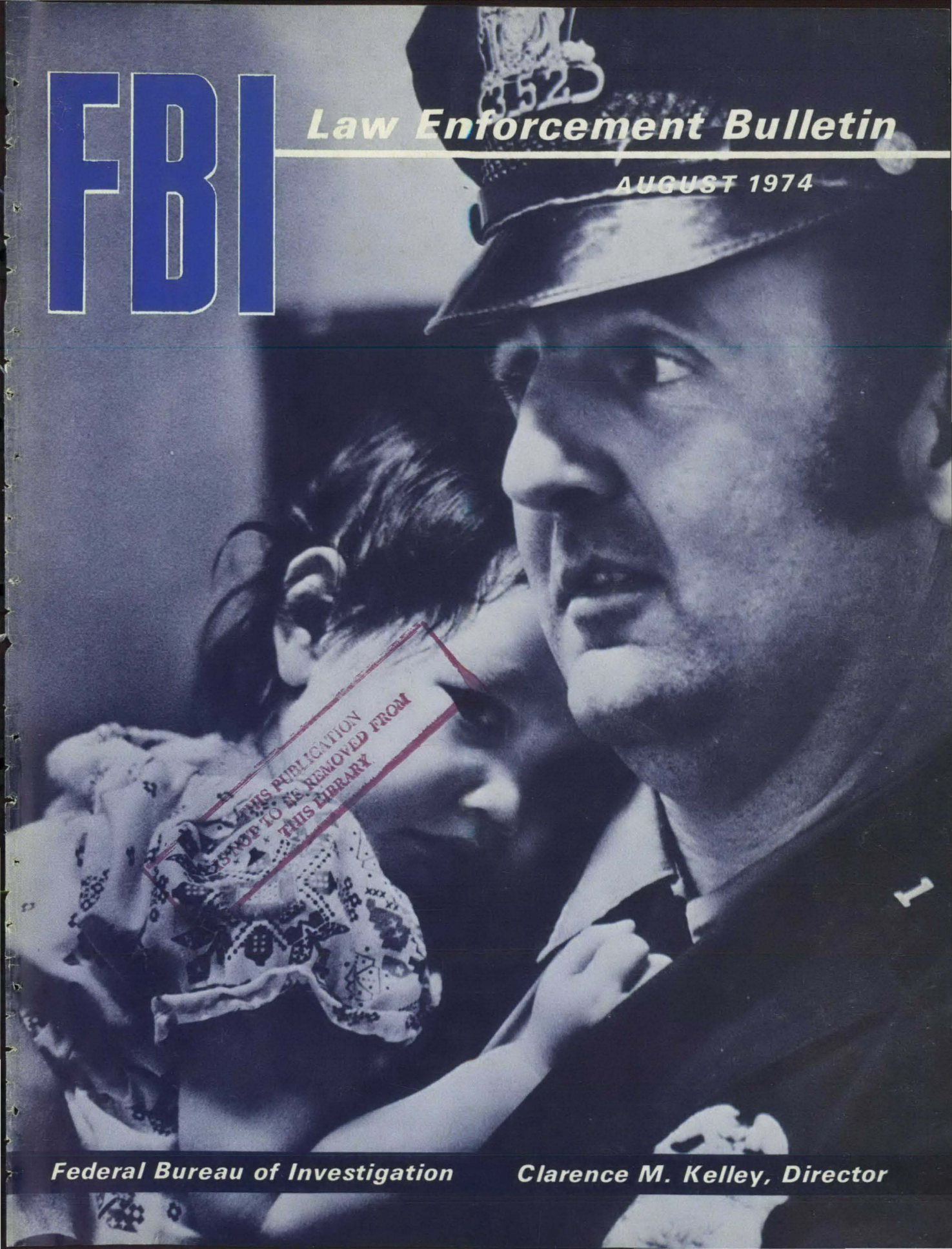


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Law Enforcement Bulletin

AUGUST 1974

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Federal Bureau of Investigation

Clarence M. Kelley, Director

FBI

Law Enforcement Bulletin

AUGUST 1974
VOL. 43, NO. 8



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

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THE COVER

A lost child and a cop are as natural a summertime pair as a green landscape against a blue sky. Color the kid green and the cop blue, of course! These chance but frequent meetings provide good basic training grounds for police crisis intervention and police-community relations. See related articles beginning pages 6 and 22. Photo reprinted with permission of Milwaukee Sentinel, Milwaukee, Wis.



Message from the Director . . .



INTEGRITY IS AN INDISPENSABLE INGREDIENT of law enforcement performance. It should be as clearly visible among the police as their badges and uniforms.

Even the slightest doubt of an officer's honesty, as many of us have seen, can make it more difficult—perhaps even impossible—for him, his fellow officers, and his department to discharge their lawful responsibilities effectively. The misconduct of one officer is enough to lead many to believe that his actions are common practice throughout the department he represents. Indeed, the reports of improprieties of a few officers can spread quickly like a virus to infect the entire profession. Many career officers have all too frequently seen news of corruption among the police in one part of the Nation almost immediately shake public confidence in the efforts of dedicated officers and their departments in far-flung regions of the country. It is a bitter experience to have your own integrity challenged for the misconduct of brother officers about whom you know nothing.

Yet, it is in the glare of this all-embracing spotlight that law enforcement performance is and will continue to be judged. To say—as we might easily rationalize—that police officers are, after all, human and therefore prey to the same weaknesses as others is not good enough. Certainly, law enforcement officers are very human. But unlike many other persons, they are charged

with extraordinary responsibilities which require exceptional responses.

Upon taking the oath as an officer of the law, we are thrust in the center stage of many of life's most vexing dramas. When persons are struck by disaster, when they are helpless, when they are in fear of their lives, when they have exhausted all the familiar resources to govern the problems that beset them, they will most often turn to a law enforcement agency for assistance. When they do, the help they receive should, above all else, be unmatched for its integrity.

For an officer of the law to carry out his duties with absolute fairness and scrupulous honesty has far-reaching rewards. The integrity of his performance builds pride in an officer and insulates him from the insidious temptations of corruption. When he believes in himself, so likely will his fellow officers in whom he will then tend to instill, by example, his pride and integrity. It is a self-generating process which builds spirit within a department, encourages the maintenance of the highest performance standards, and greatly lessens the possibility of shortcomings in any area of an organization's work.

Today, we are in the midst of an era when the integrity of government is under relentless examination. Now, particularly, is a time when every law enforcement officer from the ranks through the top command should, by his own example, insure the overwhelming integrity of our profession.


CLARENCE M. KELLEY
Director

Irozaki on Izu Peninsula, located about 120 miles from Tokyo, attracts thousands of tourists every year and is one of Japan's best known summer resorts. One day in 1973, however, this peaceful resort area was stunned by a shocking incident.

On the morning of September 6, local police were notified that several bodies had been found in the bay. Police officers immediately went to the scene where they found the bodies of an adult male, an adult female, and two little girls. It was immediately presumed that all four had died as a result of falling from the high cliff directly above. On top of the cliff, investigators found a terse note revealing the four persons committed suicide. At first, this appeared to be merely a family suicide, which is not uncommon in Japan.

From the note and belongings left behind, it was soon determined that the bodies were those of an assistant professor of a leading Tokyo university, his wife, and children. Since the deceased man had occupied a respectable position in society, the apparent suicide was a shock not only to his relatives and friends but also to the public. News media devoted considerable space to the case, judging that the professor had probably taken the lives of his family and himself as a result of "a nervous breakdown." However, leading officials of the Criminal Investigation Division (CID) took a quite different view of the case, because we had only a short time earlier received confidential information indicating that a coed, who had been missing for some time under mysterious circumstances, had been on intimate terms with the professor. Our personnel theorized that the professor would not have committed his whole family to suicide without a very strong reason, and if the reason was related to the missing coed, then it might spell out "murder."

日本



By
MASATAKA IMAIZUMI
Director
Criminal Investigation Division
Metropolitan Police Department
Tokyo, Japan

"... our investigation developed a number of mysterious activities on the part of the professor and also revealed strange circumstances surrounding the missing coed."

In order to avoid publicity in such a delicate case, a team of seven experienced detectives from CID's Homicide Section was discreetly assigned to the case on September 7, 1973.

Developing Dilemmas

As days passed, our investigation developed a number of mysterious activities on the part of the professor and also revealed strange circumstances surrounding the missing coed. They were:

1. The professor had an affair with this girl for about 2 years, which had caused constant trouble with his wife.

2. The girl had been missing since about July 20. Her parents received a letter postmarked July 21 in her handwriting to the effect that she was making a 2-week trip to Kyoto and would return around August 4. A little later the parents received another letter, signed with a girl's name, addressed to the coed, expressing thanks for her "kindness during her trip," and sending best regards to the coed's boyfriend. The postmark was July 30.

3. Although the parents did not report their missing daughter,

Locating **BURIED BODIES**

ter to the police, they did consult with the staff of the university and also with the professor in question, who, in turn, promised them he would do his best to find her. He even put a missing person notice in his own name in one of the large newspapers.

4. Intensive interviews on the campus were conducted, with rather significant results. It was learned that late on the evening of July 20 the professor had telephoned a female acquaintance, a member of the university faculty, asking her to meet him in town. When they met, he told her that he had "got rid of her (the coed) in a way more serious than suicide." He then asked this lady to help him make an alibi, to say that he was with her the evening the girl disappeared. The frightened lady confided this story the next day to another professor, and this second professor contacted the other one several times thereafter urging him without success to report the matter to the police. During one of the conversations between the two professors, the professor in question blurted out, "I buried her in a place where nobody can ever find her. . . ."

Frustrating Search

The more our investigation progressed, the more convinced we were that it had to be murder. Almost every day the news media carried sensational reports on new developments in the case. However, police cannot trade on drama. In Japan, as in any country, police have only one clear-cut professional duty—to find the facts. A mere assumption of what is "probable" does not solve a criminal case, and in this particular instance solution demanded finding the vic-

"A mere assumption of what is 'probable' does not solve a criminal case"

tim—presumably the victim's body. The big problem remained: where should we search? The only person who knew where she was, the person who presumably had buried her, was dead.

Extensive interviews were conducted with relatives, friends, and associates of the deceased professor, as well as with those of the coed. A break

came when a detective interviewed a university lecturer who told police he had received a call on the morning of July 27 from the professor, who urgently wanted to see him. The professor stated he was calling from the outskirts of Hachioji City (a suburb west of Tokyo). When the lecturer met him in a downtown tearoom, the professor stated he had been having trouble with some of the other professors ever since his student, the coed, "committed suicide." Then he brought out a large brown suitcase and asked the

Extensive search efforts near villa.



lecturer to deposit it for him in a coin locker at the Kyoto Railway Station. The lecturer, suspecting some foul play was involved, turned down this request. This incident gave support to other indications that the couple's last rendezvous had probably been in the vicinity of Hachioji City.

Further efforts disclosed that a senior professor of the same university owned a villa in Hachioji, to which the deceased professor had often been invited, and which he had permission to use. Later, at the professor's home, a brown suitcase was found, which appeared to be the same one described by the lecturer. Laboratory examination disclosed particles of soil and blades of grass on the bag, which were very similar to samples taken from the villa area.

On September 12, an exhaustive search was begun at the villa and its immediate area, which produced no direct evidence of what happened to the victim. However, a portion of a note in the victim's handwriting was found in one of the rooms, presumably a draft of her July 21 letter to her parents.

Slow Progress

Our detectives were faced with the seemingly impossible task of finding a body in an area of over 2 square miles surrounding the Hachioji villa. Search efforts were confined to this area, because it was presumed that the professor would not likely have taken the victim's body farther since he did not know how to drive a car. The area to be searched included the whole side of a large hill, much of which was covered by dense vegetation taller than a man.

"... detectives were faced with the seemingly impossible task of finding a body in an area of over 2 square miles"

During the early stage of the search, over 50 police officers from the Tokyo CID joined local officers in wielding shovels, picks, and other instruments, and in examining the hillside, riverbeds, the villa garden, and old wells. Adding to the problem, a large-scale housing development was under construction in this area, and the team had to remove tons of newly filled soil, with the cooperation of the construction company.

It was exhausting, tedious work, but in time results began to show. On September 13, a woman's left shoe was discovered in a field north of the villa. Investigation confirmed that it was the same type shoe which the victim was observed wearing just prior to her disappearance. On September 20, 1 week later, the other shoe was found west of the villa. The same day a paper bag containing a man's shirt, a pair of workman's gloves, two towels, and a pair of shorts was discovered. All these items were sent to our crime laboratory for blood, soil, and related examinations. Still, as the year 1973 came to a close, all our efforts had failed to produce a real clue as to the exact location of the victim's body.

Body-finder

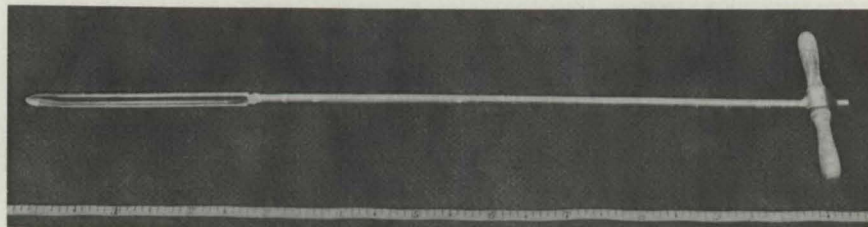
By this time, the search party had been reduced to seven men, the detective squad originally assigned. After the start of the new year, this group braced itself against the chill of winter and again surveyed the expanse of hills and fields surrounding the villa. One of the detectives half-

jokingly said, "Someone should invent a body-finding machine."

When this offhand remark was mentioned to CID officials in Tokyo, rather than appearing as a joke, it began to stir their imaginations. They immediately started a wide range of inquiries on the subject in the field of forensic science, in coroners' offices, and in chemical laboratories. Many ideas emerged, and several devices were suggested and tested. One of the proposals arising from these intensive inquiries was a "soil-examination stick" which is used by agricultural chemists to test the quality of soil and the properties of various fertilizers. It is a simple steel pipe about 4 feet long, with a wooden handle at one end and the other end consisting of a boat-shaped knife with a groove running down the middle. The device's operation is also simple: you just stick the pipe into the questioned ground to the desired depth, twist the handle about 180°, and take it out. The soil you wish to check will come out in the groove.

Medical experts were consulted and offered the opinion that the body by this time would be in the final stage of decomposition. At this stage, decomposition would be producing a high percentage of alkaline substances from the breakdown of albuminous tissues following an earlier stage where acids had been produced from sugar decomposition. Such alkalines, it was pointed out, would produce a strong reaction if exposed to litmus paper. Experimentation with buried animal bodies was very encouraging.

"Body-finding" device.



"We had in this simple device [soil-examination stick] discovered a 'body-finding machine.'"

We had in this simple device discovered a "body-finding machine."

Armed with sampling sticks, a systematic ground search was organized by three groups of detectives who began probing the area at intervals of about 30 inches. The search continued quietly and methodically; by that time both public and news media had almost forgotten the case.

February 28, 1974, dawned another crisp morning in the western suburbs of Tokyo. As usual, search efforts began at 9 a.m. Around 2:30 in the afternoon, a detective who was checking the vegetable fields north of the villa hit something soft at a depth of about 2 feet, and he immediately drew out the stick and tested the extracted residue. It had that particular

chemistry the searchers had so long been looking for. Further checks in the immediate area were even more convincing. The detective's colleagues rushed to the spot and started digging. The body that was eventually unearthed was positively identified as that of the coed missing since the previous July.

Conclusion

From the start of the investigation until the discovery of the body, more than 175 days had passed. In all, approximately 3,000 police personnel had worked on the case. The results, although slow in coming, produced the victim's body—and led to the dis-



Removal of soil sample for examination.

covery of a "body-finding machine." Law enforcement officers throughout Japan and the world can benefit from these efforts when faced with a similar challenge.



Probe efforts were systematically conducted.



EDITOR'S NOTE: The July 1974 issue of the *BULLETIN* contained an article by Dr. Morton Bard which cited the positive results to be gained from collaboration between law enforcement and the social sciences. Crisis intervention problems were discussed. In the following article, the author describes models and techniques for crisis intervention training in various-sized departments.

Crisis Intervention Training

Police administrators have paid increasing attention to crisis intervention training for their officers during recent years. Most published material on the subject refers to work done in large departments, giving the impression that such training is feasible or available only for forces with many men. It is my purpose here to discuss and clarify the concept, review developments in the field, and suggest ways in which small departments may develop such programs.

Terminology

First, the term should be explained. Webster defines "crisis" as: "an emotionally significant event or radical change of status in a person's life."

Clearly, police officers are involved in the crisis of other people's lives. The speeder to whom a citation means an increase in insurance rates or license suspension, the burglary victim and the apprehended burglar, even the proverbial little old lady who thinks she hears a prowler—all these people may be experiencing "an emotionally significant event" in which a police officer is involved.

"Involvement" is not equivalent to "intervention," however. Webster says that "to intervene" means: "to come in or between by way of hindrance or modification." Thus, a police officer is involved in crisis intervention when hindering or modifying a situation of crisis. Training in this area will affect an officer's perform-

ance in all situations, but it aims at helping him to effectively modify or hinder specific crisis events.

Need for Training

The domestic dispute, that dangerous situation where emotions run high and violence often occurs, has been a primary focus of crisis intervention training programs. However, such programs have also dealt with officers' responses to civil disturbances, have helped formulate procedures for responding to victims of crimes against both person and property, and have trained officers to deliver tragic news. Generally, such training is designed to prepare police officers to react effectively, efficiently, and sensi-

"A crisis intervention training program must allow the opportunity to practice what is taught. To lecture or hand out written material without allowing such practice is ... futile"

tively to the crisis situations which they encounter.

Crisis intervention training is not reserved only for rookies. Veteran officers are often surprised to find procedures which they have intuitively developed on the basis of their experience, and which they thought were their own inventions, described as "well-known crisis intervention techniques." The training helps them become more conscious of the psychological tools they have developed for themselves, and hones those tools to a more effective edge. Indeed, the presence of veterans in a crisis intervention training program often aids the rookie who hears the senior officers describe real situations in which they have used some of the techniques being taught.

By

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*Dr. Flint has been a psychological consultant to the Minneapolis Police Department since 1970. He assists in the selection and training of police officers for several Twin Cities police departments and has trained officers throughout Minnesota. Dr. Flint is a member of the American Psychological Association, an associate member of the International Association of Chiefs of Police, and an honorary member of the Minnesota Juvenile Officers Association.



A crisis intervention training program must allow the opportunity to practice what is taught. To lecture or hand out written material without allowing such practice is as futile as lecturing on how to ride a bicycle. Programs differ in the relative weight which they give to academic material and to simulations, but all which have been reported as successful have included both components. It has been suggested that training in how to handle domestic disputes may be classified in three ways: The New York model, the Oakland model, and the Richmond model.¹

Model Plans

Dr. Morton Bard's work with the New York City Police Department in the mid-1960's is one of the best known of recent crisis intervention programs. Veteran officers went through 160 hours of intensive training which included lectures, college courses, films, field trips, role playing, and group discussions. Upon graduation, the officers were specialists in domestic disputes and handled no other kinds of calls. They counseled, offered referrals to professional and community services, and made follow-up visits. Similar programs have been developed by many large departments throughout the United States. Such a program obviously calls for plentiful manpower and extensive educational resources, thus putting it beyond the capability of the average police department.

The program developed by the Oakland, Calif., Police Department uses a minimum of outside resources. Four experienced officers with good records of effectiveness with domestics (domestic disputes) volunteered to develop the program. They used tape recorders when intervening at domestics and later went over the tapes as a team to learn what they had done that was effective. The information and new

perspectives which they gained in this way were incorporated into their later work at domestics. They met periodically with professional groups to learn about community resources, to decide when and how to confer and refer, and to obtain followup information about those people whom they had referred. However, the decisions concerning how to handle the domestics were generated mainly by the officers themselves.

This approach is obviously more feasible for the average-sized or small department than is the New York model. The specialist concept would have to be dropped, and care would be needed to assure that the officers responsible for the program were experienced and skilled.

Both of these programs cast the patrolman in a specialist role which required him to make individualized decisions for each domestic dispute and to attempt to alleviate the problems of the parties involved. A different approach emerged from Richmond, Calif., in 1971. Consultants were used, as in New York. The information about what to do at a domestic originated from direct observation of such disputes and from officers' descriptions; however, a significant difference was that each patrolman in the department was trained to handle domestics as a part of his generalist function. Also, the men were trained to perform specific behaviors in a particular sequence at each domestic. The men were taught how to use referral resources, but were taught explicitly to avoid counseling or advising about personal matters. The program covered 30 hours and included information on case law, safety precautions, psychology, and communications. Its goal was to teach the officers to resolve domestic disputes in 20 minutes while maintaining the safety of all involved.

Drs. Donald A. Liebman and Jeffrey A. Schwartz, the psychologists who

"... training consisted of teaching them [police officers] how to share their feelings of fear, fatigue, anger, etc., with brother officers and to remove themselves from the line when their feelings threatened their self-control."

developed the program, rode with and interviewed patrolmen to learn what happens at domestics. Their approach followed from this information and the goals stated by the officers. A special feature of their program was their teaching of instructors for subsequent classes so the department would not be dependent on outside consultants for further training needs. This program has been well received in the San Francisco Bay area, and nearly 2,000 San Francisco policemen have completed the training during the past 2 years.

Other Programs

Independently, I developed a similar program for the Minneapolis Police Department with the assistance of Dr. Robert Neal in 1970. The final product is less extensive than Drs. Liebman and Schwartz', but follows the same general principles to achieve similar goals.

Prior to training, knowledge about domestic disputes was obtained by riding with veteran patrolmen. The pilot class consisted of veteran officers who contributed greatly to the revision of the course. Lectures were held to a minimum; actors simulated disputes which the students mediated; safety, quick resolution of the dispute, and avoidance of prolonged counseling were emphasized. The complete program requires 16 hours; a condensed version offered to departments distant from the Twin Cities covers 8 hours and leans heavily on video taped, simulated domestics produced by the Minneapolis Police Department.

Another kind of crisis intervention program was reported by the Michi-

gan State Police at the 1972 meetings of the International Association of Chiefs of Police. The troopers needed help to deal with the tensions and stresses of handling civil disturbances. Psychologists at a local college helped develop a week-long, residential program to teach the officers some new behaviors. Briefly, the program consisted of the officers examining their own reactions to stress and the attitudinal and value systems which made it difficult to cope. Much of the training consisted of teaching them how to share their feelings of fear, fatigue, anger, etc., with brother officers and to remove themselves from the line when their feelings threatened their self-control. Formal lectures on human dynamics, informal small group discussions, role playing, and simulation exercises were used extensively. It was reported that the participants found the program so practical and helpful that they trained their colleagues when they returned to duty.

Psychologists at The Florida State University, Tallahassee, reported on a similar program at the American Psychological Association meetings in 1973. Their program dealt not only with civil disorders and disputes but also with more mundane interactions, such as dealing with drunks. Originally developed for the campus police, the program has since been utilized by other agencies. Actors from the university theater department played a diversity of roles, staged fights, and generated mobs. All interactions were video taped and played back for discussion by the participants, the rest of the class, and the trainers. Formal lectures and small group discussions also were used.

Other kinds of crisis intervention programs have also been developed under my direction and presented throughout the State. These programs deal with responses to victims, the delivery of tragic news, and the investigation of rape reports at the scene. Each of these situations is emotionally disturbing for the citizen and may affect the officer's feelings as well. Each calls for sensitivity and tact, and can be beneficial or detrimental to the department's public image. Little attention to the first two situations has been paid in the professional literature, and most articles on rape focus on legal criteria more than they do on the interpersonal aspect.

Techniques

The training for responses to victims of crimes against property assumes that most victims of burglary, car theft, and vandalism are often frightened and need as much assistance from the policeman as does the victim of physical assault. The classes discuss the psychology of victims and present a variety of techniques to help them regain a feeling of security. These techniques include direct reassurance, instruction in passive security measures, and assistance in ventilating feelings. The officers are also reminded that many citizens hesitate to "bother" the police by telephoning and are taught how to inform people that they are not "bothered" by calls.

The delivering of tragic news requires training which focuses on the officer's feelings of helplessness and insecurity in the face of grief. Police-

men are used to solving problems and are strongly frustrated as well as emotionally moved when confronted with the ultimate and insoluble problem of death. These feelings are sometimes expressed in an unseemly hurry to deliver the message as quickly as possible and with minimum involvement with the bereaved. Training helps officers devise strategies to assist the survivors after preparing themselves psychologically for the feelings of futility and discomfort which they are likely to experience.

Many of the problems with rape reports seem to follow less from anti-female bias by the officer than from the discomfort he experiences when interviewing the victim. This discomfort may be manifested in a variety of unacceptable ways, ranging from overeagerness for irrelevant details to cool, machinelike questioning or bumbling embarrassment. Training involves a discussion of the psychology of the rape victim which emphasizes how to reduce her discomfort and increase her cooperation. The issue of distinguishing valid from false complaints is dismissed as an irrelevant factor in determining how the officer should conduct himself. The same procedures are recommended for the investigation regardless of one's suspicions. A variety of communication techniques is discussed and the officers practice them with an actress.

Summary

This discussion of crisis intervention programs is necessarily brief and incomplete. However, an examination of them reveals certain commonalities. First, a program cannot succeed unless the administration believes the training is valuable and is committed to it. The trainees quickly identify the program which is only "window dressing" and will not make a personal investment in the course

nor work to take something from it.

Second, consultants are useful but not vital. Senior officers can develop good training programs by examining their own experiences and sharing what they have learned with the younger men. A consultant, if used, must be responsive to the department and not be allowed to prescribe procedures which are incompatible with good police practice. If consultants familiar with police work are not available, the administration must educate whoever is employed and remain aware that the consultant is an expert at organizing and transmitting information and is not likely to be knowledgeable about the content of the program.

Third, any profession which requires the application of knowledge in an interpersonal setting must train its students in the laboratory. This is as true of the police officer learning how to resolve conflict as it is of the attorney learning how to examine a witness. Officers increase their competence on the street by practicing through simulation exercises, not by memorizing principles or learning psychological explanations for behavior.

Finally, resources to develop training programs are more available than is readily apparent, even in small departments removed from metropolitan centers. As noted above, the experienced officer is a most valuable resource. The Oakland model has shown that three or four veterans can develop a good training program. If no one in the department feels qualified or comfortable to actually conduct a class, a local teacher or other

"Senior officers can develop good training programs by examining their own experiences and sharing what they have learned with the younger men."

professional may be enlisted to collaborate with an officer to organize the material and assist in its presentation.

Many communities have access to community colleges or other institutions of higher education. Such schools are bound to have experts in curriculum design, communications, and psychology who can help develop a program. The key to success is the collaborative approach mentioned above, whereby the academic input facilitates the transmission of the content identified by the department. Professors are skilled at organizing and transmitting information; the police department must furnish the information to be organized if the collaboration is to be successful. Additionally, most State universities have an extension division which can supply experts from various disciplines to help develop programs for departments which are far from a campus.

In Minnesota, the mental health centers have helped police departments organize crisis intervention workshops for several jurisdictions at once. These programs are usually attended by mental health workers and police officers, which allows both groups to become more familiar with one another and to identify resources for future reference.

Conclusion

A final word is necessary concerning the importance of evaluation. A program's usefulness is unknown until an assessment is made of how well it attains its goals. This means that the administration must formulate goals before it undertakes training. A common procedure is to develop a program and to declare it a success without evaluating it. Goal assessment can be complicated, but need not be. Such simple indices as number

(Continued on page 21)

Putting the "INDIAN SIGN" on Burglars

The buying and selling of Indian jewelry has become big business, particularly in the Southwestern United States. Individuals, and sometimes organizations, purchase it for investment purposes as well as for its ornamental beauty. The Gemological Institute of America has reclassified turquoise as a semiprecious stone. Coupled with this is the ever-increasing value of silver with which most Indian jewelry is made.

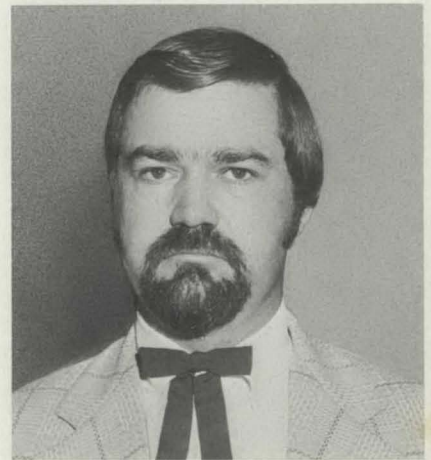
Authentic handmade Indian jewelry is a good personal investment. Considering its long-term value, it ranks close with land and stock. It is no wonder that Indian jewelry has become big business for burglars and a growing headache for law enforcement agencies trying to solve its increasing number of thefts.

Coconino County is located in northern Arizona. In the northern part of the county lies a large part of the vast Navaho Indian Reservation. Trading posts and other retail outlets that specialize in the sale of authentic Indian jewelry are found scattered throughout Coconino County. Many thousands of dollars worth of fine In-

dian jewelry can be found in their inventories. This jewelry consists of the finest workmanship of the Navaho, Zuni, and Hopi silversmiths.

Beginning in January 1973, the Coconino County Sheriff's Department, Flagstaff, Ariz., began to experience increasing numbers of burglaries involving Indian jewelry. Between January 1, 1973, and August 1, 1973, we experienced thefts of approximately \$400,000 worth of Indian jewelry in Coconino County. Theft of Indian jewelry increased at an alarming rate throughout the entire State of Arizona. It became increasingly clear that something had to be done to make the jewelry identifiable so that it could be recognized once it had been stolen. More often than not, the owners of the victimized trading posts and other retail stores dealing in Indian jewelry were unable to furnish the investigating officer with any detailed, itemized inventory or accurate description of the property which had been stolen. Once the jewelry had been removed from the place of business, it was nearly impossible to identify it as stolen property even after it was re-

By
DET. THOMAS M. BRAWLEY
Coconino County Sheriff's
Department
Flagstaff, Ariz.



covered. Even extremely high quality individualized pieces provided law enforcement agencies with nearly the same problems experienced in the recovery and identification of unmarked and unrecorded cash.

We have an organization in the State of Arizona called the Arizona Criminal Investigators' Association. This group consists of detectives from the 14 county sheriff's departments, the various city police departments, local FBI Agents, Department of Public Safety personnel, and other law enforcement agencies in the State. The association meets once a month for the

"It became increasingly clear that something had to be done to make the [Indian] jewelry identifiable so that it could be recognized once it had been stolen."

"Once the jewelry had been removed from the place of business, it was nearly impossible to identify it as stolen property. . . ."

purpose of discussing known burglars, their modus operandi, and other related subjects. During several of these meetings, it became evident that everyone was experiencing a growing number of Indian jewelry burglaries with the accompanying difficulties of identifying the stolen jewelry.

Individual Serial Numbers

In August 1973, after a \$225,000 Indian jewelry burglary in Sedona, Ariz., I suggested a system of assigning identification numbers to Indian jewelry dealers. It was decided that computer network designators would be used for the 14 Arizona counties in the following manner: AZ-1—Apache County through AZ-14—Yuma County.

It was further determined that each establishment would be assigned a letter code within the county. The first 26 establishments would have one letter, for example, AZ-3A. After the first 26 letters were assigned, the designators would proceed as follows: AA, AB, AC, and so on through ZZ, which we felt would be adequate for any county. The Criminal Investigation Section of the Department of Public Safety volunteered to assign the designators to the establishments and maintain a master file on each of the establishments. The assigned numbers would apply only to Indian jewelry which had a value of over \$100.

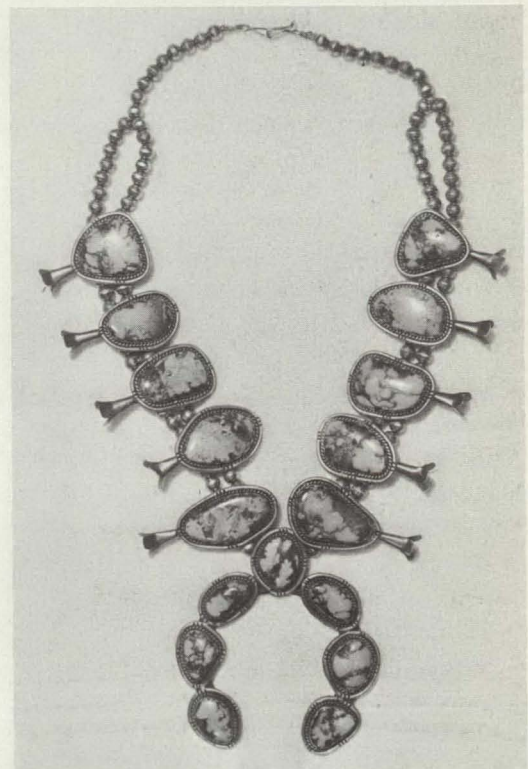
Throughout the remainder of August, the Criminal Investigation Division of the Coconino County Sheriff's Department canvassed every retail business establishment which sold authentic Indian jewelry and advised them of the program. This contact was made through letters, the news media, including television and radio, and local newspapers, and through per-

sonal contacts by members of the sheriff's department. At first, owners of the retail outlets were hesitant to mark their jewelry as they felt these markings would decrease the value of the jewelry. Various insurance agencies were consulted and they felt that this was an excellent program of identification for the Indian jewelry. With this additional information, the Coconino County Sheriff's Department detectives again contacted each retailer by letter and fully explained the identification system and offered the services of electric scribing tools to dealers who chose not to purchase their own. We requested that the dealers who wished to be included in the program send in the name of their business, their mailing address, and their phone number.

An excellent response was received from the dealers, and within 30 days, 46 retail Indian jewelry dealers joined

in our identification system. By January 1, 1974, 64 business establishments were participating in our program. This is approximately 90 percent of all retail Indian jewelry dealers in Coconino County.

After the business establishments furnished us with their names and addresses, we then forwarded the information to the Department of Public Safety, Phoenix, Ariz., for an assigned number. When the number was assigned and returned to our department, we again contacted the business establishments and furnished them with their individual identifier. We requested that they mark their jewelry as soon as possible. Each business establishment was also requested to take color photographs of their jewelry and to keep those photos separate from the jewelry. Each county and city police department maintains only



Without a distinguishing mark, this valuable necklace of silver and turquoise, crafted by an Indian silversmith, would be difficult to positively identify if stolen.

"We requested that [business establishments] . . . mark their jewelry as soon as possible. . . . [and] take color photographs . . . to keep . . . separate from the jewelry."

the roster of the assigned identifiers for their jurisdiction. A master roster for the entire State is maintained by the Department of Public Safety, Criminal Investigation Section, in Phoenix, Ariz. It is hoped that this system will aid other law enforcement agencies in the detection of stolen jewelry and conviction of those responsible for the thefts.

Jewelry Returned

Ideally, if a law officer in Los Angeles were to discover a large amount of Indian jewelry during a routine traffic stop, he would be able to teletype the Department of Public Safety in Phoenix with the identification number of the jewelry. The Department of Public Safety would then determine that the jewelry was listed to a business establishment in Coconino County, and the officer in Los Angeles would be referred to the Coconino County Sheriff's Department for further information. If the jewelry had been reported to Coconino County as stolen, this would certainly give the Los Angeles officer probable cause to make an arrest.

Ironically, the day an article explaining our identification program was released to the local news media, an Indian jewelry burglary occurred in Sedona, Ariz. Two days later, the stolen jewelry was returned by mail to the business establishment. Although we have no way of knowing for sure, we feel that our identification system was responsible for this jewelry being returned.


Although we did not set up this identification system to include a run-



Sheriff Joe D. Richards

ning inventory of each business establishment, we have encouraged the businesses to add a stock number to

the end of our identifier, for example, AZ-1B52. This, in effect, would create an individual serial number for each piece of jewelry. With a stock number being included by the business, we would then be able to enter each individual piece of jewelry into the computerized telecommunications network in the event it was stolen.

We hope that through this system we have developed an effective means of identifying Indian jewelry and a strong deterrent to further burglaries and thefts. We would encourage other States, particularly the Western States which have large amounts of Indian jewelry, to incorporate the same type of identification system. 

An assigned designator is inscribed on the back of this necklace to aid in its identification should it be stolen.



Airport security today is the collective responsibility of the entire airport community. Although airport police officers are the only members of that community who are paid to give full-time attention to airport security, it is a responsibility that must be shared by all airport, air carrier, and other tenant employees. In the interest of aviation safety, airport security training should be extended to every employee. This can be accomplished in two broad areas: first, general training and *continuous motivation* in security awareness; and second, specialized training in the security aspects and responsibilities of a particular position.

The airport operator's responsibility for security training is twofold. He must provide the highest possible level of security awareness and specialized security training for all airport employees, including professional training for his airport police force; and he must coordinate the security training efforts of air carriers and other tenants to ensure that there are no weak links in the vital chain of security awareness and responsibility anywhere on the airport. To accomplish this, the airport operator should be prepared to offer his training resources to those tenants who, for a variety of reasons, cannot establish their own security training programs.

The basic ingredients of these essential security training programs are outlined below, and all are equally important to effective airport security. The best trained police force is totally incapable of protecting an air-

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SECURITY TRAINING:

The Airport Operator's Responsibility

By

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"After a new officer has completed his basic law enforcement training, he must be given a thorough indoctrination in the specialized functions of airport security. . . ."

port unless the first line of defense is provided by alert, security-conscious employees.

Basic Law Enforcement Training

Over 40 States have legislation either prescribing or encouraging minimum basic training for law enforcement officers, and these requirements generally apply to airport

police personnel. With the exception of the largest airports, however, few can justify conducting their own basic law enforcement training from the standpoint of costs.

The most effective method of providing basic law enforcement training for new airport police officers is to enroll them in a local or regional police academy certified by the State's police training commission. Not only will a high caliber of instruction be

assured, but the personal relationships fostered by common training will improve liaison with surrounding police departments.

Airport Security Training

After a new officer has completed his basic law enforcement training, he must be given a thorough indoctrination in the specialized functions of airport security usually not covered at the police academy. As opposed to basic law enforcement training, this specialized training is best provided in an airport environment and can be accomplished in one of two ways.

Classroom training in airport security subjects is preferable when a sufficient number of new officers require training at the same time. The curriculum should include airport security subjects: Federal Aviation Regulations, airfield operations, emergency response procedures, passenger screening, cargo security, as well as amplification of basic subjects taught at the police academy especially relevant to airport security operations. Among these are bomb search procedures, recognition and handling of explosives, searching persons and baggage, elements of the United States Code relating to aircraft piracy violations, and other crimes aboard aircraft.

When only one or two officers require training at a time, however, classroom instruction may be replaced by programed on-the-job training (OJT). Effectively structured and supervised, OJT can be a highly efficient learning process, but it must be elevated above the traditional technique of simply assigning a new recruit to an experienced veteran to "learn the ropes." OJT must be treated as any other educational process; a curriculum must be developed, competent instructors assigned, and the student's progress and achievements

"Rollcall training is the most efficient and economical method of establishing and maintaining a continuous training program."

graded at regular intervals. In short, the experienced officer becomes the teacher and the new officer the student in a one-to-one relationship, with the patrol car or post the classroom and the entire airport providing audio-visual aids. The curriculum should consist of a field training record which prescribes each subject to be learned, with spaces for the instructor to note the student's progress. Each week the instructor reviews the student's progress as shown on the field training guide with the training officer. When the student's performance in all subjects is satisfactory, he has completed the course.

Continuous Training

Because of the complex nature of airport security, the individual officer is required to be proficient in a wide variety of tasks that he may seldom be called upon to perform, yet in emergencies he must perform them immediately and correctly. Constant revisions in both airport operations and police procedures require a constant up-dating of the individual officer's knowledge and professional skills. For this reason, training must be continuous for all members of the airport police force. A *minimum* goal should be established of one training experience per officer per week using a combination of the following techniques.

Rollcall training is the most efficient and economical method of establishing and maintaining a continuous training program. Sessions are short, being held during regular rollcall or muster before officers are posted, so no overtime is incurred. Sessions can be held as frequently as desired, so all

officers can be familiarized with new and revised procedures immediately. Since rollcall training is held on all shifts, however, it is essential that shift supervisors be competent instructors.

Materials for rollcall training can be obtained from a number of sources. Any airport police force with an imaginative training officer, and adequate reference library, and access to a copying machine can produce excellent training bulletins on airport security subjects. Such in-house training aids are presently the only way in which training materials on airport subjects can be obtained.

An excellent source of training bulletins on the latest developments in law enforcement are reprints of articles from the FBI Law Enforcement Bulletin. These reprints are available in limited quantities from FBI Headquarters through your local FBI field office and cover a wide range of law enforcement subjects. "The Legal Digest" articles, featured monthly in the Bulletin, are the most effective means of keeping officers current with legal decisions governing police procedures.¹

Additionally, most airport police forces work in close cooperation with surrounding law enforcement agencies, often depending on these agencies for basic training as well as the booking and housing of prisoners and other services. Many of these larger agencies issue frequent training bulletins which will prove especially helpful regarding State laws and local police procedures. In most cases, an airport police force can obtain sufficient quantities of these training materials from the agency's training officer.

Indepth retraining not possible in rollcall sessions can best be handled by regular annual retraining sessions for all officers. The recent Report on Police of the National Advisory Commission on Criminal Justice Standards and Goals recommends that every police agency provide 40 hours of inservice training annually. At many airports located in resort areas, week-long training periods are easily scheduled during off seasons. Other airports, however, will find it difficult to provide, but the results in increased security effectiveness are well worth the time and expense. In airport police forces large enough to be divided into squads or platoons, this annual training should be by unit and include practical exercises such as crowd control, major crime scene searches, bomb searches, and evacuations. This type of unit training develops mutual confidence between superiors and subordinates and perfects the ability of commanding officers to coordinate the activities of large numbers of police personnel. If possible, at least one practice exercise should be a joint training experience with units of other law enforcement agencies on which the airport police would depend in the event of a disaster, riot, or major crime. Joint exercises of this type not only improve the realism and effectiveness of police training but serve to increase the level of cooperation and confidence between the airport police and other agencies.

Airport police forces should take full advantage of the broad spectrum of training courses offered to law enforcement officers by local, State, and Federal agencies. Examples include

the 1-week VIP protection course conducted by the U.S. Secret Service, the aviation security course offered at the FAA Aeronautical Training Center, Tulsa, Okla., and various special courses offered by colleges and universities. The finest training opportunity available is attendance at the FBI National Academy in Quantico, Va., which provides a 12-week course on the latest techniques in police science and administration and the use of law enforcement's most modern training resources. Attendance for selected applicants at the Academy is at no cost to the airport agency, with all expenses being paid by the FBI.

Airport needs for specialized police training may be met by arranging with other law enforcement agencies to conduct special courses for airport officers. The FBI, for example, will furnish instructors in a wide range of police subjects detailed in brochures available from local FBI field offices. The Bureau of Alcohol, Tobacco, and Firearms will conduct courses in bomb searching procedures on request, and the FAA will provide training in passenger screening and other federally required airport security programs.

Other Airport Personnel


Other airport employees, including both air carrier and other tenant personnel, should receive a security awareness indoctrination upon employment, followed by *continuous motivation* in the form of posters, slogans, and other reminders. This training should include the prescribed airport personnel and vehicle identification systems and the necessity to

challenge or call the airport police (depending on local procedures) regarding anyone not displaying identification where required; the airport lock and key control system, stressing strict responsibility and accountability for all keys issued; and the sections of the airport's master security plan affecting their operations.

In any emergency procedure for bomb searches of airport buildings, nonpolice employees must play a vital role by searching their own work areas. As a result, they must be taught both search and recognition techniques, as well as the action to take if a suspicious object is discovered. For example, Part 121.538 of the Federal Aviation Regulations requires air carrier employees, not the airport police, to conduct the search of aircraft, passengers, and baggage in the event of a bomb threat against an aircraft. Any lack of training on their part represents a real danger to the entire airport community. As a result, the airport operator should not hesitate to offer his training resources, in conjunction with existing FAA and air carrier security programs, for the training of all appropriate airport personnel.

The airport security requirements imposed by the Federal Aviation Administration in December 1972 began the most effective crime prevention program in history, reducing the incidents of a serious and potentially disastrous crime, aircraft piracy, to practically zero within the United States. The backbone of this program is training, and airport operators must provide a continuing high level of professional training to their police officers and a security awareness program to the entire airport community in order to ensure its continued success.

FOOTNOTE

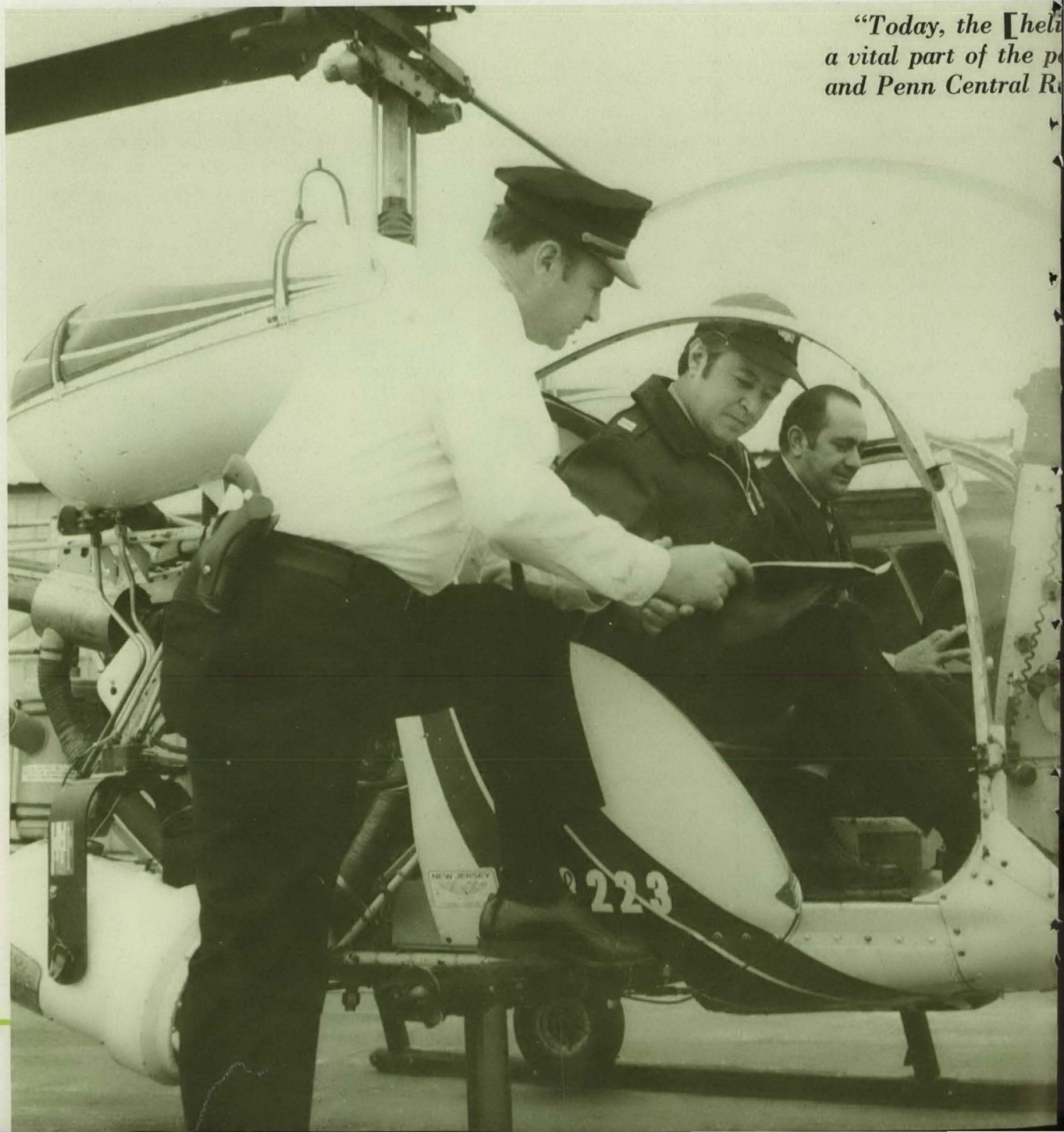
¹ See particularly "Search of Persons for Weapons at Airports," by SA Paul G. Donahue, FBI Law Enforcement Bulletin, March 1974. 

"... airport employees ... should receive a security awareness indoctrination upon employment, followed by continuous motivation in the form of posters, slogans, and other reminders."

Airborne Assistance for Railroad Crime

Helicopter patrol prepares for tour of duty.

*"Today, the [heli]
a vital part of the po
and Penn Central R*



er] program has become
g efforts of the Reading
ads"

Theft and vandalism travel hand in hand on railroad properties in the heavily populated northeastern section of the United States.

As a result of a congressional study of increasing theft in the entire transportation industry, a Presidential cargo security conference was held in 1971. A review of the problems presented at this conference in Washington, D.C., brought about several pilot projects sponsored by the U.S. Department of Transportation (DOT) in various modes of cargo movement. The control or elimination of theft or theft potential was the object of these projects.

The Metropolitan Philadelphia area was selected for a helicopter patrol program to combat cargo theft from shipments moving over Penn Central and Reading Railroad lines. The program was quickly organized by representatives of DOT and officials of the Penn Central and Reading Railroad Police Departments.

The Department of Transportation funded a flight program during the summer months of 1972. An analy-

By
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sis of the project determined that it provided a certain control of theft from rail movements, but the ability to control vandalism was more pronounced. The stoning of passenger trains, with accompanying broken windows and personal injuries to patrons and train crews, showed a definite downward trend.

Expanded Air Patrol Program

Officials of the Southeastern Pennsylvania Transportation Authority (SEPTA) who support commuter services on both railroads watched the program with interest. The police departments of Penn Central and Reading provided information relative to the program established, and a U.S. Navy research team cooperated with prompt information gathered during the project.

In early 1973, SEPTA Rail Division officials and railroad police representatives of both carriers held several meetings and reviewed all statistics for comparison. They felt convinced that an expanded program could control vandalism with a degree of effectiveness. It was agreed that an expanded program would also increase the ability to establish a degree of theft control on the freight movements of the participating railroads.

Contracts for 300 hours of flight time were finalized, and the rail vandalism patrol was in the air in May 1973. The area to be patrolled was that served by SEPTA, including approximately 265 miles of track serving the Metropolitan Philadelphia area and reaching into sections of New Jersey and Delaware.

To take advantage of possible psychological effects on would-be offenders, the inauguration of the program was given total publicity by all phases of the news media.

Past patterns of juvenile behavior resulting in acts of vandalism per-

petrated on railroad property had been reviewed by officers of the Penn Central and Reading Railroads prior to the DOT-sponsored pilot project in 1972. With the added benefit of observations made during the latter period and results of a project study made by the Behavioral Sciences Division, U.S. Naval Depot, Crane, Ind., available, the two railroad police departments programed priority patrol efforts during peak vandalism periods.

The helicopter flight service was obtained through contract bid procedures from a commercial helicopter service based at the Philadelphia International Airport. The railroad police departments had absolute scheduling authority with respect to the aircraft, providing 24 hours' notice of need had been given. The railroad police would also have the aircraft

"The Metropolitan Philadelphia area was selected for a helicopter patrol program to combat cargo theft from shipments moving over Penn Central and Reading Railroad lines."

on an "as available" basis. Scheduled flights were of a nominal 2 hours' duration.

The crew consisted of the contract pilot and a railroad police officer observer. Both departments assigned supervisory officers from the ranks of captain and/or lieutenant to act as observers. One man in each department was assigned to patrol regularly, and another was assigned as backup man. The departments alternately provided the observer, and each was familiarized with the locations and operations of the other railroad.

Special equipment on the bubble-type cabin craft used for the patrols consisted of an electronic siren, a 3-million-candlepower spotlight, and radio channels for both railroads, all operated by the observer.

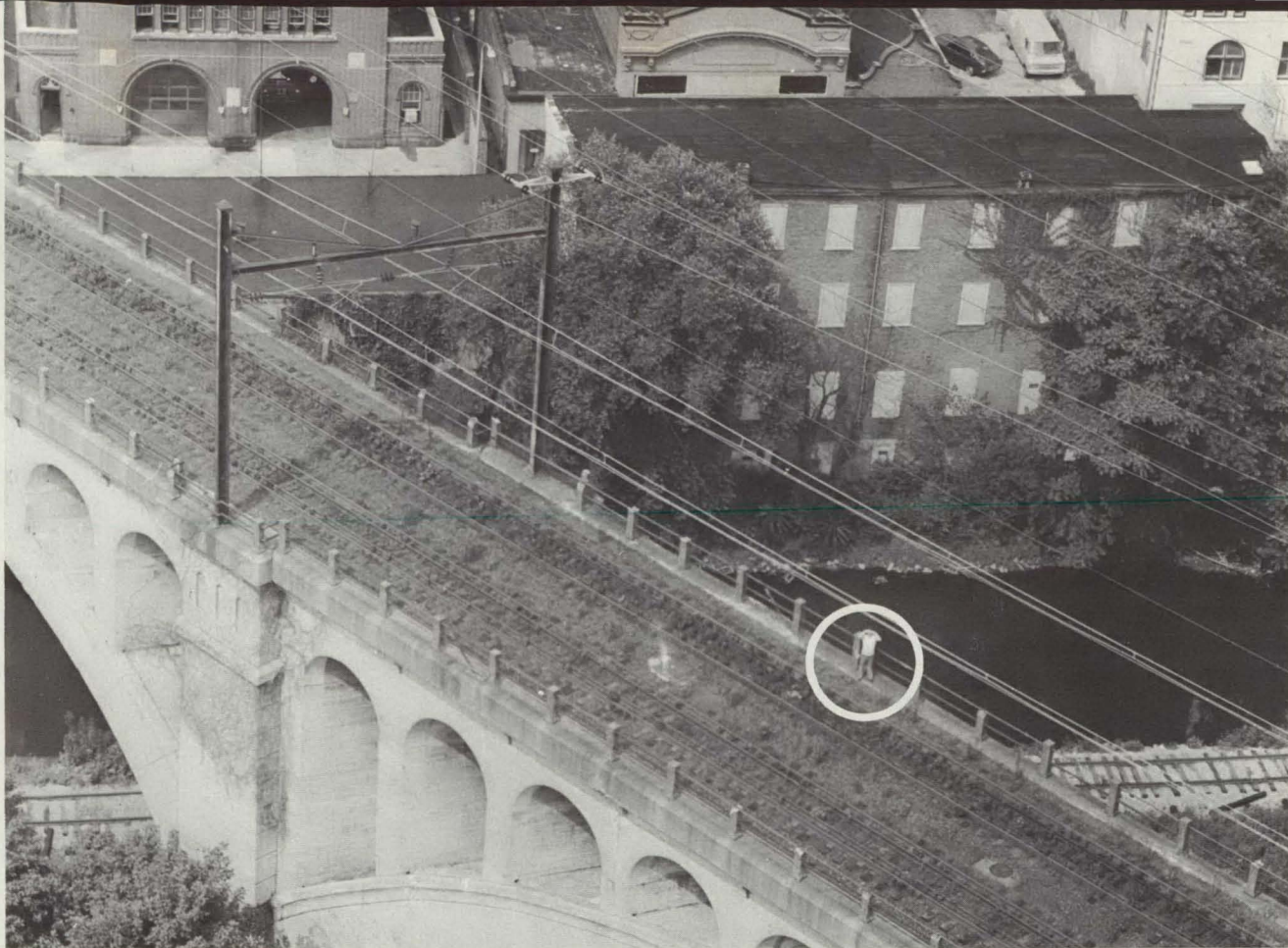
Radio communication was maintained with ground patrol units which complemented the air patrol and with the headquarters operation of both departments. When necessary to request the assistance of the Philadelphia Police Department, the communications headquarters operation of the road involved relayed the request. Under emergency circumstances, the observer could also communicate directly with certain of the operating units on the railroad.

Patrol Area and Objective

The general area to be patrolled was roughly circular in design and ap-

Observation potential of neighborhood adjacent to railroad property is increased through helicopter patrol.





A trespasser (encircled) on tracks can be warned via loudspeaker in helicopter.

proximately 10 miles in diameter. On occasion, the patrol extended along particular branch lines much beyond this area. Contained in the area were industrial facilities, warehouses, high-density urban housing, older established residential areas, as well as nearly every type of rail facility and activity.

Unlike many metropolitan areas whose rail facilities stretch across a city in a direct line, the 11 separate branches of the Philadelphia metropolitan area rail lines extend like fingers from a hand, running in all directions. Thus, the airborne patrol observer was frequently able to observe more than one branch simultaneously.

The initial pilot project had quickly indoctrinated the observer to the fact

that rail lines stood out like raised lettering when viewed from aloft. Though city streets may be legitimately crowded with humanity, the railroad thoroughfares stand out by the absence of vehicular traffic and volumes of people. Almost anyone observed other than clearly identifiable railroad personnel, could be a potential vandal or thief.

The contract pilots soon became familiar with the various railroad properties and problems, and in time they were acting as a second observer. On many occasions, particularly in the

"The principal object of the patrol was to eliminate as many trespassers as possible—in turn decreasing the number of potential vandals and thieves."

early phases of the program, they spotted violations before the police observer was able to note them.

The principal object of the patrol was to eliminate as many trespassers as possible—in turn decreasing the number of potential vandals and thieves. Each trespasser also represents a potential claim against the railroad due to possible injury to self, patron, or employee.

Since rail operations in the SEPTA area consist of over 800 trains a day carrying some 75,000 commuters, there is ample opportunity for any act of vandalism to result in personal injury.

Three methods of protecting an individual train through a trouble area were devised. They were to be used as time or conditions allowed. A prior

overflight was meant to startle potential vandals and make them aware that their activities would be watched. This often caused them to seek cover, thus restricting their activity toward the oncoming train, or to abandon any vandalistic notions altogether. Trail-ing the train at a discreet distance was used as a helicopter patrol technique when apprehension of those attacking a movement was intended (used when previous attacks had been successful and apprehensions could not be made). Circling of a train, whether moving or sitting idle, was utilized to prevent attack.

Vandalism

The most repeated act of vandalism was that of throwing stones at passing trains. This would often be performed by groups of juveniles at some locations and by the lone offender at others. Past history of these attacks recorded thousands of broken windows in recent years, along with hundreds of injuries and several fatalities.

The second prime target of the vandals was the switch and signal system. The breakage of rail signal lights frequently resulted in delays to commuters, allowing for further damage to a standing commuter train. Jammed switches created similar problems. Damage to the control installations of both switches and signals often caused lengthy delays to operations. Both had been nearly daily occurrences that resulted in constant costly replacement.

Obstructions placed on the rails were also a menace that jeopardized the safe, efficient operation of rail service. Through the years neighboring residents and businesses have taken to disposing of any worn or undesired item on railroad property. As a result, it is common to see rail rights-of-way littered with tires, refrigerators, stoves, empty drums, grocery carts, and similar items. These all pro-

vide vandals with a variety of choices with which to obstruct rail traffic.

Other targets of vandalism have been station platforms and buildings. Passenger stations have been broken into simply to cause damage to candy and gum machines, toilet facilities, etc. Painted graffiti is often the result of these efforts.

Theft and Pilferage

Often an individual or a group appears on railroad property with the intention of pilfering from a shipment. When it is determined that there are no desirable goods available, frustrations are often taken out on the railroad through acts of vandalism. Loads of frozen food are destroyed by leaving car doors open and automatic refrigerated units have their controls destroyed or stolen, causing deterioration of perishable contents. Likewise, others who come onto railroad property as a lark and are intent on acts of vandalism often find opportunity for theft and become so involved.

During the pilot project period in 1972, the patrol was responsible for numerous observations of loaded boxcars with doors open. In five such incidents part of the cars' lading had been thrown to the ground. In all cases the patrol prevented additional pilfering and minimized the loss.

It is virtually impossible to assign cash value to such potential losses. In cases where pilferage was interrupted, the risk of future thefts in all probability was reduced. In all of these cases, it is highly improbable that routine ground patrol would have discovered the open doors in time to prevent additional losses.

Damage and Injury Prevention

On one occasion a signal failure resulted in a number of commuter trains being held at a single location during peak commuter hours. All cars were

loaded to capacity, and a large group of juveniles gathered and started stoning the "sitting ducks." The patrol reached the scene almost instantly, dispersed the attackers, and patrolled the area until normal operations were resumed. As a result of the prompt response, no damage or injuries resulted. In the past, under similar circumstances, numerous broken windows and injuries to commuters have resulted.

Another time the patrol eliminated a neighborhood hazard that railroad police and local police had been unable to wipe out. A large group of older juveniles had been sheltering themselves on a railroad overpass sniffing glue and using drugs. They then bombarded highway traffic with bottles, rocks, cans, etc. Previous attempts to apprehend them or to curtail their activities had been unsuccessful. The patrol observer spotted those responsible and followed them until ground cruisers were able to apprehend some of the number.

In another instance, a commuter train was being bombarded by a group of juveniles in an area generally patrolled by two-man ground cruisers. A lone officer responded to the incident and apprehended one of the group, following identification by the helicopter patrol observer. The officer was immediately surrounded by about 40 threatening youths. The helicopter patrol was able to keep the situation under control by use of siren and loud hailer until additional ground forces of railroad police and Philadelphia police could reach the scene to assist.

Program Success

During the initial 6-month period of its operation, 64 apprehensions were directly attributable to the helicopter patrol. In addition, 17 track obstructions were noted and 27 open boxcars reported. Acts of vandalism decreased significantly.

Experimental after-dark patrols were conducted. The ability of the patrol's powerful light to illuminate the area of a football field could actually distinguish activities in freight yards for ground forces better than during the glare of sunlight hours. The night flights did provide some theft-deterrent value.

The cooperation between the Penn Central and Reading Railroad police forces was a prime factor for the success of the program. Though guided often by different policies and work procedures in numerous areas, the officers assigned functioned as one unit when needed.

Conclusion

Enough evidence was obtained to justify establishing the helicopter patrol as a permanent operating tool

of the railroad police in the Philadelphia area. Today, the program has become a vital part of the policing efforts of the Reading and Penn Central Railroads, and results are greater than ever. (FBI)

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(Continued from page 9)

of arrests, number of injuries on duty, number of minutes spent on the average call, and the number of citizen complaints or commendations can be used for evaluation. If one finds a change in these indices before and after training, the training may be said to have achieved its goal.

Cooperation between police officers and behavioral and social scientists has increased dramatically during the past few years. As the police learn that

these scientists are able and willing to help, calls for their services have increased. As the scientists have learned that their negative stereotypes of police officers are in error and that modern law enforcement agencies are concerned with applying the lessons of social and behavioral science to the community, they have become more willing to become involved with their police agencies. This collaboration in a spirit of mutual respect and with common goals can only serve to increase the professionalization of the police service, the knowledge of the scientists, and the welfare of the community.

FOOTNOTE

¹ This classification and the descriptions which follow come from "Police Programs in Domestic Crisis Intervention: A Review," by Drs. Donald A. Liebman and Jeffrey A. Schwartz, and will be a chapter in "The Urban Policeman in Transition," edited by Snibbe and Snibbe and to be published by Charles C. Thomas in summer 1974. (FBI)

Notice Procedure for the Disposition of Civil Rights Complaints

Under the Federal criminal civil rights laws, the Department of Justice has a responsibility to investigate alleged violations and to determine, based upon the facts disclosed by the investigation, whether or not to institute prosecutive action. The prosecutive decision is made by the Civil Rights Division of the Justice Department. The division receives on a continuing basis a substantial volume of complaints of alleged violations. In fiscal year 1973 the Criminal Section of the Civil Rights Division

received approximately 11,000 complaints alleging violations of the criminal statutes under its jurisdiction. More than 3,000 investigations were conducted as a result of those complaints.

The Civil Rights Division has had inquiries regarding its policy of notifying the complainants, the victims of the alleged violations, the subjects of the investigations, and interested agencies of the disposition of complaints. As a matter of economy, the Civil Rights Division

does not routinely send such notices to these individuals and groups. However, the division will respond to inquiries from all responsible sources as to the status or disposition of any such matter which has been investigated. Any such inquiry should be addressed to: U.S. Department of Justice, Civil Rights Division, Criminal Section, Washington, D.C. 20530. The inquiry should identify to the extent possible the matter involved by place, date, and names of persons allegedly involved.

The Challenge of POLICE-COMMUNITY RELATIONS TRAINING

PART I

By

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One of the most challenging tasks facing the police administrator is translating the concept of police-community relations from an abstract policy decision to the concrete world of the line officer. One method of accomplishing this task is training.¹ Assuming that recruit training has provided a foundation of "must know" information, we must depend on in-service training to provide the motivation and skills necessary to put police-community relations in the front seat of the patrol car. Training² is, of itself, a complex and demanding duty of the police administrator. It is not, however, an *impossible* task. Like all major endeavors, it lends itself to success in direct relation to the effectiveness of the planning that precedes the program. There are at least four major areas of planning that are essential to training success: Developing goals for the training program, determining curriculum content, establishing presentation methods, and selecting instructors.

Preconsiderations

Training for police-community relations requires particular commitments and preconsiderations if it is to be effective and successful. Unless



most of these commitments and preconsiderations are present, little success can be predicted for the training effort. They deserve individual examination.

Definition of Police-Community Relations. Before we can begin a training program, we must define police-community relations! Police-community relations is all things to all people; consequently, one finds no universality in the definition or scope of police-community relations efforts. When definitions tend to be hazy, methods of implementation defy description! Unfortunately, many departments have embraced the concept without a practical and pragmatic definition of the goals and objectives

of police-community relations in their departments.

Rather than wade through a quagmire of semantics, suffice it to say that police-community relations must be defined in terms of sufficient specificity to be fully understood by all members of the department and with sufficient concreteness to allow written goals to be developed for the department. The definition is, and should be, unique to the department and *its* community, whether it is defined as an attempt to facilitate communications with the *total* community, or a method of improving race or youth relations, or a method of establishing better citizen input into the police policymaking process, or all of these.

At this point, we should comment on what police-community relations is *not*. It is *not* public relations by another name! It is *not* a special unit, although such units are invaluable in focusing police-community relations efforts! It is *not* a specific program, although a program may be used to implement police-community relations goals.

Police-community relations is a value to be internalized by a department and a concept to be implemented by all its officers. The definition belongs uniquely to that specific depart-



Chief C. M. Lynn

ment and its concept of its relations with a specific community.

The Police-Community Relations Atmosphere. A second preconsideration to police-community relations training is the police-community relations atmosphere in the department. This atmosphere will dictate the degree of success of the program. A positive atmosphere requires the total commitment of the chief of police to the concept and a complete supervisory commitment. The chief may initiate orders and the captain may prescribe procedures, but it is the sergeant who interprets these instruments to the officers of the line! However, a commitment by administration and management is not enough. The line supervisor must be committed also if the program is to succeed. Police-community relations is a concept that must permeate the entire hierarchy of command.

How is this atmosphere developed and this concept fostered? There are no magical processes or mystical methods! Police-community relations must be sold to the department through a hard-nosed, pragmatic, and practical process that results in its acceptance as a valid and valued police objective. It must be "legitimized." Police-community relations efforts must be rewarded just as we reward thief-taking. Police-community relations policies that leave no doubt

about what is required, and what is prohibited, must be established. The line officer must be provided with time for police-community relations efforts, with the skills and knowledge necessary to do a good job of police-community relations, and with sufficient facts to allow him to justify and rationalize police-community relations goals and objectives. These facts may include such basics as the economic rewards of good police-community relations as reflected in higher salaries, more benefits, and better equipment; increased citizen support; more cooperative witnesses; more willing complainants; and fewer unwarranted criticisms and complaints.

Whatever the facts or methods used to sell police-community relations, sell it we must! Police-community relations begins at home. If we can't convince our own officers of its value, we aren't likely to sell it to our community. In summary, the key to officer acceptance lies in legitimizing police-community relations as a valid, desirable, and high-priority police objective.

Having considered the importance of definition and departmental atmosphere, we may concentrate on the planning phases essential to a successful police-community relations training program.

Developing Goals

Failures in police-community relations training efforts can be attributed most often to a lack of goal³ orientation. Conversely, if police-community relations training is to succeed, it must be designed to reach specific goals. Training is much too expensive and valuable to be allowed to perish from aimless wandering in the wilderness! It must be afforded specific orientation toward defined objectives. Police-community relations training is much more effective if it is keyed to a rifle slug rather than a birdshot approach.

Explicitly stated objectives are the blueprints by which the police-community relations training program is constructed and must be *specific* and written. They serve as continuing guides to the construction of the curriculum and provide the beacon that keeps the training program on course.

In addition to the overall objectives, each unit of instruction must be objective oriented, with a clear and concise statement of the purpose or goal of the specific unit of instruction.

Objectives are determined by examining problems in relations with the community and weaknesses in police performance and are developed to correct them. The problems and performance inadequacies are discovered by examination, observation, and inquiry. Examination of records, complaints, and field reports serves to indicate the quantity and quality of problems and performance inadequacies. Observation by supervisors reveals areas of police-community relations inadequacies. Inquiry among line officers, citizens, media representatives, and others adds to the data base that is used to spotlight problems and inadequacies. The sources of data are limited only by administrative imagination. However, care must be exercised to avoid confusing the symptoms of a problem with the problem itself.

Determining Curriculum Content

The inservice police-community relations training curriculum differs from the recruit (preservice) curriculum. The recruit curriculum is designed to provide basic "must know" kinds of information. The inservice curriculum is designed to solve problems and correct performance inadequacies. It presupposes that the officer has received a basic education in police-community relations.

The problems and inadequacies dictate the objectives of the police-community relations training program. The curriculum content is composed of units of instruction designed to resolve these problems and improve performance in specific areas. The problems, then, dictate the content of the police-community relations training curriculum.

Having identified the problem areas, it is necessary to consider the training urgency and the feasibility of resolving the problems through training. Problems may be immediate or longer range, specific or general in that they affect few or many officers, major or minor, correctable through training or not correctable through training.

We must assign an "urgency-feasibility" rating to each problem that has been specifically identified and reduced to writing. The "rifle approach" demands that we now rank the problems in order of priority, awarding highest priority to those problems and performance inadequacies having the highest rating. The highest priority should be awarded to problems and inadequacies that are immediate, affect large numbers of officers, are of major significance to police-community relations, and are correctable through training.

After having cataloged and rated the problems to be dealt with in the police-community relations training curriculum, a specific training objective for each problem must be formulated. This statement of training objective serves as a guide to the development of the instruction designed to deal with this specific problem.

Again, specificity is absolutely essential. For example, an objective might read: To provide line officers assigned to predominantly black neighborhoods with specific techniques and procedures for tactical situations involving onstreet gambling.

It should *not* read: To acquaint officers with an overview of life in the ghetto and the relationship of minority groups to agencies in the administration of criminal justice. The second statement, although of interest to officers, lacks the specificity to serve as a blueprint for building a unit of instruction designed to deal with a specific problem.

Time Considerations. The police-community relations training curriculum composed of units of instruction arranged in "urgency-feasibility" priority, with a specifically stated objective for each unit, has now been developed. The next step requires that the curriculum be considered in terms of the time necessary to accomplish the overall training objective. It may be that the volume of police work to be done, and the troops to be trained, necessitate a compromise between the amount of time that the trainer would like and the amount of time that line commanders feel can be diverted to training.

If such compromises are necessary, the number of units of instruction may have to be reduced. Another and less desirable alternative is to deal with the same number of units, but with a lesser degree of intensity.

Student Availability. An additional factor in curriculum design is the availability of the students. Will they be detached from other duties during the training period? Must training be conducted on a 1/2-day basis? At rollcall? The trainer would prefer that the students be detached from other duties until the curriculum is completed. The press of business may demand a compromise. If half-day classes are to be conducted, it may be necessary to restructure the curriculum to meet this condition.

The final steps in developing curriculum content require that the overall curriculum be fitted to available training time and that this time then

be allotted between the individual units of instruction within the curriculum.

Establishing Presentation Methods

Three factors must be considered in determining the method of presenting each of the units of instruction. They are effectiveness, unit time available, and subject.

Effectiveness. Effectiveness dictates that the unit of instruction be presented in such a way as to produce the maximum impact on performance or to stimulate the most meaningful learning experience. Maximum learning occurs when the student has been sold on the value of the unit of instruction, and when he is challenged to become an active participant in the learning process.

Unit Time Available. The time available for presenting the unit of instruction is a key factor. Role playing and conferences, although effective, may be totally inappropriate when considered against the time available for a particular unit of instruction.

Subject of Unit. The subject material of the unit of instruction is a most important consideration in selecting the method of presentation. Skills involving concrete procedures or specific sequences are taught by allowing a maximum of student participation. More abstract concepts must be dealt with in such a manner as to allow an exchange of ideas and interpretations between student and instructor.

(Continued Next Month)

FOOTNOTES

¹ "Training" and "education" are considered to be synonymous for the purpose of this discussion.

² "Training" refers to inservice training unless otherwise indicated.

³ "Goal" and "objective" are used interchangeably in this discussion. To critics of this practice, I point out the "words don't mean, people mean."

Almost 38,000 law enforcement officers became statistics during 1972; 112 were killed in the line of duty due to felonious criminal action; 37,523 more were victims of assault; approximately 15,000 were seriously injured.¹ The statistics say nothing of the anguish caused the officers' families, much less the reduced police effectiveness and diminished community safety owing to the permanent or temporary loss of experienced manpower. Where those charged with the responsibility of safeguarding their neighbors are themselves so often the targets of killers and assailants, there exists among officers and citizens an understandable anxiety for police safety. This concern is shared by the courts. There follows a discussion of one important step an officer may lawfully take to protect himself while making an arrest inside private premises.

Concern for Police Safety

One identifiable thread which weaves its way through the often crazy quilt fabric of search and seizure law is the concern of State and Federal courts for the safety of a law enforcement officer. This concern perhaps found its best expression in the 1968 landmark decision of the U.S. Supreme Court in *Terry v. Ohio*.² In *Terry*, the Court held that there is a narrowly drawn authority under the fourth amendment permitting an officer to conduct a carefully limited search for weapons of a suspect under investigation where he has reason to believe the individual is armed and dangerous, regardless of whether he has probable cause to arrest him for a crime. "The sole justification of the search . . . is the *protection of the police officer* and others nearby. . . ." [Emphasis added.]³ More recently, the Court noted the *Terry* decision rec-

THE PROTECTIVE SWEEP

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" . . . there exists among officers and citizens an understandable anxiety for police safety. This concern is shared by the courts."

*The
Legal*



Digest

ognized that a policeman making a reasonable investigatory stop should not be denied the opportunity to protect himself from attack by a hostile suspect.⁴ The principal thrust of *Terry* and its companion cases is to permit a limited seizure and search of a criminal suspect where facts apparent to the officer give him a reasonable belief for taking such action, even though the traditional fourth amendment requirements of a warrant and probable cause have not been met.⁵ The emergency nature of the dangerous street encounter supports this limited encroachment on the right of privacy.

This same concern for an officer's life and safety has been expressed in other contexts. For example, noncompliance with an announcement requirement prior to execution of a search warrant against premises has been justified by a threat to the safety of searching officers.⁶ Moreover, the Supreme Court has permitted a warrantless entry into premises to effect an arrest where delay to obtain a warrant might "gravely endanger" the lives of officers or others.⁷

What these cases have in common is the principle that an officer may take measures to protect himself when he reasonably believes his life is endangered. The precise question posed in this article is whether an officer, following a full-custody arrest inside premises, may make a protective sweep or cursory examination of the entire premises for possible confederates or accomplices of the arrestee.

The Problem and Judicial Response

Although courts have varied somewhat in finding a legal basis to justify a "protective sweep," they have been quite prepared to uphold such a procedure where deemed reasonable. The issue most frequently arises in connection with a challenge to the admissibility of physical evidence seized

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.

in plain view by an officer at a location in the premises remote from where the arrest occurs. The scenario usually runs as follows: Officers with grounds to arrest properly enter the defendant's private residence and effect a full-custody arrest in the living room; while some officers handcuff the defendant and secure the arrest, others fan out to search other rooms for a possible confederate who might impede the arrest or threaten their safety. One officer enters a bedroom and on the dresser in open view is a quantity of easily recognizable contraband narcotics. Prior to trial on a narcotics charge, the defendant moves to suppress the evidence as the product of an unreasonable search. The State responds by arguing that the officer's presence in the bedroom was lawful as the result of his justifiable concern that the officers' safety was jeopardized by possible confederates or accomplices lurking in the house, and the inadvertent discovery and seizure of narcotics in plain view in no way violates the fourth amendment.

A proper analysis of the problem must begin with the recognition of a strong and consistent emphasis by the Supreme Court on the constitutional necessity for obtaining a warrant prior to conducting a search. This preference for a prior judicial determination of probable cause before officers embark on a search has been stated

repeatedly by the Court, particularly in recent years.⁸ At the same time, the law has long recognized certain exceptions to the warrant requirement: Searches incidental to a lawful arrest, consensual searches, searches under exigent circumstances.⁹ Inasmuch as the "protective sweep" or cursory examination for confederates is a search and is undertaken without a warrant, does it fall within one of the well-accepted categories of exceptions to the warrant requirement?

Effect of Chimel Rule

In the 1969 decision of *Chimel v. California*,¹⁰ the Supreme Court defined the permissible scope of a search incident to arrest. It held that pursuant to an arrest there is "ample justification" for a "search of the arrestee's person and the area 'within his immediate control'—construing that phrase to mean the area from within which he might gain possession of a weapon or destructible evidence."¹¹ Any broader search would require a search warrant. The purpose of the search is twofold: Protection of the arresting officer and preservation of evidence.

The limiting effect of *Chimel* is readily apparent. But the *Chimel* decision related to a search for weapons and physical evidence. The issue of dangerous confederates was neither raised nor discussed by the Court. It has, however, been before lower Federal and State courts, and generally they have concluded the *Chimel* rule simply has no application to a self-protective examination of premises for accomplices or confederates following arrest. The view of a Washington appellate court is typical. In *State v. Toliver*,¹² a reliable informant reported to Federal agents that one Speaks could be found at a house located in Kirkland, Wash., that other persons would be in the house with Speaks, and that they were armed with

guns and would forcibly resist efforts to arrest him. A Federal warrant for a firearms violation was outstanding for Speaks. The Federal agents, together with local officers, executed the warrant by arresting Speaks in his car parked close to his house. The arrest set in motion a series of events culminating in the warrantless entry of the house by the officers. Sparks' female companion screamed, the front door of the house was slammed shut, sounds of persons running inside the house were heard, and the defendant Toliver jumped out of an upstairs window and began running around on the roof. Toliver was arrested. Police demands that other occupants exit the house went unanswered. The officers, informed that another man was inside, entered the house and located and removed the other man. While inside, the officers observed a pistol and other evidence in plain view (later seized under a search warrant). Defendant Toliver was convicted of burglary and grand larceny on the basis of evidence taken from the house. He appealed on grounds that the entry of officers to the house and their subsequent seizure of evidence violated his fourth amendment right against unreasonable search and seizure. Specifically, he claimed that *Chimel v. California* precluded the entry and search of the house.

The court affirmed the conviction, holding that "rules set forth in *Chimel* govern only search and seizure of property incident to a lawful arrest; they are not applicable to entry and search of a dwelling for the purpose of finding and detaining a person thought to pose a threat to the safety of officers lawfully performing their duties If the arresting officer, although having reasonable cause to apprehend being shot at by nearby friends or confederates beyond the immediate control of the arrestee, is not permitted to search out such persons to protect himself in the per-

"Virtually every court has resolved [the] issue [the legal basis for extending a warrantless postarrest protective search throughout the house] by relying on one of two Supreme Court decisions recognizing extraordinary warrantless search powers. . . ."

formance of his duty to arrest the arrestee, we would quickly impair and even destroy the possibility of an arrest at all."¹³ In short, the Washington court found *Chimel* inapplicable to the cursory search for accomplices. Other courts similarly interpret *Chimel*.¹⁴

The California Approach

Though most decisions hold that *Chimel* does not prohibit a postarrest protective sweep, there remains the question of determining the legal basis for extending a warrantless search throughout the house. Virtually every court has resolved this issue by relying on one of two Supreme Court decisions recognizing extraordinary warrantless search powers—*Warden v. Hayden*¹⁵ and *Terry v. Ohio*.¹⁶ While neither case deals precisely with the issue raised in this discussion, the rationale underlying each has been used to support a postarrest search for accomplices or confederates.

One of the most recent and carefully reasoned decisions dealing with search for confederates is *Guidi v. Superior Court of Los Angeles County*.¹⁷ The facts are as follows: A police undercover agent arranged with three defendants to visit a Long Beach apartment to inspect hashish prior to purchase. All four entered the apartment, where a fourth defendant showed the hashish to the agent, who promptly departed with two defendants to get the purchase money. The pair was arrested on the street, where the agent told police that the hashish and two other subjects were in the apartment, but he was unable to say if additional occupants were in the bedrooms.

Police entered the apartment and arrested one defendant at the door, the other in the living room. Hearing sounds coming from the rear of the apartment, one officer crossed the living room to the kitchen where, behind a counter "high enough and long enough to shelter a lurking accomplice," he found in plain view a shopping bag from which emanated the distinctive odor of hashish. The bag was seized and opened, and hashish found within. The bedrooms were then entered and the apartment's tenant and a small child were found. The four defendants were convicted of a narcotics violation and appealed on grounds that the trial court improperly denied a motion to suppress the contraband found in the kitchen.

The California Supreme Court, sitting en banc, perceived the principal issue to be one involving the interpretation and application of the "plain view doctrine."¹⁸ Before addressing that problem, however, the court noted that a "substantial Fourth Amendment issue" was presented; namely, whether the officer discovering the bag of hashish had a right to enter the kitchen following the arrest of two defendants at the door and in the living room of the apartment, respectively. The court held the entry proper and the seizure lawful, reasoning that *Chimel* did not apply. Noting the "survey of the kitchen cannot be validated as a search incident to arrest" because the area was "clearly beyond the reach of the arrestees," the court proceeded to justify the warrantless inspection of the kitchen as "an appropriate action for a man of reasonable caution to take . . . necessary in these circumstances to

allay a reasonable fear for his and his fellow officers' personal safety."¹⁹ In holding that the entry infringed no constitutional mandate, the court relied heavily on language contained in *Terry v. Ohio* to the effect that advance judicial approval of searches and seizures through the warrant procedure is inherently impractical in the context of necessarily swift action predicated upon on-the-spot observations of the officer on the beat. And where it is impractical to obtain a warrant, an officer's conduct is measured against the fourth amendment's general proscription against unreasonable searches. The question becomes, of course: Was the entry to the kitchen reasonable? The court found the facts in *Guidi*—narcotics worth \$40,000 street value, sounds coming from other areas of the apartment, a kitchen counter large enough to conceal an accomplice—sufficient to justify measures to prevent "violent and desperate efforts to resist the arrests and defend the contraband."

More importantly, the court embraced the standard enunciated by the Supreme Court in *Terry v. Ohio* as controlling the warrantless search for confederates following arrest. In so doing, the court sought to foreclose searches based on hunch or unparticularized suspicion, and the notion that the power to search for accomplices flows automatically from the fact of arrest. The appropriate test of reasonableness "is dependent upon the existence of facts available to [the officer] at the moment of the search . . . which would warrant a man of reasonable caution in the belief that the action taken was appropriate. And in determining whether the offi-

cer acted reasonably, due weight must be given . . . to the reasonable inferences which he is entitled to draw from the facts in the light of his experience; in other words, he must be able to point to specific and articulable facts from which he concluded that his action was necessary.”²⁰

Warden v. Hayden

A 1967 Supreme Court decision defined the “exigent circumstances” exception to the warrant requirement. *Warden v. Hayden*²¹ held that a warrantless entry into and search of a private residence by officers in hot pursuit of a fleeing armed robber were constitutionally permissible. The Court asserted: “The Fourth Amendment does not require police officers to delay in the course of an investigation if to do so would gravely endanger their lives or the lives of others. Speed here was essential, and only a thorough search of the house for persons and weapons could have insured that Hayden was the only man present and that the police had control of all weapons which could be used against them or to effect an escape The permissible scope of search must, therefore, at the least, be as broad as may reasonably be necessary to prevent the dangers that the suspect at large in the house may resist or escape.”²² While the Court in *Hayden* dealt with an emergency entry and search for a subject known to be in the house, other courts have applied the same reasoning to the postarrest sweep of a house for possible confederates—and for the same purpose, that is, protection of the officers.

In *United States v. Broomfield*,²³ Federal agents arrested the defend-

ant for a narcotics violation in the front yard of his home. Arresting officers believed him to be “volatile and dangerous,” based on a prior criminal record for carrying a concealed weapon and aggravated assault. The defendant, sensing the embarrassment of the arrest in front of his house, asked to go inside. The agents acquiesced, entered with the defendant, and several spread throughout the house in accordance with “regular police procedure” to secure the premises; that is, to assure that there were no others in the house who could cause harm or present a danger. In an upstairs bedroom and walk-in closet, guns and narcotics were discovered in plain view. Later a warrant to search was issued and executed to seize these items. The defendant moved to suppress the evidence as resulting from an unlawful entry to the bedroom and closet. The court denied the motion, holding that the sweep to secure the premises was undertaken because of the officers’ reasonable anxiety about their own safety. In order to justify the intrusion into the bedrooms the officers must demonstrate an “urgency or immediacy that is pervading and compelling.” Such were the facts in this case. Given the defendant’s record and propensity for violence, his membership in a conspiracy dealing in illegal drugs, and the fact that drug-trafficking is a “violence-prone business,” the court concluded that it would have been foolhardy for the agents to have refrained from conducting a search for other persons.

The court was careful to point out that something more than the mere arrest must accompany and justify the protective search. Regular police

procedure or practice is not enough. Facts must give rise to a reasonable apprehension that persons who could rescue the arrestee and harm the officers may be in the house. Moreover, the officers must act in good faith. The protective sweep cannot serve as a pretext for an exploratory search for evidence. The “exigent circumstances” exception has been adopted by other courts.²⁴

While the holdings in *Guidi* and *Broomfield* were carefully tied to Supreme Court decisions recognizing exceptionally broad search authority, other cases reveal an inclination by some courts to consider a premises sweep as almost an inherent power of an officer to protect himself. In a Federal appellate court decision, a husband and wife were arrested in their living room for a narcotics offense. Federal agents then conducted a cursory examination of the premises to make sure that no other adults were present. On appeal, the husband claimed that this examination was an illegal search. The court held that evidence developed at an earlier suppression hearing made it abundantly clear that when the agents walked through the house, they were simply securing the premises. “They were entitled to conduct a cursory examination of the premises to see if anyone else was present who might threaten their safety or destroy evidence.” There was no indication that the agents had reason to suspect others were present in the house.²⁵

The Problem of Pretext

Both the *Guidi* and *Broomfield* decisions point out the dangers of abuse in the “protective sweep,” hence

“Probably the balanced approach of the California Supreme Court in *Guidi* and the Federal court in *Broomfield* offers the best solution to the problem of the self-protective premises search.”

the need for a standard or guideline for police. The California Supreme Court, in discussing the search incident exception to the warrant requirement, has stated that the "exception once threatened to eclipse the rule."²⁶ Indiscriminate application of the "protective sweep" rule could have a similar result. A broad and unlimited authority to inspect premises for confederates in all cases where an arrest occurs therein would circumvent *Chimel* to such an extent that a restrictive reaction by appellate courts could result.²⁷

Conclusion

Probably the balanced approach of the California Supreme Court in *Guidi* and the Federal court in *Broomfield* offers the best solution to the problem of the self-protective premises search. Each would insist on adherence to an objective standard as a condition precedent to establishing lawful presence throughout the house. An officer seeking to justify his search and a plain view seizure would be expected to testify as to specific facts which gave rise to a reasonable suspicion or belief that his safety was impaired by others in the house. Such facts might be the criminal record and reputation of the arrestee and his associates; a report that several persons are occupying the premises; the nature of the crime for which the arrest was made; noises or movement within the premises; the at-large status of an arrestee's associate or confederate; lack of time for careful surveillance of the premises; knowledge that others regularly frequent the premises; probable presence of wife, paramour, or family members; failure of one suspected to be within to appear when commanded to do so.

Two final points are worthy of note. First, good faith of the officers is crucial. Courts undoubtedly will be prepared to invalidate an entry and seiz-

ure where it is apparent that a protective sweep is merely a subterfuge to look for evidence. Second, the cursory examination or protective sweep is not without limitation. Inasmuch as it is aimed at discovering hiding accomplices, the scope and intensity of the search must be related closely to that purpose. Rummaging through drawers, medicine cabinets, and clothing would clearly exceed permissible bounds and likely taint any evidence uncovered.²⁸

FOOTNOTES

¹ FBI Uniform Crime Reports, 1972, at 42. Because of incomplete reporting, the figure for assaults on officers is low. Estimated actual assaults during 1972 were 61,800, of which 39 percent resulted in serious personal injury to the officers. *Ibid.* at 51.

² 392 U.S. 1 (1968).

³ *Ibid.* at 29.

⁴ *Adams v. Williams*, 407 U.S. 143 (1972).

⁵ U.S. Const. Amend. IV provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

⁶ *Sabbath v. United States*, 391 U.S. 585 (1968).

⁷ *Warden v. Hayden*, 387 U.S. 294 (1967).

⁸ *Terry v. Ohio*, *supra* footnote 2; *Katz v. United States*, 389 U.S. 347, 356-57 (1967); *United States v. Ventresca*, 380 U.S. 102, 106-07 (1965); *Jones v. United States*, 362 U.S. 257, 270 (1960); *United States v. Lefkowitz*, 285 U.S. 452, 464 (1932).

⁹ *Vale v. Louisiana*, 399 U.S. 30 (1970); *Ker v. California*, 374 U.S. 23 (1963).

¹⁰ 395 U.S. 752 (1969).

¹¹ *Ibid.* at 763.

¹² 487 P. 2d 264 (Wash. Ct. App. 1971).

¹³ *Ibid.* at 267-68.

¹⁴ *United States v. Blake*, 484 F. 2d 50 (8th Cir. 1973); *United States v. Looney*, 481 F. 2d 31 (5th Cir. 1973); *United States v. Bridle*, 436 F. 2d 4 (8th Cir. 1970); *United States v. Broomfield*, 336 F. Supp. 179 (E.D. Mich. 1972); *Guidi v. Superior Court of Los Angeles County*, 109 Cal. Rptr. 684, 513 P. 2d 908 (1973); *People v. Block*, 103 Cal. Rptr. 281, 499 P. 2d 961 (1971); *Presley v. State*, 284 N.E. 2d 526 (Ind. Ct. App. 1972) (*dictum*). But see *United States v. Gamble*, 473 F. 2d 1274 (7th Cir. 1973) (protective sweep of residence following arrest held unlawful as being beyond the proper scope of search defined in *Chimel*); *Simpson v. State*, 486 S.W. 2d 807 (Tex. Crim. App. 1972) (self-protective search of premises after arrest held within *Chimel* limitation, as *Chimel* rule only bars "routine" search of area beyond arrestee's reach). In *United States v. Looney*, the defendant and one Frick were arrested in the living room and adjacent study, respectively. Frick's arrest was based on an outstanding Federal warrant for obstruction of justice (he had earlier offered undercover agents \$5,000 to assassinate a Federal judge). He was also known as an international cocaine smuggler. Following the arrest, Federal agents "cleared" the house for confederates in order to prevent harm to the arresting officers. In one bedroom, a machinegun was observed in plain view and seized. The defendant, charged with pos-

session of the unregistered firearm, moved to suppress the evidence as the product of an unlawful search. On a Government appeal from an order to suppress, the U.S. Court of Appeals for the Fifth Circuit held that "neither the revered principles of the Fourth Amendment nor the limitations of *Chimel* are traduced by allowing officers to make a cursory security search to protect their lives under the circumstances here present." The court noted that this was a reasonable security precaution aimed at discovering people who might present a danger rather than things which might be evidentiary. The circumstances in *Looney*—unfamiliarity with the house located in a rural area, the heinous nature of the crime for which Frick was arrested, the lateness of the hour, and Frick's known propensity for using confederates—supported the protective search for confederates. 481 F. 2d at 32-33.

¹⁵ *Supra* footnote 7.

¹⁶ *Supra* footnote 2.

¹⁷ *Guidi v. Superior Court*, *supra* footnote 14.

¹⁸ The "plain view doctrine" is a well-recognized exception to the warrant requirement which authorizes the seizure of evidence inadvertently discovered in open view by an officer who is lawfully present, that is, in a place where he has a right to be. *Harris v. United States*, 390 U.S. 324 (1968); *Coolidge v. New Hampshire*, 403 U.S. 443 (1971).

¹⁹ *Guidi v. Superior Court*, *supra* footnote 14 at 913-14.

²⁰ *Ibid.* at 913, citing *Terry v. Ohio*, *supra* footnote 2. The identical standard was adopted by the California Supreme Court 2 years earlier in *People v. Block*, *supra* footnote 14, on facts very similar to those in the *Guidi* case. In *Block*, officers arrested four subjects in the living room, having observed burning marihuana, pipes, etc., on a coffee table. Two others were arrested in an adjacent dining room. Four of the arrestees showed physical evidence of having smoked marihuana. Believing there were more suspects upstairs, one officer ascended the lighted stairway and found additional contraband in an upstairs bedroom in plain view. The court found the officer's presence in the bedroom lawful and the seizure permissible, inasmuch as he had reason to believe or suspect, based on facts apparent to him, that "other persons might be upstairs who were involved in the offenses charged, or who might pose a security risk for the arresting officers." 499 P. 2d at 964.

²¹ *Supra* footnote 7.

²² *Ibid.* at 298-99.

²³ *United States v. Broomfield*, *supra* footnote 14.

²⁴ See, for example, *Commonwealth v. Flowers*, 298 N.E. 2d 898 (Mass. Ct. App. 1973) (search of entire apartment for fifth suspect after arrest of four others, all armed, approved where search was imperative to the safety of officers). Also see *United States v. Miller*, 449 F. 2d 974 (D.C. Cir. 1970). *Miller* involved the arrest of a liquor store robber in a dentist's office, where his sister was present. A search of the five-room office yielded a bottle of scotch found in plain view on a shelf in the laboratory. A bottle of the same brand scotch had been taken in the robbery. Among other issues in the case was the right of officers to conduct such a broad search following arrest. While *Miller* was tried in 1968 and pre-*Chimel* standards applied, Judge Bazelon, speaking for the court, pointed out that the result would have been no different had the *Chimel* rule been in effect. His language is instructive: "They [police] had entered the suite of offices in hot pursuit of an armed and fleeing felon. Although the man they sought was in view from the moment the door was opened, they had no way of knowing who else might be on the premises. In those circumstances, the police could justifiably conduct a search of the suite to assure themselves that no hostile and possibly dangerous

persons were hiding in the other rooms. . . . We do not believe that the doctrine of pursuit . . . is affected by *Chimel v. California* [citations omitted] . . . *Chimel* dealt with the extent to which the mere fact of an arrest authorized a search as incident thereto. But *Warden, Md. Penitentiary v. Hayden* [citations omitted] makes clear that the present search is not properly characterized simply as incident to appellant's arrest. Rather, it falls within one of the 'few specifically established and well-delineated exceptions' to the requirement that judicial approval be obtained before police undertake a search." Ibid. at 977-78.

²⁵ *United States v. Christophe*, 470 F. 2d 865 (2d Cir. 1972). See also *United States v. Blake*, *supra* footnote 14; *United States v. Briddle*, *supra* footnote 14; *State v. Vineyard*, 497 S.W. 2d 821 (Mo. Ct. App. 1973). In *Briddle*, officers entered the defendant's apartment under authority of a search warrant. The defendant, standing in a hallway beyond the living room, was arrested, and two officers "fanned out" to make a quick search of the apart-

ment to determine if others were present who might prevent the arrest or "present a danger" to the officers. A sawed-off shotgun was observed in a bedroom in plain view and seized. At issue was the entry and seizure of the weapon. The court accepted the concession of the defendant that the officers had a right "to conduct a quick and cursory viewing of the apartment area for the presence of other persons who might present a security risk." There was no indication that any accomplices or confederates were present in the defendant's apartment or had participated in the crime being investigated. Moreover, the court in *Briddle*, given the concession of the defendant of the officers' right to "fan out" and search, did not find it necessary to define a standard against which such conduct should be measured. The *Blake* and *Vineyard* decisions both relied on *Briddle* to support warrantless postarrest searches for confederates.

²⁶ *Guidi v. Superior Court*, *supra* footnote 14 at 911.

²⁷ A year prior to the *Guidi* decision, the California Supreme Court offered this caution: "By holding

the mere possibility that there might be an additional unknown person or persons in the house warrants a search of the entire premises the court would render the rule of *Chimel* largely meaningless." *Dillon v. Superior Court of Santa Barbara County*, 497 P. 2d 505 at 511 (1972). In *Dillon*, there were no facts whatever to indicate confederates or other suspects were in the house, nor was there any testimony in the record evidencing the arresting officer's fear for life or safety. See also *United States v. Cooks*, 15 Cr. L. 2062 (7th Cir. 3-13-74) (mere possibility that others might be present insufficient to justify sweep of entire premises).

²⁸ See *Lowery v. State*, 499 S.W. 2d 160 at 167, footnote 7 (Tex. Crim. App. 1973), wherein the court stated: ". . . even if the officers properly went upstairs as a protective measure, their exploration into an overnight bag and a musical instrument case was unnecessary for that purpose, and the search and seizure cannot be justified. . . ." FBI

SUPPORT YOUR LOCAL POLICE—SWEDISH STYLE

The Swedish police recently became the recipient of 1 million Swedish crowns (approximately \$210,000) which will be the nucleus of a fund to be used for policemen who are injured or killed in the line of duty. A Stockholm lawyer, according to an announcement released by the National Swedish Police Board, donated the money to

give the police encouragement and support in their work.

Convinced that an overwhelming majority of citizens have an indifferent attitude toward the police, the lawyer noted that appreciation of the actions of the police should be expressed more often, and they should receive cordial support from society and citizens in their activities.

The lawyer wrote, in transmitting his gift, that in recent years the police in Sweden have faced more difficult tasks in which their skills and their safety have been put to severer tests. He wanted, by his example, to show the police that not all citizens were passive in their support of law enforcement personnel.

Young American MEDAL AWARDS

A program to recognize publicly the outstanding acts of bravery and service of America's youth was established by an act of Congress on August 3, 1950. This act provided that two medals, one to be known as the Young American Medal for Bravery and the other to be known as the Young American Medal for Service, be awarded to young people who had achieved outstanding or unusual recognition for service and bravery during a given calendar year.

The Young American Medals Committee of the U.S. Department of Justice selects the winners from among nominees for these medals which are presented by the President of the United States in the name of the President and the Congress.

Members of the committee are: Director of the FBI, chairman; Director of the Drug Enforcement Administration, member; Director of the U.S. Marshals Service, member; and the Department of Justice Director of Public Information, executive secretary. Selection of the winners is approved by the Attorney General of the United States.

Qualifications

To qualify for the Young American Medal for Bravery, a candidate must be a person 18 years old or under, who habitually resides in the United States (including its territories and possessions and the

Panama Canal Zone, and who during a given calendar year has *exhibited exceptional courage, attended by extraordinary decision, presence of mind, and unusual swiftness of action, regardless of his or her own personal safety, in an effort to save or in saving the life of any person or persons in actual imminent danger.* A candidate for this medal must habitually reside in the United States but need not be a citizen thereof.

The Young American Medal for Service may be awarded to any person who is a citizen of the United States and is 18 years old or under, and who has achieved outstanding or unusual recognition for character and service during a given calendar year. Only citizens of the United States are eligible. *Character attained and service accomplished by a candidate for this medal must have been such as to make his or her achievement worthy of public report.* The outstanding and unusual recognition of the candidate's character and service must have been public in nature and must have been acknowledged by the chief executive officer or officers of a State, county, municipality, or other political subdivision, or by a civic, educational or religious institution, group or society, and must have been prominently mentioned in the public press or on the radio or television in the community wherein the service was accomplished or wherein the candidate habitually resides.

A young person is eligible to receive both medals, and he or she may have also previously received one or both medals.

Although acts of bravery arising from military duty are not included in this program, military personnel can be cited for their acts if not related to official duties.

Nomination

A youth is nominated by submission of a recommendation, which includes a complete statement of the act of bravery or service achievement, to the Governor or chief executive officer of the State, territory, or possession where the act occurred. District of Columbia

recommendations must be submitted to the Mayor, and in foreign countries the information should be sent to the chief executive officer of the candidate's permanent place of residence.

The required documents or papers should include a full and complete statement of the candidate's outstanding endeavor or recognized character and service achievement (including the times and places) which it is thought qualifies the candidate to receive the medal suggested.

Also required are supporting statements by witnesses or persons having personal knowledge of the facts surrounding the candidate's unusual endeavor or recognized achievement, as the case may be, a certified copy of the candidate's birth certificate, or, if no birth certificate is available, other authentic evidence of the date and place of the candidate's birth, and a biographical sketch of the candidate, including information as to his or her citizenship or habitual residence, as the case may require.

Each Governor, or other chief executive officers of States, territories, or possessions of the United States, after reviewing the recommendations, selects candidates for each award and submits his choices to the committee. Decisions of the committee are final when approved by the Attorney General.

Awards Presentation

Winners will be presented a medal and appropriate certificate of commendation stating the circumstances in which the act of bravery was performed or citing the outstanding recognition for character and service. The medals are presented by the President with the ceremonies being held at a time and place selected by the President and the Attorney General. The medal winners and the adult or adults (preferably parents) designated by the committee to accompany the winners will be advised as to transportation and other allowances.

In the case of an award made posthumously, a suitable person to accept the award will be chosen by the committee.

Law enforcement officers who desire to recommend candidates for Young American Medal Awards should submit their names and information concerning their heroic acts or outstanding service to the Governors of their respective States or territories and to the Mayor of the District of Columbia. The deadline for submission of the nominations is August 31, 1974.

WANTED BY THE FBI



CLAUDE ELVIN HUBERT, also known as Chochesi, Chochezi, Chuchessa, Chuchezi, Simba Chochezi, Simba Claude Hubert Chochezi

Interstate Flight—Murder

Claude Elvin Hubert is being sought by the FBI for unlawful interstate flight to avoid prosecution for murder. A Federal warrant for Hubert's arrest was issued on March 10, 1969, at Los Angeles.

The Crime

On January 17, 1969, Hubert and four accomplices allegedly shot and killed two members of the Black Panther Party at a meeting of students at the University of California at Los Angeles. All five individuals are reportedly members of "US, Incorporated," a black militant group. Three of Hubert's alleged accomplices are now in custody, but Hubert and another man remain at large.

Description

Age ----- 26, born Jan. 20,
1948, Austin, Tex.



Left index fingerprint.

Height -----	5 feet 7 inches.
Weight -----	150 pounds.
Build -----	Medium.
Hair -----	Black.
Eyes -----	Brown.
Complexion ---	Medium.
Race -----	Negro.
Nationality ---	American.
Occupations --	Maintenance worker, salesman, and stock clerk.
FBI No. -----	68, 112 F.
Fingerprint classification.	16 M 5 U OOI 12 M 3 W OIO

Caution

Hubert has been convicted of assault with a deadly weapon, battery against a police officer, possession of marihuana, and battery. He may be armed with .38 caliber revolvers and should be considered extremely dangerous.

Notify the FBI

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

INFORMATION WANTED

Between approximately 11 a.m., July 3, 1974, and 8 p.m., July 4, 1974, a burglary occurred at the California National Guard Armory, 700 North Alameda, Compton, Calif.

Reported stolen during this burglary were the following weapons: 95 M-16 rifles (caliber 5.56 mm.), 7 M-60 machineguns (caliber 7.62 mm.), 8 M-79 grenade launchers (40 mm.), and 1 .45 caliber automatic pistol. The ammunition stolen consists of 16 rounds of 40 mm. white smoke projectiles for M-79 launchers, 3,360 rounds of 5.56 mm. ball ammunition, 1,000 rounds of 7.62 mm. ball linked ammunition, 45 rounds of .45 caliber ball ammunition, and 100 CS1 riot grenades.

All the M-16 rifles had the bolt assemblies removed, and the M-60 machineguns and M-79 grenade launchers had the firing pins removed. It has been determined the bolt assemblies for the M-16's and the firing pins for the other weapons were secured in another area of the armory and were not stolen. The subjects may attempt to secure bolt assemblies for the M-16's on the open market. The AR-15 rifle bolt assembly, which is available commercially, will function in the M-16 rifle.

All law enforcement agencies are requested to be alert to develop information concerning identity of any suspects and the whereabouts of these weapons. The serial numbers have been entered into the National Crime Information Center (NCIC). The FBI is seeking information concerning any attempted purchases of AR-15 and M-16 bolt assemblies from firearms distributors and salvage firms. Notify the nearest office of the Federal Bureau of Investigation immediately concerning any information received; also be alert for any criminal elements or extremist groups which may have these weapons in their possession and could utilize them against law enforcement personnel.

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

ADDRESS

TITLE

CITY

STATE

ZIP CODE

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

OFFICIAL BUSINESS

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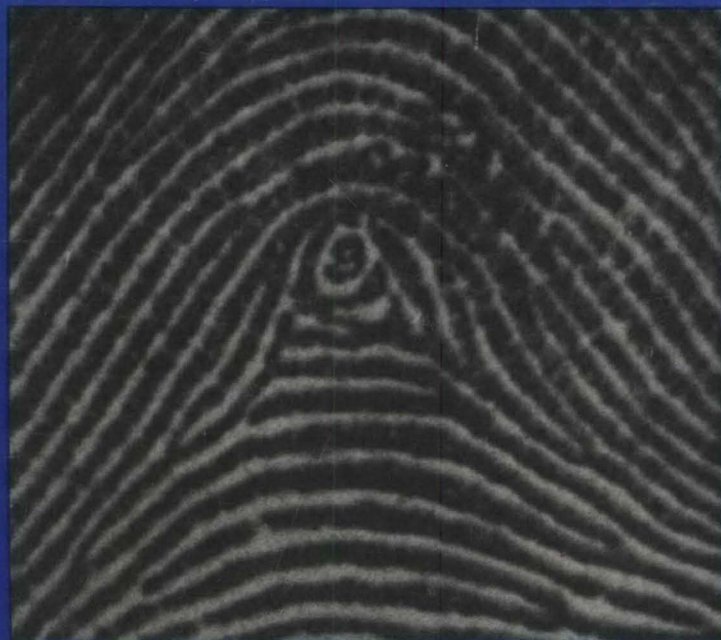


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QUESTIONABLE PATTERN

This fingerprint pattern, as it appears at left, is classified as a central pocket loop-type whorl with a meeting tracing. However, the central core area may be distorted due to improper inking and/or pressure. Therefore, this pattern is referenced to a tented arch.