud of REIN as it was the first system of its kind in the State of New Jersey and has proven its worth with many "hits" being made since its inception. Most recently a total of 12 cases of rape and attempted rape were solved with the apprehension of a suspect who later confessed to these crimes. The town of Ridgewood was plagued with eight cases, and neighboring Glen Rock experienced three similar cases. Needless to say, the residents of these affluent communities were quite alarmed. Surveillance of the crime areas produced license numbers of vehicles which were frequently seen in the area. This information was checked by teletype with the State motor vehicle department in Trenton, and the names of the registered owners were fed into the computer. One of the name checks produced an arrest record of sex offenses. The suspect was subsequently charged with all eight cases in Ridgewood, three cases in Glen Rock, and one case in Fair Lawn where he resided.

Through modern technology, the Ridgewood Police Department and its fellow Bergen County law enforcement agencies are more effectively combatting some of society's most serious crimes. The computer, a scientific tool which stores valuable police information and provides for unbelievably quick retrieval of this information, has made this capability possible.

CONFINEMENT OF EXPLOSIONS

(Continued from page 7)

vermiculite filling and have shown very promising results. Field tests at

the Sandia Laboratories have further demonstrated the wide applicability of vermiculite fill as a blast mitigation means.

ACKNOWLEDGMENT

The bomb disposal aspects described in this report are being carried out through an agreement between the U.S. Atomic Energy Commission (AEC) and the U.S. Army Munitions Command, Picatinny Arsenal, with local arrangements made through the Los Alamos Scientific Laboratory's Special Projects Office. The report was prepared as an account of work done under the auspices of the AEC.

FOOTNOTES

¹ Composition "B" is the name given to the specific Cyclotol (mixtures of RDX and TNT) having the nominal composition 60 percent RDX, 40 percent TNT. Two types of Composition B are currently of importance.

Composition B-3, manufactured to meet the specifications OAC-PD-37, is produced from fine grist RDX, having a normal particle size distribution peaking between 65 and 85 microns. The melt viscosity of this material nominally runs 11 to 15 seconds on the efflux viscosimeter.

Composition B, Grade A, meeting specifications PA-PD-24, contains a coarser RDX, having the particle size distribution peak at about 150 microns. This material also incorporates 1 percent of a Stanolind wax (Indowax) which serves as a desensitizer. The melt viscosity of Composition B, Grade A, is nominally about 5 seconds on the efflux viscosimeter.

² An alternate method is to weld some small eyes to the inside of the vessel and rig the net from them. This spreads the net so that an object can easily be placed in it through the vessel opening.

³ A shaped charge is an explosive assembly that produces a highly directional jet. When used with a metal liner, it produces a highly penetrating jet of metal. Without a liner, the jet of high-explosive detonation products is less damaging but should assure detonation and destruction of the clandestine device.

⁴ We mount the vacuum pump on the trailer that carries the bomb disposal vessel. The connection between the vessel and the pump is made with a short length of flexible vacuum hose. This avoids mechanical damage to the pump when the shot is fired.

⁵ The valve that is used as a vacuum connection may also be used for blow down. In this case, the flexible vacuum hose is disconnected and the residual detonation pressure is bled off into the atmosphere by slowly opening the valve. An alternate mode of operation would be to provide two valves, one to pump the air from the vessel through (the vacuum valve) and one to release the residual detonation pressure from the vessel (the blow down valve). Either or both of these valves may be hand operated or set up for remote power operation.

⁶ One, for example, with a high Nil Ductility Transition Temperature which is a metal property determined by tests used to establish the stress and temperature conditions which assure that a crack in the steel shell of a containment vessel will not propagate.

⁷ The calculations and their interpretation are normally assigned to a doctoral level blast hydrodynamacist who must use a great deal of very expensive computer time on major computer equipment (a CDC 6600 or 7600 for example). The cost alone would discourage most agencies from attempting these calculations.

⁸ Tests include Charpy energy, tensile strength, yield point, and Nil Ductility Transition Temperature. Charpy energy is the pounds required to break a standard test bar; it varies with the character of the steel being tested. Yield point refers to the stress level above which the material will not return to its original shape when the stress is removed.

⁹ The material has been stressed beyond the yield point and has gone from the elastic regime into the plastic regime. This distortion will thus be permanent.

¹⁰ Yield stress is the stress level at which a material exhibits permanent deformation. When steel is very rapidly loaded this dynamic yield stress is higher than the yield stress observed with a normal tensile testing machine.

¹¹ Preferably to the right of the CAT curve—the Crack Arrest Temperature Criterion that is related to the Nil Ductility Transition Temperature properties of the material.

¹² Noise-Reducing Structure, F. A. Loving, Jr., U.S. Patent No. 3165916, January 19, 1965.

¹³ By personal communication to the authors.

¹⁴ The expanded vermiculite referred to is the common insulation grade that is in general use throughout the United States.

CONFESSIONS

(Continued from page 12)

²⁷ 379 S.W. 2d 900 (Tex. Cr. Ap. 1964).

²⁸ McCormick, *Evidence* § 162 (2nd Ed. 1972).

²⁹ Wharton, *Criminal Evidence* § 390 (12th Ed. 1955).

³⁰ *Supra* footnote 4, at 444.

³¹ *Supra* footnote 10; State v. Bolan, 27 Ohio St. 2d 15, 271 N.E. 2d 839 (1971); State v. Kelly, 113 N.J. Super. 169, 273 A. 2d 371 (1971).

³² For a general discussion of "custodial interrogation" see Annot., 31 A.L.R. 3d 565 (1970).

³³ *People v. Williams*, 53 Misc. 2d 1086, 281 N.Y.S. 2d 251 (Syracuse City Ct., 1967).

³⁴ *State v. Hess*, 9 Ariz. App. 29, 449 P. 2d 46 (1969).

³⁵ *People v. Frank*, *supra* footnote 3.

³⁶ *People v. Wright*, 249 Cal. App. 2d 692, 57 Cal. Rptr. 781 (1967).

³⁷ 9 Md. App. 220, 263 A. 2d 247 (1970).

³⁸ Id. 263 A. 2d 247, 249.

³⁹ *State v. Valpredo*, 75 Wash. 2d 368, 450 P. 2d 979 (1969).

⁴⁰ *People v. Cheatham*, 263 Cal. App. 2d 468, 69 Cal. Rptr. 679 (1968).

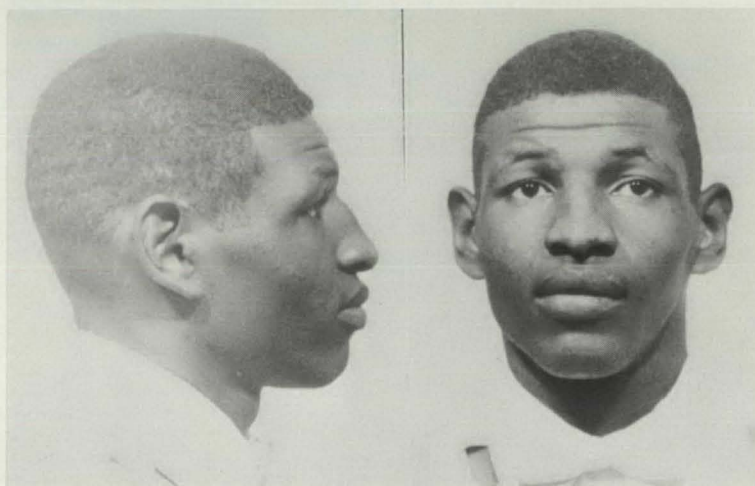
⁴¹ See generally, Burke, "Searches by Private Persons," FBI Law Enforcement Bulletin, October 1972.

⁴² *State v. Kelly*, 439 S.W. 2d 487 (Sup. Ct. Mo., 1969).

⁴³ 247 A. 2d 612 (Sup. Ct. Pa. 1968).

⁴⁴ Id. at 617.

WANTED BY THE FBI



ROBERT MIMS, also known as "Newtie," "Nudie," and "Nundy"

Right middle fingerprint.



Fugitive—Bank Robbery

Robert Mims is being sought by the FBI for bank robbery. A Federal warrant for his arrest was issued on May 27, 1971, at Philadelphia, Pa.

On February 23, 1971, Robert Mims and five accomplices allegedly robbed at gunpoint the Southeast National Bank of Pennsylvania, Exton, Pa. The bandits, one of whom reportedly was dressed as a clergyman and another as a policeman, allegedly entered the bank and ordered employees and customers to lie on the floor. The robbers fled with over \$7,400 gathered from the tellers' counter. All of Mims' alleged accomplices have been apprehended, but Mims remains at large.

Description

Age	30, born April 28, 1943, Aiken County, S.C. (not supported by birth records).
Height	6 feet 3 inches to 6 feet 4 inches.
Weight	185 to 195 pounds.
Build	Slender.
Hair	Black.
Eyes	Brown.
Complexion	Medium.
Race	Negro.
Nationality	American.
Occupations	Laborer, restaurant worker, and spot welder.
FBI No.	701, 731 D.
Fingerprint classification	6 1 aU IOO 14 1 aU III

Caution

Mims has been convicted of robbery and conspiracy. He should be considered dangerous.

Notify the FBI

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

FOR CHANGE OF ADDRESS ONLY

(Not an order form)

Complete this form and return to:

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

(Name)

(Title)

(Address)

(City)

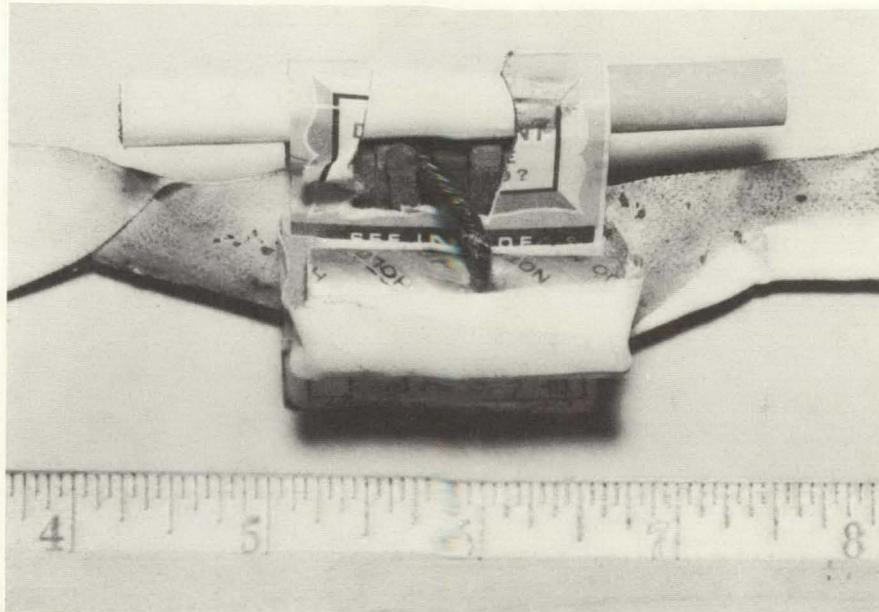
(State)

(Zip Code)

DIVERSION ALARMS

It is not uncommon for the police to be called out on a false alarm in one location to divert their attention and manpower from a crime being committed in another area. The Vacaville, Calif., Police Department recently recovered a small explosive charge (see photo) which had been used in this manner.

The explosive charge is taped to a book of matches and its fuse inserted between the matches. A lit cigarette is then attached next to the matches so that when it burns down the matches ignite and light the fuse. When taped to a window protected by a burglar alarm, the exploding device can break the glass, setting off the alarm which summons the police. While the police are investigating the cause of the alarm, the burglars attack their primary target in another part of town.



SAC, Sacramento (66-35)
5-30-73

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

OFFICIAL BUSINESS

ADDRESS CORRECTION REQUESTED



POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

JUS-432

THIRD CLASS

QUESTIONABLE PATTERN



The questionable pattern presented this month appears to be an accidental whorl. However, a close inspection reveals the loop formation appearing over the tented arch does not possess a sufficient recurve. Therefore, in the Identification Division of the FBI this pattern is classified as a tented arch. A reference search would be conducted as an accidental whorl.