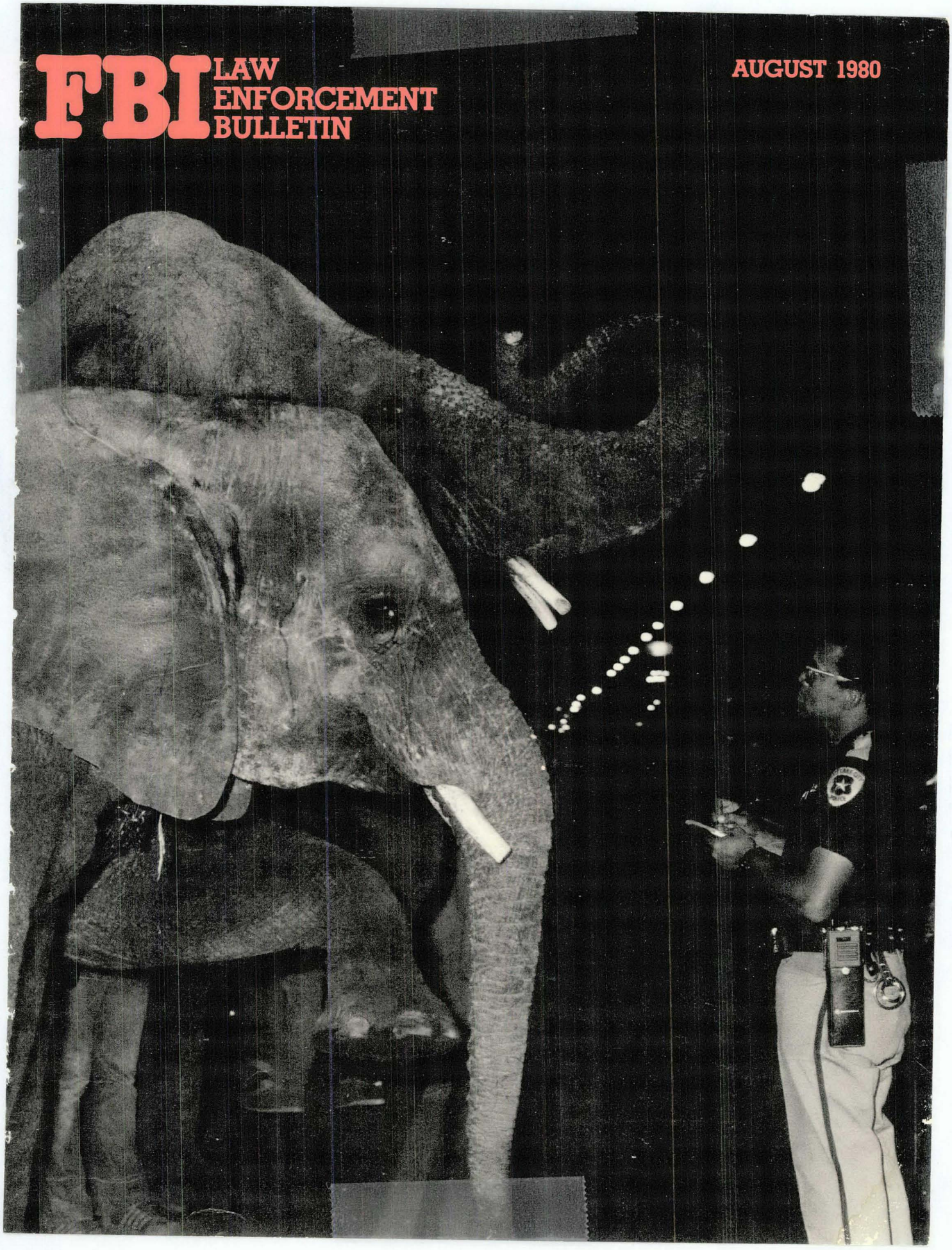
FBI LAW ENFORCEMENT BULLETIN

AUGUST 1980



FBI LAW ENFORCEMENT BULLETIN

AUGUST 1980, VOLUME 49, NUMBER 8

Contents

THE COVER: No elephant crossing! A Salt Lake City officer does his duty, citing the transgressing trunks as Orville Wilson, a crime laboratory photographer, captures the moment.

Federal Bureau of Investigation
United States Department of Justice
Washington, D.C. 20535

William H. Webster, Director

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through December 28, 1983.

Published by the Public Affairs Office,
Roger S. Young
Inspector in Charge

Editor—Thomas J. Deakin
Assistant Editor—Kathryn E. Sulewski
Art Director—Carl A. Gnam, Jr.
Writer/Editor—Karen McCarron
Production Manager—Jeffery L. Summers

ISSN 0014-5688 USPS 383-310

Police Cynicism

A Cancer in Law Enforcement?

By KENNETH R. BEHREND
Chief of Police
Lewiston, Idaho

What is cynicism? Where does it come from? How do we guard against it? Are there law enforcement personnel who are cynics? The answers to these questions are of primary concern to all peace officers, regardless of rank.

Cynicism, like cancer, does not respect rank, status, or position. It can frequently grow within individuals or within our organizations without us realizing its presence. Other parallels can be drawn between the disease and the cause and effect of police cynicism. If both are detected in the early stages of development, they can be cured. If left to nurture to their potential, they can and frequently do become terminal to our careers, our lives, or both.

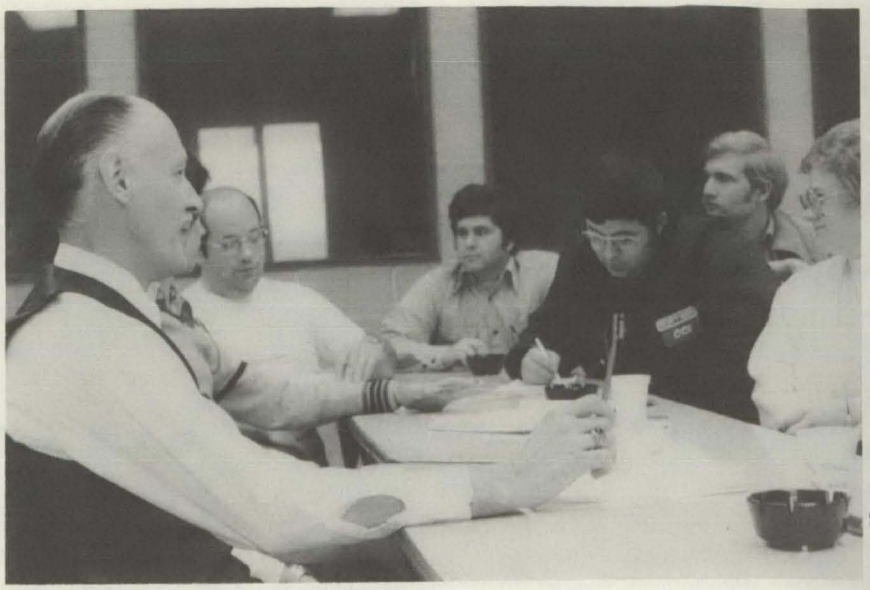
Cynicism can be defined as a means to display an attitude of contemptuous distrust of human nature and motives. When we hear the term "police cynicism," it frequently creates visions of something evil, dark, foreboding, and diabolical. It corrupts and destructs the total image of a police officer or organization.

Numerous studies have been conducted on this topic, and excellent research material is available based on sound empirical data. However, this article approaches the subject from a police administrator's viewpoint, with the hopes of providing useful information to other police officers, as opposed to an academic or clinical review of the subject.

Cynicism does exist in law enforcement and perhaps is more widespread than many of us realize. The symptoms are frequently overlooked, and people are generally not referred to as "cynics" until they exhibit the advanced stages of the problem. It should be realized, however, that before reaching the advanced stage, there is an incubation period that produces early warning signs as to the presence of attitude disorders that can culminate in cynicism. The inherent stress and frustration found in the law enforcement profession provides an ideal breeding ground for the disorder.

Young officers entering law enforcement frequently have deep feelings of commitment and a sense of entering a field of endeavor which is worthwhile and meaningful to society. Many of them notice a gradual change in their relationship with friends or even relatives. How often has it been said, "Now that Jim is a cop we gotta be careful or he will arrest us." As seemingly innocent as this may be, it may cause the officer to withdraw and minimize his association with past friends. Conversely, he usually increases his association with other law enforcement personnel. The result is the officer unknowingly starts a slow withdrawal from society. As contact with peers increases, both on and off the job, the main topic of discussion becomes the

job. The officer hears colleagues tell of their experiences and he relates his own experiences in the same fashion. He listens to the frustrations other officers encounter with the job and in society and starts to identify those frustrations as his own. Early in his career, he is eager to return home after a tour of duty and recount the new and exciting experiences he has had. As the excitement wanes and bizarre experiences become commonplace to his world, questions from his spouse as to the occurrences of the day are frequently shrugged off with a reply of "Nothing much, a couple of stick-ups, that's all!" The officer faces a continual exposure to the worst of society—homicide, suicide, violence, rape, broken homes, shattered lives, transients, alcoholics, delinquents, addicts. He witnesses daily man's inhumanity to his fellow man and the inability of numerous residents of his city to cope with the pressure of society. Without knowing what is happening to him, he starts to withdraw from society. He begins to reach a point where it becomes an "us against them" world. The "us" are his fellow police officers, the only friends he believes he has, and "them" becomes the remainder of society. Throughout his early development as a police officer, he is constantly reminded there are those in society who would take his life. He is constantly taught to be on his guard, to be suspicious, to trust no one. Thus, the withdrawal continues. He discontinues old haunts and habits because they place him in a position where he is exposed and vulnerable. Instead of responding favorably to a request from his spouse for an evening out, he replies, "I'm not going to go down to the local nightspot and associate with the same people I throw in jail."



Chief Behrend holds an informal rap session with members of his department.

The virus of cynicism has been nurtured, and if allowed to remain untreated or unchecked, can become terminal for the officer's career and perhaps even to his life.

The foregoing is a graphic description of one form of cynicism. There are other ways it can flourish, and cynicism is not restricted to entry-level personnel. Take, for example, the older, experienced officer who is frustrated by the American system of criminal justice and becomes disenchanted with what he sees as roadblocks to prosecuting criminals—prosecutors who refuse to accept cases, side deals made outside the courtroom with defense attorneys, plea bargainings, and court decisions that appear to protect the criminal at the expense of society. All of these elements have a tendency to break down the officer's regard for the system and can cause him to withdraw from the established norm and move toward a cynical or distrustful attitude.

Another common form in which the hydra-head of police cynicism may materialize is the officer who becomes frustrated after numerous attempts to be recognized, to have his work praised, or to receive a promotion. After repeated tries to grab the golden ring, he becomes frustrated with the system, withdraws from competition, exhibits feelings of bitter contempt, and ridicules others who continue to try. His world becomes one of existing and trying to provide a defense against the system he sees as threatening; he withdraws from the system and finds fault with it at every opportunity.

The administrative ranks or the top police administrator himself are not immune to cynicism. Continual criticism of his endeavors, combined with the frustration of attempting to deliver police services demanded by the community while being restricted by inadequate resources, can cause police administrators and entire law enforcement organizations to assume a cynical attitude toward governing bodies and the community at large. The administrator complains he is not furnished the resources he needs to obtain the expected results and eventually recedes into the "us against them" syndrome. In this case, "us" is the police agency and "them" becomes city hall, the county commissioners or another funding authority, and more importantly, the community.

A newspaper editor addresses officers at a police department training session.

The administrator places the fault of his plight on citizens for their inability or unwillingness to support his budget requests and on the governing body for their lack of sensitivity to his needs. The agency withdraws from the community under the leadership of the administrator and becomes wrought with self-pity and apathy—incompetent to the delivery of quality public service.

The first and perhaps best line of defense against allowing police cynicism to infect you or your agency is simply acknowledging that it does exist. It is real, and as such, can be prevented or corrected. Being aware of what it is in layman's terms is an asset in identifying the symptoms and taking corrective action or instituting procedures which will minimize its occurrence.

Training bulletins or sessions for all ranks within an organization which address the topic are of considerable benefit in educating personnel as to the meaning of the term and the symptoms that identify it. Some agencies make available competent professional assistance to conduct periodic training sessions which use self-analysis, group settings, and other recognized techniques to reveal latent tendencies in participants that harbor the potential of future cynicism. Considerable skill and knowledge are prerequisites to conduct successfully such a training session. However, most departments possess qualified personnel who can discuss the subject in meaningful terms. By educating our personnel that cynicism is a reaction to conditions that can strike anyone and expose the phenomenon so that it can be understood, we have taken the first step toward preventing its occurrence. Training sessions which use community resources outside the department, such as social service agencies, community organizations, etc., are beneficial not only because of the subject matter under discussion but also because they place the officer in contact with other segments of the community.

A stop and talk program can keep an officer in touch with the community he serves.

They expose him to other viewpoints and values that are usually different from those of a police organization and help the officer understand his role in relation to society.

When demands for service permit, a "stop and talk" program is an excellent method of placing an officer in touch with the community. The program encourages a one-on-one dialog between a law enforcement officer and a citizen in a nonenforcement setting and exposes an officer to the side of society from which he normally drifts in his daily duties. Usually, his contacts are with victims, witnesses, suspects, or traffic offenders and are conducted in an official capacity. If a stop and talk program is encouraged, the officer has an opportunity to contact citizens on their terms, and the feedback he receives can be a valuable experience for him and important to the organization as a whole in measuring the community's perceptions of the police.

Individual counseling or instruction remains an option for an employee who may be experiencing difficulty in defining his role in society as a police officer. In serious or advanced cases, professional counseling may be required to help an officer adjust his attitude; however, in the majority of instances, well-oriented, competent supervisors can furnish the necessary assistance.

Practically all law enforcement agencies use some form of performance evaluation forms. The existing systems differ widely, and some serve a multiplicity of purposes, such as determining merit increases, promotion, evaluation of job performance, and other factors. Some systems are designed with the total objective of improving job performance. In either case, the system can be remodeled to provide a vehicle for periodic feedback to an officer concerning his relationship with the community and his commitment to the department's mission.

Occasional, informal "rap sessions" between the top administrator and members of his organization are another tool that can be used to provide information, dispel rumors, and establish the philosophy of the administration. Such sessions are voluntary and informal in nature, with rank being set aside while items of general interest are discussed. The administrator has an opportunity to establish rapport, dispense his philosophy, and receive feedback on individual attitudes at the same time. Through the informal session, the administrator has the opportunity to present an experienced, well-oriented viewpoint on the role of the police in society, as well as influencing individual lifestyles through his opinions and comments. An administrator may believe his time is too valuable for such a limited participation; however, it must be remembered that it is a communications process and the administrator is receiving as well as giving. In addition, word will rapidly spread in the organization concerning what the chief thinks about a particular subject.

Creating an environment that encourages officer involvement in community events and programs is another method of insuring officers are exposed to the community they serve. Every community hosts social events, sporting events, community projects or appoints boards, commissions, or committees which serve the community. By encouraging officers to assume an active role in community events, a two-fold purpose is accomplished. Officers stay in touch with the community, and an opportunity exists to expose citizens to department members. Additionally, another benefit is derived from such a practice. Through their association with other people, officers develop friends and acquaintances who are not members of the criminal justice system. Such contacts are valuable to an officer in maintaining a healthy perspective of his role in the community. The same purpose is accomplished by encouraging and supporting the enrollment of police officers in service clubs and civic organizations. The concept behind these endeavors is to break down the barriers of provincialism and encourage law enforcement personnel to be an active party of society, as opposed to the smaller arena of circulation available when contacts are restricted to other law enforcement personnel. Assuming such a role places an officer in touch with the positive elements of society, instead of continual exposure to a small, negative, and sometimes violent segment of society.

"Recognizing and understanding cynicism is the first line of defense against its continual growth."

Police administrators should review the internal policies and procedures of their respective organizations to insure the philosophy of the organization advocates an awareness of community values and does not foster an isolationist attitude with respect to the department and the community. The internal integrity of the promotional and other "systems" within the agency is also of paramount importance in creating an atmosphere that prohibits the spread of cynicism. Employees must respect and believe in each system's design, particularly the promotional system. The opportunity to compete in a promotional system that is viewed as fair, impartial, and identifies the best-qualified applicants is a prerequisite to avoiding deep frustrations which can result in prejudices, disenchantment, and a predisposition toward cynicism.

Police cynicism is not viewed as an evil, diabolical corruption of police personalities and organizations when we understand what it is, its causes, and its treatment. Instead, it becomes a human reacton to stress that can invade our attitude just as cancer can invade our body. However, action can be taken to safeguard ourselves and our organizations.

Recognizing and understanding cynicism is the first line of defense against its continual growth. Establishing an organizational philosophy that advocates close ties to the community can minimize the opportunity for cynicism to develop. When detected in the early stages, corrective measures can be applied to insure that the attitude of the organization is in concert with delivering quality public service. Measures can be taken to insure the health, safety, and physical well-being of our personnel. Can we afford to do any less for their important mental well-being which affects not only the individual officer but the agency and the community as well? **FBI**

THE FIRESETTER
A Psychological Profile
(Conclusion)

By ANTHONY OLEN RIDER
Special Agent
Behavioral Science Unit
FBI Academy
Quantico, Va.

Arson-for-Profit

In 1974, Angelo Monachino, the owner of a construction business in Rochester, N.Y., became the subject of heightened interest when it was learned that he had been involved in the arson of a Rochester tire company in December 1972. Monachino's eventual cooperation with local and Federal authorities resulted in a Federal indictment charging a series of eight arsons and insurance frauds committed in the Rochester area between 1970 and 1973 which netted over $480,000 in insurance proceeds. His testimony also assisted Federal prosecutors in indicting six defendants for a number of bombing incidents which occurred on October 12, 1970. In addition, three separate mail fraud indictments were returned, involving owners of the buildings burned by the arson-for-profit enterprise. Monachino also testified before a State grand jury and trial of top-ranking members of the Rochester organized crime syndicate for the mur-

der and conspiracy to murder Vincent "Jimmy" Massarro—one of the torches and strongarm men of the Rochester mob.[85] This case was especially noteworthy since it directly tied organized crime in that area to arson-for-profit conspiracies and identified the membership of the Rochester syndicate.

According to his testimony before the Senate Arson-for-Hire Hearings, Monachino knowingly associated with members of the Rochester mob in hopes of getting contracts on construction projects, stating he was "always on the lookout for new business." After several years of associating with these underworld figures and performing numerous jobs, including arsons, for the Rochester organized crime syndicate, Monachino admitted in his testimony that he "was made a sworn member of La Cosa Nostra in Rochester. . . ." During his association with the mob, he claimed to have personally set 6 fires and either directly or indirectly engaged in setting 11 others. He also employed Massarro in his construction business. According to Monachino, he only received $700 for all of his arson activities. He testified that the mob frequently refused to pay him and the other torches for their work. However, it was inadvisable to complain.

In 1977, Boston police and Massachusetts State troopers broke up an alleged $2 million arson-for-profit conspiracy ring after a 4-month investigation. Thirty-three persons were indicted, including three public adjusters, a retired fire captain, a retired police detective, and a lawyer. Three of the subjects arrested in the case were charged with murder as a result of fatal tenement fires.[86]

U.S. Department of Justice Strike Force attorneys testified before the U.S. Senate Arson-for-Hire Hearings regarding the penetration and prosecution of one of the largest arson-for-profit conspiracies detected in this country.

"On February 24, 1978, a jury in Tampa, Florida, returned guilty verdicts against sixteen defendants in the case of *United States* v. *Joseph J. Carter, et al.* on Federal charges of conspiracy, racketeering and mail fraud. . . . Those verdicts represented the culmination of almost two years of criminal investigation, some three months of trial, and nearly one month of record-setting jury deliberations. The indictment, originally naming twenty-three defendants in thirty-five counts of conspiracy, racketeering and mail fraud, described in detail an 'arson-for-hire' enterprise whereby low-cost and often substandard property would be overinsured and then burned in order to collect unjustifiably high fire insurance proceeds. This criminal 'enterprise' operated successfully for approximately four years in the Tampa area, defrauding major insurance companies of hundreds of thousands of dollars. The indictment alone described twenty-one specific instances of arson. Proof at trial indicated that the enterprise was also responsible for additional fires not listed in the indictment. The list of defendants included several reputable businessmen, four former members of the Tampa Fire Department, a former city building inspector, and a one-time candidate for mayor of Tampa. In addition to the sixteen defendants found guilty by the jury, three others pled guilty prior to trial pursuant to plea agreements and testified as Government witnesses. Four defendants were acquitted." [87]

Those who testified as Government witnesses included the "torch," Willie Noriega, a part-time arsonist, Victor Arrigo (alias Vic Rossi), and an insurance claims adjuster, Joseph Carter.

According to Carter's testimony, he became vulnerable to the Tampa arson enterprise as a result of incurring extensive gambling debts at the dog track. In desperation for money to pay off his gambling losses, Carter agreed to assist the arson enterprise by steering them to companies which would pay off fire claims in a hurry. He found his association to be most lucrative.

Willie Noriega was described as a shrewd, brazen, boastful individual, who had a well-earned reputation for being the best in Tampa. When Federal authorities approached him in hopes that his knowledge of their investigation would convince him to admit his guilt or to cooperate with the Government, he was unmoved and continued his involvement for almost 6 months. When he finally realized that it would be to his advantage to cooperate with the authorities, he became a Government witness. [88]

Dr. Daniel J. Spreke testified at the Carter trial as to Noriega's psychiatric condition. Noriega was clinically depicted as a very cunning and calculating offender.

> "Mr. Noriega's clinical picture was that of the businessman arsonist. That is much different than the impulsive fire setter. This is a person who plans, who does a great deal of planning, who sees people, who sets up things, who gets materials, who knows all about flash points of various materials, who goes into the investment aspects, the money-making aspects of it. [89]

Investigations into arson-for-profit schemes and enterprises have disclosed that profit-motivated arsonists and conspirators include members and affiliates of organized crime, amateur criminals, attorneys, building and repair contractors, building inspectors, businessmen, fire department and law enforcement officials, insurance salesmen and claim adjusters, landlords,

homeowners, tenement and apartment dwellers, loan and investment company employees, mortgage company personnel, politicians, and real estate agents and brokers.

Who is the "hired-torch"? Is he characteristically different from other offenders, or for that matter, other arsonists? What induces his firesetting behavior? Does he possess a certain type of personality or criminal mind? What are his incentives for engaging in arson fraud?

In the February 1976, issue of *Psychology Today,* Jack Horn identified the new breed of arsonist:

> "The arsonist is no longer a kid who loves fire engines or a man who likes to see things burn, for sexual thrills. . . . They've been replaced by the cold-eye professional; the torch who, in Jimmy Breslin's memorable phrase, builds vacant lots for money." [90]

According to Michael Smith (alias), a former arsonist-for-hire in Minneapolis, Minn., who testified before the U.S. Senate Arson-for-Hire Hearings, arson can be arranged as easily as making a telephone call.

> "A professional arsonist today is in a seller's market. Many businessmen and speculators who know their way around can call an arsonist to provide instant liquidity of their property the way the average person telephones a reservation to a restaurant." [91]

Arson-for-profit appears to involve a calculated act and a rational rather than pathological firesetter. Consequently, it seems "reasonable to classify arson-for-profit differently from other types of firesetters. . . ." [92] However, when attempts are made to categorize this type of arsonist, one immediately discovers that little information of value exists regarding his personality characteristics or his psychological motivation. According to Vreeland and Waller, "At this point we simply do not know a great deal about the psychological aspects of arson-for-profit, and this is an area which needs a great deal more research." [93]

In the past, little attention had been devoted in psychological or psychiatric literature to arson-for-profit. As a result, information available on the etiology of economic arson or the psychodynamics of its participants is scarce. Simply because arson-for-profit may be perceived as a rationally motivated crime is hardly reason to ignore it or to give it superficial notice. Many predatory offenses, rationally designed and having far less impact on our society than arson, have been afforded considerably more analytical attention by behavioral scientists than arson-for-profit.

"Arson-for-profit appears to involve a calculated act and a rational rather than pathological firesetter."

The high rewards (financial profits) and the low risks of detection and prosecution appear to encourage complicity and serve as psychological incentives for arson-for-profit. This expectation of easy monetary gain, coupled with the low risk of apprehension, have allegedly enticed housewives, businessmen, and organized crime members to enter the arson market. It has even been speculated that "for certain types of entrepreneurs arson may be treated as a part of normal business activities, with no greater perceived risks associated with it than with many other business activities." [94]

However money, per se, does not really differentiate those who engage in arson-for-profit from those who do not. It may be that those who participate in or are attracted to such activities are more psychodynamically inclined than those who are not drawn to it.

Consequently, the psychological aspects of arson-for-profit need to be explored in greater detail. Knowing the psychological characteristics of the hired torch and his conspirators will aid the investigator in focusing and narrowing his investigation, in designing targeting approaches, in selecting interviewing strategies, and in developing informants for use against such enterprises.

What is needed to effect a targeting program of this nature, however, is a profiling strategy based on a data collection protocol designed to acquire and analyze relevant psychological, sociological, and demographic characteristics of known "torches" and conspirators engaged in arson-for-profit. Profiles of the various components of the arson enterprise could then be applied by arson strike forces, organized crime strike forces, and police-fire arson teams in selectively targeting particular individuals. Vulnerable components of these conspiracies could then be identified and targeted in a selective and effective manner.

A Projected Profile of the Professional Hired Torch

Some psychologists have supported the belief that some arsonists are antisocial or psychopathic personalities; however, others disagree. Wolford, for instance, found no evidence of the psychopathic personality in his study of the incarcerated arsonist. [95] Bernard Levin, on the other hand, has characterized most arsonists "as psychopaths, or having psychopathic personalities." [96] Critical study of the hired torch has not been pursued up to this time primarily because he has been viewed as a rational and nonpathological firesetter. Consequently, his personality remains a matter of great speculation.

A Projected Psychological Profile of the Professional Hired Torch

Age: The age may vary from late twenties to mid-late sixties. However, his age will generally concentrate between early thirties to midfifties. The psychopath may begin to "burn out" between 45 and 50 years of age.
Sex: Male.
Race: Typically, the professional hired torch is caucasian. This will vary, of course, with the area of the country and location of the arson activity.
Intelligence: Average to above-average intelligence (often very cunning and street-wise).
Personality style: Psychopathic (antisocial) style of personality, with such common characteristics as egocentricity, manipulative and exploitative behavior, deceitfulness, pathological sense of confidence, impulsivity, lack of anxiety, remorse and guilt, propensity for high-risk living, schemer and con man.
Marital status: Not uncommon to be single, separated, or divorced.
Marital stability: Often unstable due to his personality and impulsive lifestyle.
Lifestyle: Somewhat impulsive and erratic; often characterized by high-risk living and excitement-seeking; possible nomadiac; prone to be nocturnal.
Socioeconomic level: Often middle class, but may be prone to be heavily in debt or over-extended financially.
Use of alcohol: Common (not uncommon to find excessive drinking, but not during his torching activity; frequently a heavy social drinker).
Occupation/Employment: May be employed in a variety of capacities from professional businessman to unskilled laborer; however, frequently employed by others. If he owns or operates a business, it will be frequently financially marginal.
Work habits: Irregular and marginal.
Prior criminal history: Although he may not have an arrest history he may have been suspect in a variety of crimes ranging from fraud to homicide.
He may have an arrest history for such offenses, but without accompanying criminal convictions.
He may have one or two criminal convictions, though suspect in numerous other criminal activities.
He may have an extensive criminal record, with convictions for fraud, assault, and even murder.
Firesetting motivation: Rationally motivated by economic incentives.
Arson planning: Premeditated and often carefully planned to avoid detection.
Solitary or group firesetting: If he is an affiliate or member of a loosely knit or structured criminal enterprise, he may work with one or more other arsonists. If he is an independent, he will most often function as a solitary arsonist.
Behavior prior to firesetting: Often prepares the facility for burning a day or so prior to firesetting in order to insure that it burns as intended.
Behavior at firesetting: As little time as possible is spent in the structure at the time of firesetting. The fire is usually timed in order to provide for his adequate departure prior to the incendiarism.
Behavior after firesetting: Commonly departs the fire scene immediately and prior to the arrival of the fire service. Often returns home, to a bar, or to other planned activities to establish an alibi.

Although there is no concrete clinical proof supporting the contention that the professional arsonist is psychopathic in style, there is reason to suspect that many of them are antisocial or have at least adopted the characteristics more typically associated with that personality type. This postulate is based on their behavioral pattern and choice of a criminal lifestyle.

According to the American Psychiatric Association's (APA) *Diagnostic and Statistical Manual—Mental Disorders* (DSM) III, only persons 18 and over are diagnosed as antisocial (psychopathic) if:

1) There were at least two instances of deviant behavior, such as theft, vandalism, or unusually aggressive behavior, before age 15;

2) There have been at least three behavior problems, such as financial irresponsibility, illegal occupation, and poor work history, since age 15 and no period longer than 5 years without such a problem;

3) The antisocial behavior is not a symptom of another disorder. [97]

Characteristically, the psychopath knows right from wrong, is in touch with reality, and does not suffer from psychotic delusions or hallucinations. Therefore, he does not fall, by definition, within the purview of legal insanity. The most dangerous psychopaths, according to James C. Coleman, et al., are:

> ". . . those who are not only intelligent and completely unscrupulous, but also show sufficient self-control and purposefulness of behavior. . . ." [98]

William and Joan McCord have described the psychopath as "an asocial, aggressive, highly impulsive person, who feels little or no guilt. . . ." [99]

Although impulsive, he is also often a very cunning, methodical, and premeditated offender capable of any form of criminal behavior. It is also possible for this type of personality to remain undetected in society and free from criminality. He may, however, stay on the periphery of unlawful conduct, e.g., shyster lawyers, unscrupulous businessmen, and unethical politicians. The psychopath's life is frequently characterized as risk-taking, exploitative, manipulative, irresponsible, and unethical. If engaged in criminality, he is often found to be involved in fraudulent schemes, as well as various forms of aggressive and assaultive behavior. Some of the most brutal homicides are perpetuated by psychopaths. Due to their sadistic nature, they receive great satisfaction from seeing others suffer. It gives them a sense of power and dominance.

The psychopath is known to manipulate or to toy with the police during their investigations. He may even offer assistance or provide evidence to the authorities in an effort to mislead them. He is not easily intimidated. Consequently, approaching a psychopathic suspect for the purpose of discouraging him, by telling him that he is a target of an investigation, will often only encourage his continuation. His egocentricity and pathological self-confidence drive him to prove his superiority.

Arson-for-profit would appear attractive to a psychopath. The risks of being caught are low and the financial incentives are often extremely inviting. In addition, it would provide him with a suitable and profitable outlet for his sadistic, excitement-seeking nature. He would receive tremendous pleasure and gloat in being able to frustrate the authorities in their efforts to solve his crimes.

This type of offender is not easily deterred. The threat of punishment often has little or no impact on the psychopath's behavior. He is most vulnerable, however, when it becomes obvious to him that he has been trapped and there is no way out. At that point, he may bargain or offer a deal to save himself or to at least minimize his punishment. He does not like to be the scapecoat. When he sees this happening, he often offers to become a Government witness or informant. It should be recognized, however, that whatever he does or offers is to his own advantage. If he foresees no personal benefit or gain from his cooperation, chances are that he will not cooperate. Relying on this type of personality for assistance is risky, even when it appears that he is amenable.

". . . a comprehensive analysis of the arson enterprise will most likely divulge multiprofiles rather than a single, typical one."

In light of this, it is advantageous for arson and law enforcement authorities to know when they are investigating or targeting a psychopathic suspect.

Their selection of investigative strategies should be based on his style of personality. For instance, the premature interview of this type of suspect could prove to be damaging, if not fatal, to his future prosecution. He is not likely to offer a confession nor is he prone to inform on his confederates, unless he sees his own prosecution as inevitable. Furthermore, if he detects weakness in the ongoing investigation, he may become stimulated to continue flaunting his incendiary talents before the authorities and then boast of their inadequacy to stop him. If he were previously unaware of being investigatively targeted, his premature approach by authorities could drive him into more discreet activity, thus further complicating the investigation.

The most vulnerable aspect of the psychopath is his egocentricity or love of self. Self-gratification and self-preservation are central to his impulsive behavior. He is prone to be manipulative and exhibitionistic (to demonstrate his superiority), but over-confidence can lead to his downfall.

Although he is sensitive to manipulation by others, it is possible to manipulate subtly this type of offender. When he perceives a challenge by the authorities, he often instinctively reacts. He must prove his dominance. However, psychopaths characteristically react to frustration with fury. Thus, they may become extremely dangerous when cornered or frustrated.

There is insufficient data on which to base a conclusive profile of the professional hired torch. Glimpses of his personality, however, have been captured in those who have been identified as professional "'torches," and the psychopathic style of behavior appears to be manifested in many of them to varying degrees.

The Arson Conspirators

As noted previously, conspirators in arson-for-profit schemes and enterprises have been identified most often by their criminal associations and occupational and professional titles. However, one's title or occupation is not sufficient, in and of itself, to characterize psychologically an individual. Persons with varying personalities, behavioral styles, and backgrounds may be employed in similar jobs or careers. Although the professional participant (the banker, insurance adjuster, or lawyer) plays a vital role in the successful operation of arson-for-profit enterprises, his occupation does not descriptively illustrate his personality or explain why he has chosen to become involved to the exclusion of others. People are unique and individualistic.

322-074 0 - 80 - 2

Some of the known arson co-conspirators have had long criminal histories; others, only sporadic conflict with the law. Many have lived exemplary lives up to a point. They have been civic-minded and forthright—even dedicated to the pursuit of honesty. Some have even stood as bastions against criminality and lawlessness. What then caused these persons to turn to dishonesty and criminal behavior? Were they latent criminals? Is their involvement fortuitous? Do they share common personality traits or patterns?

These questions cannot be answered with any certainty, since little is really understood about any of the conspirators. Consequently, attempting to assess their psyches would be, at best, speculative and tenuous at this time without in-depth study and supporting clinical evidence. While behavioral scientists have theorized on the reasons for criminal behavior, there appears to be no single causative factor for crime. If anything, it is eclectic.

Although a significant portion of arson appears to be attributed to the severely mentally and emotionally maladjusted, arson-for-profit seems to be the product of a rational offender who has selectively chosen incendiarism for financial considerations rather than for the relief of tension or for vengeance, though neither of these elements can be totally eliminated from any firesetting behavior.

Arson-for-profit is an attractive offense to the professional criminal. Smalltime hoodlums and fly-by-night arsonists have possibly seized upon incendiarism as an opportunity to establish a reputation and earn easy money. In either case, their involvement is symptomatic of their basic behavioral and psychological predisposition to crime. Chances are that if they were not "burning" for money, they would be engaged in other forms of criminality. In fact, it is not uncommon to find these persons engaged simultaneously in arson as well as in other forms of criminal behavior. Crime, then, is a way of life and a style of persistent behavior for these offenders.

It is possible that many conspirators have seized upon arson as an opportunistic method for expeditiously and safely extricating themselves from financial difficulties. If their lifestyles were assessed, a common history of risk-taking, impulsiveness, poor judgment, and pretentious living would probably be found. It is likely that they have invested unwisely, squandered their savings, and over-extended their indebtedness. They have sought to make fast money and to acquire social recognition and prestige through the acquisition of wealth. Instead, their lives have been marked by continuous failure and frustration. Out of desperation they seek relief from this burden so they can start anew. However, their lifestyles will not change and they will continue to strive for the unattainable. Their desire for more is insatiable.

There are certain businessmen and entrepreneurs who appear to have accepted arson as a legitimate and profitable alternative to bankruptcy and excessive overhead. Some have even adopted it as a common business practice or as an investment enterprise. Although often void of a registry of criminality, these unethical businessmen and investors have often been engaged in fraudulent activities or on the fringes of criminality much of their business careers. Some of these financiers have even accepted fiduciary interest in organized or loosely organized crime activities. Their behavioral style closely correlates with that of the psychopath—impulsive, egocentric, and ruthless. Therefore, their involvement in arson is not out of character; it is actually compatible with their basic psychological pattern.

There are also those engaged in arson who are socioeconomically disadvantaged. Their lives are characterized by the inner-city ghetto, poverty, unemployment, governmental subsistence, and feelings of isolation and exploitation. Here, arson is used as a method of social and racial protest, as well as a technique to elevate fraudulently their living standards and to obtain better housing. Such behavior often demonstrates cultural conflict as well as criminality.

The anatomy of an arson scheme or enterprise depicts a structural network and pattern of interrelated components. Whatever the configuration of the network, each participant has a specific role and is involved for a particular self-serving purpose. The players are psychologically prepared to engage in such behavior; all that is required to unify these components is the catalyst—opportunity. Therefore, economic arson is often a fortuitous act as well as a continuing enterprise. Arson-for-profit frequently feeds off crises. Many of the co-conspirators are drawn to this form of criminality because they perceive it as offering a simplistic and undetectable solution to their immediate distress or needs.

A reliable profile cannot be presently constructed on a "typical" arson-for-profit conspirator. The variability of backgrounds and personalities of the participants may even preclude the development of a stereotypic profile. In fact, a comprehensive analysis of the arson enterprise will most likely divulge multiprofiles rather than a single, typical one. What is needed is a comprehensively designed analytical investigation into the individual and interpersonal dynamics of such group behavior.

An Arson Protocol

Any successful criminal prosecution is predicated on a well-systematized and comprehensively formulated investigative process. The more complex the scheme though, the more necessary it is for the investigation to be strategically planned and executed.

One of the most critical support components in any arson-for-profit investigation is the intelligence gathering and analysis function. If appropriately designed and employed, this process can provide invaluable insight into the operation of the criminal enterprise and furnish the data necessary to design specific targeting strategies. On the other hand, a hastily built investigative approach may prove to be fatal to the successful penetration and destruction of such a scheme.

A technique which holds promise for effectively targeting the participants in arson-for-profit is the psychological profile. If appropriately constructed, the profile can possibly serve as an analytical tool in identifying and assessing the most vulnerable elements in the conspiracy. The profile, however, must be based on a comprehensive and standardized data collection format. Therefore, an arson protocol appears to be a necessary and vital prerequisite to implementing a psychological profiling program in arson-for-profit cases.

The term "protocol," as defined in psychiatric and psychological literature, means:

> "The individual case record; the 'raw material' of a study or experiment before it has been included into the conclusions or overall results of the study. In clinical psychiatry, the protocol commonly refers to the complete case history and workup, in contrast to the case summary or final conclusions about the individual case." [100]

Basically, a protocol is a data collection instrument designed to record raw material of a given study—subject or group. The instrument would facilitate and standardize the collection and analysis of relevant criminological, psychological, and demographic information on known or suspected arsonists and arson conspirators. It would aid in the selective targeting of certain members of a group by furnishing data necessary to pinpoint those most likely to be vulnerable to intensive investigation or susceptible to Government persuasion to act as informants or to become witnesses for the Government.

"One of the most critical support components in any arson-for-profit investigation is the intelligence gathering and analysis function."

The protocol could also serve as a research instrument for interviewing and assessing subjects who have been convicted on arson-related violations. Profiles gleaned from such studies could serve three purposes: (1) To provide applied and comprehensive profiles of known arsonists and arson conspirators; (2) to aid in the training of investigative personnel who are assigned to arson task forces and organized crime strike forces; and (3) to support future investigative efforts in these areas.

An Overview

Arson and arson-for-profit is one of the fastest growing criminal activities in this country today. By explaining the many psychodynamics related to firesetting and demonstrating the applicability of psychological profiling to arson, it is possible to illustrate the cluster characteristics and firesetting behaviors associated with particular arsonists.

However, it is apparent that all firesetters are not alike and that little is really known about their motivation or firesetting behaviors. Because of this, there is an urgent need for a comprehensive and detailed study of known firesetters of all types, to include the various pathological firesetters, as well as those who engage in arson-for-profit conspiracies. **FBI**

Footnotes

[85] U.S., Congress, Senate, Committee on Governmental Affairs, *Arson-for-Hire, Hearings before the permanent subcommittee on Investigations,* 95th Cong., 2d sess. (Washington, D.C.: U.S. Government Printing Office, 1978), p. 1.

[86] "Mammoth Arson-for-Hire Ring Rounded up by Boston Police," *Security Systems Digest,* October 19, 1977, pp. 4–5.

[87] U.S., Congress, Senate, Committee on Governmental Affairs, ibid., p. 110.

[88] Ibid., pp. 111–115.

[89] Ibid.

[90] Jack Horn, "The Big Business of Arson: Building-Burners for Hire," *Psychology Today,* February 1976, p. 52.

[91] U.S., Congress, Senate, Committee on Governmental Affairs, ibid., p. 110.

[92] Robert G. Vreeland and Marcus B. Waller, *The Psychology of Firesetting: A Review and Appraisal* (Washington, D.C.: U.S. Government Printing Office, January 1979), p. 4.

[93] Ibid., p. 5.

[94] Ibid., p. 4.

[95] Michael R. Wolford, "Some Attitudinal, Psychological and Sociological Characteristics of Incarcerated Arsonists," presented at the 17th Annual Arson Detection and Investigation Seminar, Sarasota, Fla., August 4, 1971, p. 8.

[96] Bernard Levin, "Psychological Characteristics of Firesetters," *Fire Journal,* vol. 70, No. 2, March 1976, p. 38.

[97] James C. Coleman et al., *Abnormal Psychology and Modern Life,* 6th ed. (Glenview, Ill.: Scott, Foresman and Company, 1980), p. 373.

[98] Ibid., pp. 286–287.

[99] William McCord and Joan McCord, *Psychopathy and Delinquency* (New York: Grune and Stratton, 1956), p. 2.

[100] Leland E. Hinsie and Robert Jean Campbell, *Psychiatric Dictionary,* 4th ed. (New York: Oxford University Press, 1970), p. 595.

Avoiding Jargon in Police Reports

By JOHN L. WALTMAN, Ph. D.
Criminal Justice Instructor
Auburn University
Auburn, Ala.

The importance of well-written police reports is an established fact that most will readily accept. Reports are useful records which may serve as evidence in court, investigative tools, guides for rehabilitation, or sources of statistics. In addition, they are often the only tangible evidence of an officer's efforts in the field. The more clearly written the report is, the better it can serve those purposes.

However, while many officers recognize the importance of a report in police work, they often hamper its ability to communicate by using jargon or gobbledygook. As static garbles an officer's radio transmission, jargon creates a form of static in written reports that confuses readers, because it is so often unintelligible. Yet, while jargon can cripple the effectiveness of police work, texts on police communications seldom treat it in detail. In fact, a random sampling of six texts revealed only one discussion of jargon.[1] Clearly, though, jargon is a problem worth studying.

What is jargon? In its narrowest meaning, jargon is the specialized vocabulary or idioms of a given profession. However, in the context of this article, the much broader definition, given in Kakonis and Hanzek, is "unintelligible or confused words and constructions." [2] More specifically, jargon (often called gobbledygook) uses language which is too pompous and constructions which are too wordy and pretentious for a given communication. This broad definition of jargon also encompasses the specialized vocabulary (e.g., police slang and the 10-system) which, while appropriate for police work, is not understood by those who deal with the reports, yet are not directly involved.

In short, jargon is over-writing. The person who writes police reports in jargon forgets or does not realize that different writing situations call for different writing styles. The utilitarian nature of police reports dictates a simple, clear style. Writers who become eloquent in police reports not only waste their own time but also that of their readers, since they must decode the complex prose that results.

The following jargon-ridden paragraph from the narrative portion of a police report will clarify the term (some references in the text were detailed on the face sheet, of course):

> Officer Roe approached the front entrance of the above-mentioned residence on foot. The above-referenced officer then made a visual surveillance of the interior of the domicile through a glassed opening in the door. As he did so, the officer made the observation that the B & E suspect was apparently attempting to effect an escape employing a window overlooking the residence's side yard. It was noted that the suspect carried no visible weapon. Officer Roe then effected his entry by pushing open said door and by stepping into the domicile. As Officer Roe did so, he gave the verbal command to the suspect to halt his progress through the window. . . . After arresting the suspect, Officer Roe then gave a verbal admonishment to the suspect to the effect that he was under no obligation to aid the officer in his further investigation.

As in this example, the writer of jargon takes a simple message and garbles it. Here, the writer relates the officer's approach to, observation of, and entry into the scene of the alleged crime, followed by his apprehension and admonishment of the suspect. In the report, however, the writer took at least twice as many words as was necessary to describe the events.

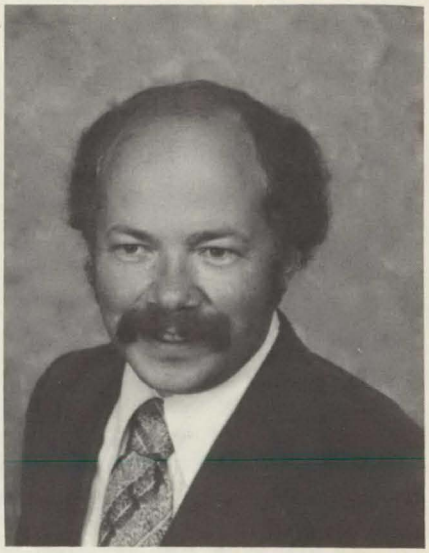
The question arises then as to what motivates a police officer (or any professional for that matter) to write jargon. While the answer is not totally clear, a few causes seem frequent enough to merit attention. Some officers lapse into jargon because they believe that they are expected to—it is a style of writing they see others use and thus must imitate. Another common cause is the feeling some have that simple expression in writing will be equated by the reader with simplicity of mind. In fact, some writers of jargon see a need to impress their readers rather than express their ideas.[3]

"Effective writing is that which expresses a message rather than impresses the reader."

Of course, the writer who seeks to impress is usually one who focuses on the quality of his or her expression. On the other hand, the reader who has to unknot convoluted prose is more likely to be irritated than impressed by jargon. An officer's competence should show through in the events being narrated in a report; they should speak for themselves without being dressed in unnecessarily vague or pompous language.

Fortunately, the elimination of jargon is relatively simple. The central rule is: Effective writing is that which expresses a message rather than impresses the reader. Several more specific rules show how to achieve this objective.

Probably the most important rule to follow in eliminating jargon in police reports is for the writer to avoid so-called "deadly verbs" or "camouflaged verbs."[4] In this very common pattern, instead of expressing the action of a sentence with a single, clear action word (the verb), the jargon writer will turn the verb into a noun. Now, in order to express the action, the writer needs another verb. In the jargon example,



Dr. Waltman

several examples of this pattern are evident. Instead of saying "the officer made the observation that the B & E suspect was apparently attempting to effect an escape," the writer could have written, "Officer Roe observed the suspect apparently trying to escape." In the original, the author changes the verbs "observed" and "escape" to the nouns "observation" and "escape." Then, in order to activate these nouns, new verbs "made" and "effect" were used.

A number of so-called deadly verbs can be used in the pattern just illustrated, including be, give, have, hold, make, put, and take.[5] Police officers frequently add another—effect, as in "Officer Roe effected the arrest of the suspect." Deadly verbs, in addition to expressing action indirectly, require extra words and pad writing unnecessarily. Avoiding them improves the verbal economy of a report.

Another rule for avoiding jargon is also motivated by economy. A good writer should be concise and use as few words as necessary to say what he or she wants. Thus, rather than saying that a board used as a murder weapon is "thirty-six inches in length, four inches in width, and one and one half inches in thickness," an economical and direct writer could describe it as "36 in. long, 4 in. wide, and 1.5 in. thick." The rewrite communicates the same idea more directly without sacrificing clarity. Similarly, instead of saying that "the suspect vehicle turned in an easterly direction," one could say that "the suspect turned east" (assuming, of course, that the narrative has earlier mentioned the suspect was in a car).

A third rule is to use clear, definite subjects in sentences. In the jargon example, the writer unnecessarily complicates the narrative with the use of "the above-mentioned address" and "the above-referenced officer." The reader seeing these has to search for the specific details in the narrative or on the face sheet, with no sure guarantee of accuracy. The specific address of the victim and the last name of the officer would take up less space while communicating more clearly than the original.

"... the good report writer will look for the most precise words to describe a situation."

In addition to following the above rules, the good report writer will look for the most precise words to describe a situation. Rather than describing a suspect as traveling at "a very high rate of speed," a more careful writer will specify the rate. Similarly, instead of describing an apprehended suspect as "manifesting threatening behavior upon arrest," the precise writer would say what the suspect said or how the suspect behaved to insure the most effective communication.

Of course, preciseness does not merely lead to clear direct writing; it might also guarantee that observations recorded in a report could later be used with confidence in court. The busy officer who must sort out details of several similar arrests will appreciate specifics when called as a witness in court.

A final rule for avoiding jargon is probably one of the most important. Officers should write naturally, using constructions that they normally use in serious conversation. In doing so, a writer should avoid the learned language and constructions of formal report writing, as well as the informal language of speech. Writers who reach above their vocabulary too often misuse words with occasionally humorous, but too often pathetic, results. The officer who "appraises" the suspect of his rights, when "apprise" is meant, would do better simply to say "read" or "told." The officer who is "advised" of an armed robbery in progress should more accurately be "informed." Glossaries in police report writing texts abound with similarly confused word pairs which could be avoided by substituting simpler words.[6] For example, the writer who used "allude" when "elude" is meant could use "escape" with more confidence. Similarly, the writer who confuses "noted" with "notorious" would probably write less prejudicial prose if he or she said "famous," all the while communicating more clearly. In addition, saying that a suspect said "yes" is far more direct and more accurate than saying that "the suspect indicated her ascent" (confusing "ascent" with "assent").

One rather formal word which is frequently used (but not, strictly speaking, misused) in police reports belongs better in the contract and legal jargon from which it is drawn. This word, "said," is substituted for "the" or "this" by many writers in such constructions as "Defendant Doe struck said victim. . . ." Although the word does lend a legal tone to a sentence, the writer would be better off remembering that he or she is writing a police report, not a contract. Other legal terms which could be avoided include "party" instead of "person" and "subject" when it is used in place of the demonstrative pronoun "this," as in "the subject automobile" for "this automobile."[7]

Following the suggestion made earlier, writers who use a writing style similar to the verbal style used in serious conversation are less likely to overreach themselves in sentence structure as well as in vocabulary.

Instead of writing "it was noted that . . . ," the direct writer would write "Officer Roe saw. . . ." Frequently, the pompous, seemingly learned sentence patterns will overwhelm the writer. These convoluted patterns often lack a subject or a verb because writers get lost in writing the sentence. Therefore, these patterns are best avoided.

The elimination of jargon, then, is relatively simple—the writer need do little more than be natural. The law enforcement officer who remembers the utilitarian nature of police reports and pitches the message to the practical needs of the people who read them is far more likely to impress the reader than is the writer of jargon who is barely understood. In fact, the writer of jargon who recasts prose in order to impress (and, in doing so, smothers what little expression there might be) probably makes the worst impression in the end. **FBI**

Footnotes

[1] Tom E. Kakonis and Donald K. Hanzek, *A Practical Guide to Police Report Writing* (New York: McGraw-Hill Book Co., 1978), pp. 184–185. Allen Z. Gammage, in his *Basic Police Report Writing* (Springfield, Ill.: Charles C. Thomas, 1974), pp. 34–40, does give some good rules on the diction of police reports, although he doesn't address jargon *per se*.

[2] Kakonis and Hanzek, pp. 184–185.

[3] See Deborah C. Andrews and Margaret D. Bickle, *Technical Writing, Principles and Forms* (New York: MacMillan Publishing Co., 1978), pp. 67–69. They concur on this point in an illuminating discussion.

[4] See Herta A. Murphy and Charles E. Peck, *Effective Business Communications*, 2d ed. (New York: McGraw-Hill Book Co., 1976), p. 83, and Raymond V. Lesikar, *Basic Business Communication* (New York: Irwin, 1979), pp. 16–17.

[5] Murphy and Peck, pp. 83–84.

[6] See especially Robert C. Levie and Lou E. Ballard's *Writing Effective Reports of Police Investigations* (Boston, Mass.: Holbrook Press, 1978), pp. 379–401. They give a useful detailed list of words frequently confused in police reports for one reason or another. Kakonis and Hanzek (pp.164–200) give a shorter list interspersed with grammar and style suggestions.

[7] Gammage, pp. 37–38, provides these latter examples. See his discussion on legal terms for less frequently used expressions.

Guidelines for submitting articles to the FBI Law Enforcement Bulletin

The following guidelines have been established to assist police personnel and persons in disciplines related to law enforcement who are interested in submitting articles to the FBI Law Enforcement Bulletin for publication consideration. Adherence to these guidelines will facilitate the prompt administration of all manuscripts and materials forwarded to the Bulletin.

Author—The exact wording of the desired byline and the current business mailing address of the author, or authors, should accompany manuscripts submitted to the Bulletin.

Editing—The Bulletin reserves the right to edit all manuscripts.

Format and Length—Submitted manuscripts should be typewritten, double-spaced, in triplicate. In general, they should be approximately 3,000 words in length, but the adequate treatment of subject matter, not length, should remain the primary and overriding consideration.

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

Publication—All manuscripts submitted to the Bulletin are reviewed and evaluated based on individual merit. Relevancy, innovativeness, timeliness, and prospective overall appeal to the readership are considered. Favorable consideration is not usually given an article which has been published previously or which could be published in another magazine contemporaneously with its appearance in the Bulletin. No promises of publication or commitments regarding publication dates can be made.

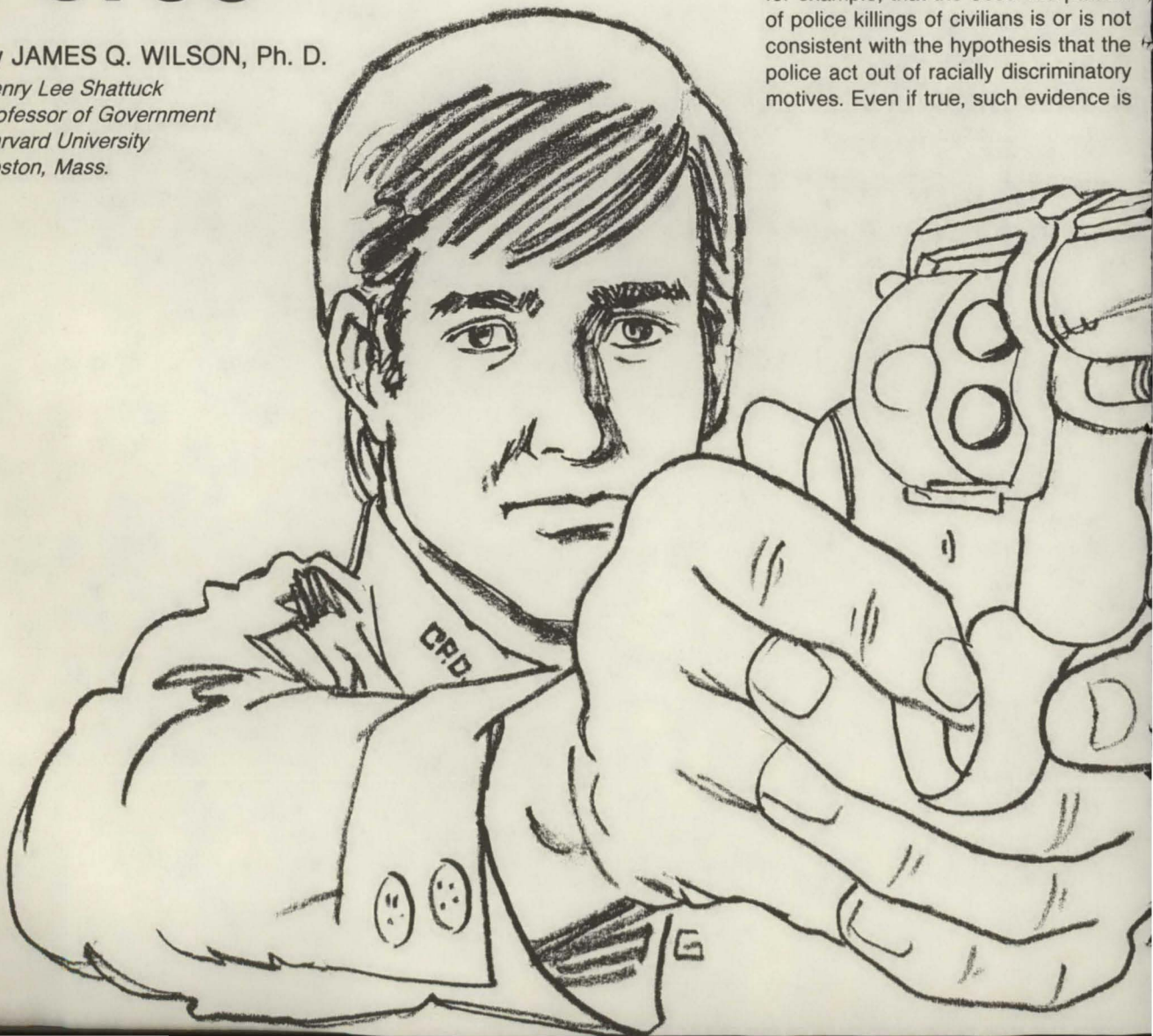
Submission—All manuscripts should be forwarded to: Editor, FBI Law Enforcement Bulletin, Federal Bureau of Investigation, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535. Any inquiries or suggestions regarding the FBI Law Enforcement Bulletin should likewise be directed to the above address.

Police Use of Deadly Force

By JAMES Q. WILSON, Ph. D.
Henry Lee Shattuck
Professor of Government
Harvard University
Boston, Mass.

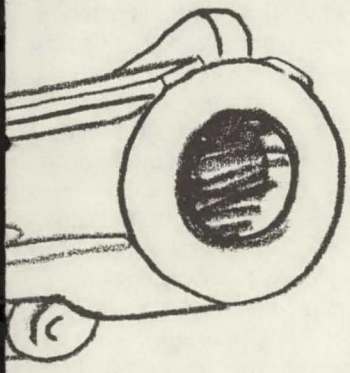
No aspect of policing elicits more passionate concern or more divided opinions than the use of deadly force. Many community groups and minority organizations believe police killings of civilians are excessive and often unjustifiable; many police agencies are apprehensive and angry about unprovoked fatal assaults on patrol officers.

The opinions of those persons most deeply concerned are not likely to be changed by a scholarly discussion of the available evidence. This is not simply the result of the emotions involved, though that may be part of the reason. More important, scholarly observations and popular concerns emphasize very different aspects of the situation, and thus, each side is likely to feel that the other has nothing to contribute. A scholar is interested in general patterns, broad trends, and statistical evidence; a citizen or a police officer is, understandably, more interested in particular cases, immediate circumstances, and unique or unusual events. Statistical and historical evidence might be assembled to show, for example, that the observed pattern of police killings of civilians is or is not consistent with the hypothesis that the police act out of racially discriminatory motives. Even if true, such evidence is



not likely to satisfy anybody attempting to explain what happened, and why, when two officers (one black, one white) shot a 39-year-old black woman who was carrying a kitchen knife or when a black police officer working alone is killed by a white man. Citizens and police officers are preoccupied with incidents and argue about whether the behavior of the persons participating in those incidents can be justified, and if not, what should be done about it.

Nonetheless, a review of what we know in general about police use of deadly force may have some limited value because, though it will not settle the Eulia Love or the Cecil Sledge cases, it may permit us to test our general preconceptions—preconceptions that often shape the way we interpret particular incidents. Moreover, the evidence may permit us to make more reasonable guesses as to whether policies, or changes in policies, are likely to make a difference in how the police behave.



Number of Police Killings

Traditionally, we have looked to the National Center for Health Statistics (NCHS), a Federal agency that tabulates death certificates sent in by State authorities, for a count of the number of civilians killed by the police. In 1974, that number was 375. We now know, thanks to the research of Lawrence W. Sherman and Robert H. Langworthy, that these figures substantially undercount the true number of police killings. For a variety of reasons, death certificates are likely to be unreliable with respect to the circumstances surrounding a homicide (for example, the cause of death, such as a gunshot wound, may be indicated, but the origin of the gunshot may not). Sherman and Langworthy have estimated, using police department records of a number of jurisdictions, that the actual number of civilians killed by the police nationally may be as much as 50 percent higher than that shown in NCHS figures. This would mean that between 3 and 4 percent of all homicides are police-caused. Moreover, cities differ in the extent to which national figures accurately portray the number of police killings; thus, national figures should not be used to compare one city to another. For example, police and coroner reports on police killings are in rather close agreement in Boston and Cleveland, but very different in Houston and Memphis.[1] On the other hand, there is no reason, so far as we now know, to question national figures on police officers killed by civilians. During most of the 1970's, these have numbered between 100 and 130 per year.

Owing to these data problems, it would be a mistake to try to calculate national trends in police killings of civilians or in the ratio of civilians killed by the police to police officers killed by civilians. Anyone interested in knowing whether the police are more or less likely to kill a civilian is best advised to confine his research to one or a few cities, using a variety of data from local sources.

Characteristics of Civilians Killed by the Police

If we limit our attention to data gathered in individual cities by independent researchers, we can draw some tentative conclusions about the characteristics of persons killed by the police and the circumstances surrounding police use of deadly force. The best known study is probably that done by Catherine H. Milton and her colleagues at the Police Foundation.[2] Police department records were examined in seven cities—Birmingham, Detroit, Indianapolis, Kansas City, Oakland, Portland (Oreg.), and Washington, D.C.—during the period 1973–1974. There were 320 instances of city police shootings that produced a civilian injury or fatality during the 2-year period. By reading departmental accounts of these incidents, the researchers concluded:

Dr. Wilson

—Between one-quarter and one-third of the shootings resulted in a fatality;
—The typical civilian victim was a young (under 30) black male;
—In about half the cases, the shooting victim was armed;
—About one-sixth of the shootings involved off-duty officers;
—The most common circumstance surrounding a shooting (accounting for nearly half the cases) was a crime in progress; the next most common (accounting for about a third of the cases) was a disturbance call; and
—During the period, 19 police officers were killed by civilians, and 111 civilians were killed by the police—a ratio of about 1 to 6.

The fact that blacks (and other minorities) are so frequently the victims of police shootings has, understandably, given rise to the most intense passions in the controversy over police use of deadly force. Some critics of the police charge that this finding proves that the police are engaged in a genocidal war against minorities; some defenders of the police reply that this finding merely reflects the greater likelihood of blacks committing crimes, especially violent ones, and threatening police officers. No single study can hope to settle the factual question, much less to calm the passions. Worse, these very passions lead many individuals and groups to produce inadequate or even self-serving studies that can be used to buttress one side or another of the argument.

In my opinion, the best investigation we now have of the significance of race in police shootings is that done by Dr. James J. Fyfe of the School of Justice, American University, Washington, D.C., and formerly of the New York City Police Department. Using data on nearly 3,000 police shooting incidents in New York City during the period 1971–1975, he attempted to assess the relationship between race and shooting in two ways. First, he examined the correlation between police shootings and levels of violent crime within the 20 police commands in New York City. He found that there was a very high correlation (+.78) between the total homicide rate of an area and the rate of police shootings, and that this correlation was even higher (+.89) when the data were restricted to shootings by on-duty officers.[3] This finding is consistent with the correlation found by Kania and Mackey between police violence and community characteristics more generally.[4]

Such findings are open, of course, to the obvious objection that the police may still be acting out of racially discriminatory motives, even in areas characterized by high rates of violent crime. Perhaps white officers assigned to high-crime black areas feel inclined to "shoot first and ask questions later," using the high prevailing rates of violent crime more as a pretext than as a reasonable justification for resorting to deadly force.

To deal with this possibility, Fyfe opened a second line of inquiry. Most studies of police shootings examine the racial identity of the victim but not of the officer. Fyfe was able to do both in New York City. Even though the race of the officer was not indicated in about one-third of the reports of police shootings, Fyfe was able to obtain this information by personal inquiries. He found that black officers were almost twice as likely to engage in shootings (208 per 1,000 officers) than were white officers (114 per 1,000 officers). Hispanic officers were about as likely to be involved in shooting incidents as white ones (118 per 1,000 officers).[5]

When Fyfe combined the race of the officer with the race of the victim, the difference persisted. Black officers were about twice as likely to kill a black civilian than were white officers; hispanic officers were more than twice as likely to kill a hispanic civilian than were white officers.

One should not conclude from this, however, that black and hispanic officers are trigger-happy. Much depends on the area of the city to which the officer is assigned. Fyfe tabulated police shootings by duty assignment, paying special attention to officers assigned to precincts having the highest hazard ratings. These are called "A" precincts and are generally regarded as the least desirable duty assignments. Blacks are much more likely to draw such duty assignments than whites, partly as a result of their relative lack of seniority (many blacks have only recently entered the force) and partly because of departmental efforts to place black officers in black precincts (which are disproportionately of the "A" variety). The rate at which white, black, and hispanic officers shoot at civilians within "A" precincts is virtually identical (roughly, 200 per 1,000 officers).[6]

In New York City, the evidence does not support the view that the disproportionately large number of black victims of police shootings is the result of a systematic pattern of white hostility to blacks. If the genocide theory is to be accepted, one has to believe that black officers are part of the conspiracy, an assumption that seems rather unlikely. Of course, the situation may be different in other cities.

The Effects of Policy

Even if white and black officers given comparable duty assignments are about equally likely to shoot at civilians, we still must ask whether the absolute level of police shootings is excessively high. One way to answer this question is to ask what proportion of police shootings are deemed unjustified. The report by Milton and her colleagues reviewed several hundred shooting incidents in seven cities and found that "the substantial majority appeared to be clearly justified under the applicable state laws and department policies."[7]

This finding, however, asks the question of whether the State laws and departmental policies provide a reasonable standard. Moreover, as Milton and her coauthors point out, many shootings found justified by departmental reviews under existing policies had questionable aspects. For example, the officer may have thought he was acting in self-defense, but used force out of proportion to any threat he faced, or a fleeing suspect was shot without the officer having probable cause to believe that the suspect had committed a felony and could not have otherwise been apprehended.[8]

". . . there is good reason to believe that shooting policies make a difference . . .

Though the justifiability of a given shooting is the key issue from the point of view of both the police and civilians, it is not likely that social scientists will be able to shed much light on the issue given the available data. The evidence with which to make such judgments is ordinarily gathered by departmental review boards and not by independent inquiries, and the standards by which to judge the evidence, however gathered, are matters much in dispute.

However, systematic analysis of the data should permit us to say something about whether differences in departmental policies make a difference in the frequency of police shootings. If cities otherwise similar in their social composition and crime rates differ markedly in the incidence of police shootings, or if the rate of such shootings in a single city changes dramatically in a short period of time, then we can conclude that at some times and in some places, the wrong shooting policy is in effect. If city A experiences a dramatic decrease in shootings over the course of a 2-year period as the result of a change in policy, then either there were too many shootings in the earlier time period or there are too few in the later one—the level of police shooting cannot be "just right" at both times. If cities A and B, otherwise similar in composition, have very different rates of police shootings, then either one city has too many or the other has too few. In short, large and policy-linked differences in shooting rates constitute prima facie evidence that some policies are wrong. Of course, establishing this finding presupposes our ability to control all other nonpolicy differences between cities or in one city over a period of time. Strictly speaking, this is probably impossible, but we can approximate it sufficiently so that the burden of justifying the consequences of one policy or another must fall on those who defend the policy.

The study by Milton, et al., finds large differences in shooting rates among the seven cities as of 1973–1974, whether calculated as shootings per 100,000 population or per 1,000 officers.[9] These two rates are shown together in table 1.

Washington, D.C., and Oakland had crime rates that were much larger—in the case of Washington, D.C., twice as large—as the crime rates in Birmingham, but had a police shooting rate that was much lower (whether based on the population or on the number of officers). Even though, in general, shooting rates tend to be higher in cities with many blacks, Detroit and Oakland, whose racial composition in 1970 was roughly the same, had very different shooting rates, and Washington, D.C., with the highest proportion of blacks of any city in the table, had a lower rate of shooting per 1,000 officers than any but one city.

In a study of 50 independent police departments in Los Angeles County during 1970–1971, Gerald F. Uelmen found that there was a strong correlation between the rate of firearms discharges and the restrictiveness of a department's firearms policies—the departments with the least restrictive policies had twice the rate of firearms discharges as those with the most restrictive ones. There was little relationship, on the other hand, between the restrictiveness of the policy and the arrest rates or social composition of the communities.[10]

These comparisons among cities are only suggestive, of course, for the communities may differ in unobserved ways that would justify disparate levels of shooting. For example, cities may differ significantly in the frequency with which an officer confronts an armed and dangerous suspect. It is almost impossible to detect these differences with the statistics now at our disposal. We can, of course, observe the rate at which persons are arrested for violent offenses and calculate the number of police shootings per 1,000 such arrests. When this is done, however, great differences among cities in shooting rates persist. For example, one study found that in San Francisco there were 1.5 police shootings per 1,000 violent crime arrests during 1978, whereas in Houston there were 21.5 shootings per 1,000 violent arrests. But other factors we have no easy way of measuring may explain some of the difference. Citizens in Houston may (indeed, almost certainly do) carry weapons more frequently than citizens in San Francisco. Even more important, felons in Houston may be more willing than those in San Francisco to shoot it out with the police. The "frontier tradition" is stronger in the South than the North, and this may help account for both higher levels of citizens shooting at police, as well as police shooting at citizens. Whether these factors explain all of the differences among cities is purely a matter of conjecture; in my opinion, they probably do not.

More conclusive are studies that examine changes in shooting rates over time within a single city. Milton, et al., note that police shooting rates declined substantially in Detroit (by 25 percent) and Kansas City (by 38 percent) in the period 1973 to 1974, even though the rates of violent crime were increasing.[11] In Washington, D.C., the police shot an average of 37 persons per year between 1970 and 1976, but only an average of 20 persons per year from 1976 to the present.[12]

thus the development and implementation . . . of a reasonable policy ought to be a matter of the highest importance for a police administrator."

The most detailed study of changes in shooting rates within a single city is that of James J. Fyfe. In August 1972, the New York City Police Department issued new shooting guidelines and established new shooting review procedures that were more restrictive than those previously in effect.* Fyfe compared the rate of shootings occurring during the 19 months before the new policy was instituted with the rate during the ensuing 3½ years. Before the new policy went into effect, an average of 18 officers per week discharged their firearms; after the policy went into effect, the weekly average fell to less than 13, a decline of nearly 30 percent.[13] This decline persists after one subtracts from the totals accidental discharges, warning shots, suicide attempts, and the destruction of animals. Further, the decline cannot be explained by a drop in the crime rate. The greatest decline was in shootings involving fleeing felons. There was no corresponding increase in the number of officers shot or stabbed in the line of duty; indeed, there is some evidence that the average number of officers injured per week declined somewhat.[14]

Again, the data only show, at best, that policy makes a difference; it does not and cannot establish which policy is the right one. However, if one can find evidence that a restrictive policy reduces the number of police shootings without producing an increase in the rate of injuries to police, then those who may wish to defend a less restrictive policy must be prepared to show what benefits follow from it.

The Policy Issues

At the time of the Police Foundation survey, there was great variation in the clarity, content, and effectiveness of police department standards governing the use of firearms. Since then, more departments have moved toward developing explicit rules and making them part of their training and command systems. It is hard to say that a consensus is emerging as these rules take shape, but certain guidelines seem widely shared. Most departments prohibit or strongly discourage firing warning shots; many departments discourage and some prohibit firing at moving vehicles, unless the occupants of the vehicle are themselves shooting. All departments recognize the right of an officer to use deadly force in self-defense or in defense of others. Many differ, however, in what standards are to be used in deciding that one is in jeopardy. Is the opponent armed? Have defensive means other than shooting failed? Is the threat to life imminent? Does the officer have reasonable cause to believe that death or serious injury will occur?

* For discussion of the New York City Police Department's shooting guidelines, see James J. Fyfe, Ph.D., "Deadly Force," FBI Law Enforcement Bulletin, December 1979, p. 7

People disagree even more over the use of deadly force to apprehend a fleeing suspect. The FBI does not allow the use of deadly force under such circumstances. On the other hand, its Agents typically make arrests pursuant to a warrant and not on the basis of having probable cause to believe that a suspect has just committed a felony. Moreover, FBI Agents rarely are involved in disturbance calls or crime-in-progress incidents, and for these reasons, a policy that works well for the Bureau may not be appropriate for urban police forces. If shooting at a fleeing suspect is to be allowed, many questions arise. What constitutes "flight"? What distinctions (if any) should be made between adults and juveniles or between violent and nonviolent crimes? The seven cities studied in the Police Foundation report differed more with respect to the fleeing felon rule than in almost any other aspect of firearms policy. Since at least 34 percent of all civilians killed by the police were killed in circumstances where a suspect may have been involved in or was fleeing from a burglary or robbery, the clarity of policies on this score seems especially important.

It is not my intention to recommend any particular shooting policy, only to suggest that there is good reason to believe that shooting policies make a difference and thus the development and implementation (by training, review, and discipline) of a reasonable policy ought to be a matter of the highest importance for a police administrator. Nor should the administrator suppose that the community will be willing to leave such policies entirely in the hands of professional police officers. It is unrealistic to imagine that on matters of life and death, elected officials and community organizations will defer entirely to police expertise.

Table 1

City	Number of Shootings	Rate Per 100,000 Population	Rate Per 1,000 Officers	Index Crime Rate
Birmingham	25	8.5	25.0	6628
Detroit	77	5.6	21.8	7817
Indianapolis	28	5.5	7.2	3977
Washington, D.C.	40	5.5	6.0	14,662
Oakland	10	2.9	9.6	11,502
Kansas City	10	2.1	12.2	6376
Portland	6	1.6	4.2	9523

Whatever policy is developed, it will be of little value unless it is codified in a single, easily understood document, made the basis of training programs (including roleplaying and simulation exercises), and linked to an internal review process insuring that careful departmental attention will be given to the circumstances surrounding each discharge of a firearm by an officer. It is possible that there are violence-prone officers just as there are violence-prone civilians, though the evidence is inconclusive on this matter. (One study in Dallas covering shootings over a 3-year period found no clear evidence that some officers are repeatedly involved in these incidents, but this survey was inadequate in a number of respects. [15]) Should it be the case that there are a few officers who frequently shoot under dubious or unjustified circumstances, reassignment to other duties may be in order. The last, and perhaps most sensitive step, is to take such reasonable measures as may enhance community confidence in the implementation and enforcement of a firearms policy. Prompt investigation of incidents, complete and impartial gathering of evidence, full disclosure of the findings of the inquiry, and opportunity for the participation of affected parties may help prevent the growth of suspicion and anger. **FBI**

Footnotes

[1] Lawrence W. Sherman and Robert H. Langworthy, "Measuring Homicide by Police Officers," *Journal of Criminal Law and Criminology,* vol. 70, 1979, pp. 554, 559.

[2] Catherine H. Milton, Jeanne Wahl Halleck, James Lardner, and Gary L. Abrecht, *Police Use of Deadly Force* (Washington, D.C.: Police Foundation, 1977).

[3] James J. Fyfe, "Geographic Correlates of Police Shooting: A Microanalysis," *Journal of Research in Crime and Delinquency,* vol. 17, 1980, pp. 101–113.

[4] R. R. Kania and W. C. Mackey, "Police Violence as a Function of Community Characteristics," *Criminology,* vol. 15, 1977, pp. 27–48.

[5] James J. Fyfe, "Officer Race and Police Shooting," paper prepared for the annual meeting of the American Society of Criminology (November 1979).

[6] Ibid., Tables 6, 8.

[7] Milton, et al., p. 73.

[8] Ibid., pp. 73–78.

[9] Adapted from Milton, et al., pp. 29–30. The Index Crime Rate was calculated from Federal Bureau of Investigation, *Uniform Crime Reports,* 1974.

[10] Gerald F. Uelmen, "Varieties of Police Policy: A Study of Police Policy Regarding the Use of Deadly Force in Los Angeles County," *Loyola of Los Angeles Law Review,* vol. 6, 1973, pp. 1–61.

[11] Milton, et al., p. 31.

[12] Michael Kiernan, "Shooting Policemen in District Declines", *Washington Star,* September 2, 1979, p. B1.

[13] James J. Fyfe, "Administrative Interventions on Police Shooting Discretion: An Empirical Examination," *Journal of Criminal Justice,* vol. 7, 1979, p. 316.

[14] Ibid, p. 319.

[15] Southern Methodist University Law School, "Report on Police Shootings," unpublished report to Dallas Police Department (1974), cited in Milton, et al., p. 95.

Stadium Security
A Modern Day Approach to Crowd Control

By JOE SHIRLEY
Director
Stadium Operations and Security
Atlanta Braves
Atlanta, Ga.

In the last few years, violence in major league stadiums has become a major concern of those working in stadium operations. Stadiums house professional sports, religious crusades, and rock concerts, with up to 80,000 people in attendance. In the 1960's, individuals dealing with stadium security began to realize that they were facing a whole new ballgame in the area of crowd control.

Reported incidents of stadium violence occurring in recent years include:

*11 killed in a panic at rock concert
*Security guard thrown head first over a rail by football fans
*Riot in football stadium after rock group failed to perform in the rain—many policemen injured
*Fan runs onto playing field with knife in hand
*High school football game interrupted by sniper fire—three wounded
*Fans storm stage at concert causing injuries to police and security personnel
*600 people injured at stadium concert
*Professional athletes hit by hard objects thrown from stands
*Baseball game cancelled because of damage to playing field from concert held the previous week
*Thousands of fans invade baseball playing field causing game to be forfeited when order could not be restored

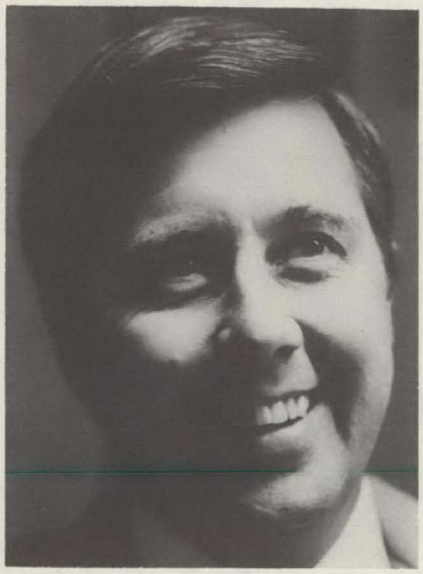
Police files in almost every city are filled with incidents of violence in stadiums. There have been thousands of fights between fans, some resulting in deaths. This type of violence is not unique to the United States; however, we appear to be far ahead of many countries in our approach to crowd control.

An article appearing in a Soviet newspaper reported on a Moscow scientific worker who was so drunk when he left a football game that upon seeing a trolley bus without a crew, he drove it home. The newspaper cited the incident as an example of deterioration in the behavior of Soviet sports fans. The newspaper said drunkenness, hooliganism, ticket speculation, foul language, and women pestering sports stars to marry them were creeping into the sports scene.

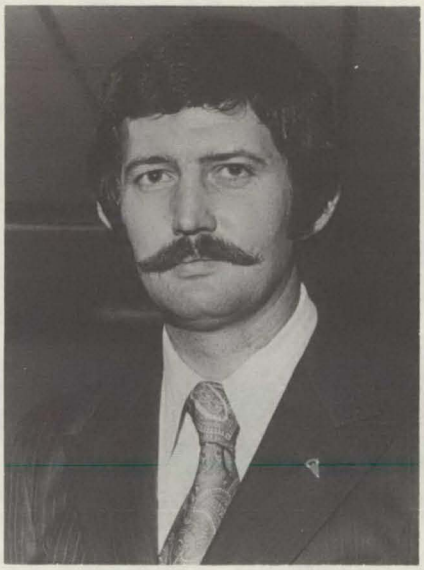
In Tel Aviv, an Israeli soccer player was stabbed to death when rioting fans stormed the field near the end of a soccer match.

In London, a soccer game was delayed for 19 minutes when fighting broke out and hundreds of fans spilled onto the field. By the end of the day, 38 persons had been arrested, another 132 ejected from the stadium, and 102 injured.

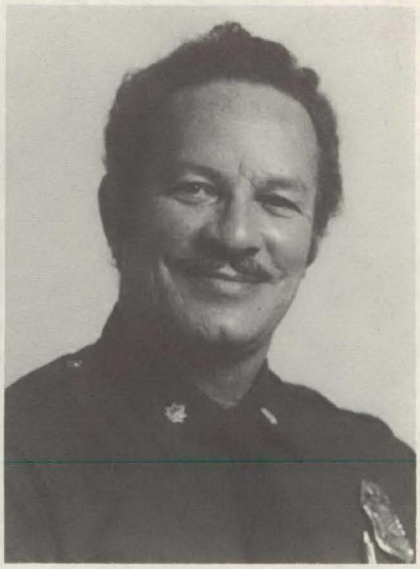
Most important in stadium security is liaison with the local, State, and Federal law enforcement agencies. Personnel of the Atlanta-Fulton County Stadium emphasize total support of police assigned to stadium crowd control. It is essential that an in-house security force work hand-in-hand with local police, who should be defended in any civil liability case. In addition, police officers who have done outstanding work are presented a plaque or certificate of appreciation during an awards program. Motivation of the police officer can be enhanced by support and recognition.



Joe Shirley



Charles Sanders
Vice President and Business Manager of Atlanta Braves



Maj. Joe Amos
Atlanta Bureau of Police Services

In-House Security Role

The Stadium Operations and Security Department has the responsibility of operating the stadium for all events in the Atlanta-Fulton County Stadium. This in-house security force consists of 30 to 40 uniformed security officers, since it is our experience that a uniformed guard is far more effective than a security officer in a blazer and slacks. More than one-half of the security officers carry firearms and all carry mace and night sticks. For the most part, the in-house security officers work fixed posts. They are assigned to ramps going to restricted areas, at gates to prevent unauthorized entry into the stadium and to confiscate cans and bottles, and at money vaults and clubhouses. In-house security personnel also prevent fans from going onto the field during games—an officer is assigned to each team dugout—and secure the stadium and all gates at the end of an event. They also handle lost children, keep fans away from the players as they exit the stadium, and prevent gate-crashers. Security officers are also sometimes involved in physical confrontations with fans who are fighting. It is best to get the situation under control and turn it over to the police when they arrive on the scene.

It is essential that security officers working in crowds receive many hours of training. Our officers are trained by certified police instructors, with emphasis placed on the mechanics of arrest, self-defense, and firearms training. Like police officers assigned to the stadium, security officers are also recognized at an awards program and receive other benefits to ensure motivation for continued effectiveness.

Stadium Security

The following security considerations are important when operating a major league stadium:

1) Flow of traffic to parking lots and protection of fans in parking lots:
2) Protection of VIP's attending events in the stadium;
3) Bomb threat searches and evacuation;
4) Threats against ballplayers;
5) Emergency evacuation of fans;
6) Key control;
7) Unauthorized entry to clubhouses;
8) Demonstrators and pickets;
9) Confiscation of cans and bottles at the gates;
10) On-field intrusion of fans;
11) Protection of umpires;
12) Stopping fights in the stands;
13) Lost and found;
14) Protection from terrorist group activity;
15) Medical aid.

Crowd Control Techniques

In every stadium around the country there are times when crowd control can be a problem. Special crowd management strategies may be required when items are given away free or when tickets to popular events are sold. There have been instances when individuals have been crushed against fixed barriers when persons in the rear pushed to the front.

To control a crowd trying to obtain items being given away, use rope or saw horses to create a buffer zone directly in front of the distribution point, extending down each end, completely closing off the area. Six or eight entrances should be opened where lines form and are kept orderly by police or security. As the fans purchase their tickets or receive a free item, they should exit at each end. Exits should also be watched by security or police. If the buffer zone becomes crowded, persons should not be permitted to enter until it clears.

During sporting events, illuminated signs instruct fans to vacate the field.

When the Atanta Falcons made it into the playoffs in 1978, two to three thousands fans stormed the ticket windows to purchase tickets. To gain control, approximately 20 police officers used a bull horn, 100 feet of heavy rope, and stands to form a wedge and cut through the crowd, creating a buffer zone with the rope and stands. Police officers positioned themselves behind the rope and did not allow anyone inside the buffer zone until the crowd was orderly. At that point, lines were formed and no other problems occurred.

Another helpful technique in crowd control is to video tape crowd activity. A camera with a zoom lens can be used to tape disturbances in crowds. This is especially helpful when police officers eject resisting offenders. When the offenders are sober and in court, their story usually differs from what actually happened. A tape of the incident can be a reliable record when presented in court, as well as solid protection from civil liability.

The best technique to use when handling hostile individuals in crowds is to arrest anyone breaking the law. To maintain order, individuals cannot be permitted to unite against the police.

Police techniques used in crowd control are varied, but may include:

1) Motorized golf carts to patrol the parking lots;

2) Use of mounted patrols and helicopters;

3) Decoy squads in and around the stadium;

4) Involvement with the community;

5) Strict enforcement of city ordinances; and

6) A firm policy of bringing charges against all those who break the law.

Other useful strategies for crowd control include:

1) High visibility and numbers. In any facility that has 50 to 100 thousand fans for sporting events, it is essential that you have a large, very visible security force. A show of force can be most effective if problems are anticipated;

2) In addition to video taping, it is wise to also make photographs of the crowd where there is an unruly atmosphere;

3) Have adequate signs. It is amazing how large, prominent signs can help control crowds;

4) Use PA announcements to influence crowds;

5) In the event of a rock concert, it is vital that the power supply have adequate protection and ample backup; and

6) The stage for outdoor concerts must be almost indestructible. Everything must be done so the show can continue no matter what adverse conditions occur.

Gate Security

Gate security is one of the most important areas of stadium security. The gates have to be totally controlled when spectators are entering and have to be opened fully for exit. There must always be unlocked gates that can be opened on short notice in the event of an emergency.

Control of the gates does not necessarily come into play only on the day of the event. If you have a rock concert, you can expect arrivals up to 24 hours in advance. Some early arrivals will camp out on the property, build fires, and look for weak points to gain entry into the stadium.

An important factor to consider in gate security is when to open. If you open early, you have the added cost of extra staff and clean-up and increased vandalism. If you hold the gates closed too long, there is the possibility of a stampede with persons being injured or killed. Even if you open the gates 4 hours prior to the event, there will still be a frantic rush to get in.

Another important part of gate security is confiscation of cans and bottles. There should be no event in a modern stadium where fans are allowed to bring in cans or bottles. It is always helpful to have a "no cans and bottles" policy printed on the tickets and in any newspaper ads. Other techniques for good gate security are:

1) Have a security officer assigned to each gate;

2) Watch for any cash transactions at gates;

3) Watch for adults entering on a child's ticket;

4) Have adequate containers for confiscation of cans and bottles; and

5) Make sure adequate gates are open through which spectators may exit.

Emergency Evacuation

It is essential to have a well-planned emergency evacuation plan in a stadium security program. A panic situation where spectators are not able to exit could be a tragic experience. All modern stadiums are designed with adequate exits that must be open and unrestricted. Most stadiums were designed with exits for athletic competition, not for festival-type field seating that is seen at rock concerts. Conducting an emergency evacuation is made extremely difficult when there are 20,000 spectators on a playing field, plus occupancy of all main seating areas. The following steps would be taken during such evacuation of the Atlanta-Fulton County Stadium:

1) Announcement over our PA system for doctor no. 5,000 to report to customer service. This announcement alerts all operations personnel that we are going to evacuate;

2) Remove turnstiles from all gates so fans will not encounter any obstructions;

3) Fully open all gates;

4) Announce to fans that we have to evacuate the stadium and they should exit at the nearest gate in an orderly manner. We request that they take all personal items such as brief cases, overcoats, and packages; and

5) All players and umpires should report to the center of the playing field and remain there. (This could change depending on the type of evacuation.)

Emergency lighting could be critical in a major nighttime disaster. On some occasions there is little or no advance warning for evacuation. Well-rehearsed, trained personnel are essential in these instances.

Medical Program

The medical program at Atlanta-Fulton County Stadium is a part of the Stadium Operations and Security Department. With crowds exceeding 60,000, emergency medical services comparable to a city of that size must be provided. There should be a minimum medical staff of one R.N., one M.D., and two paramedics. The staff increases as the anticipated crowd increases. A policy of rendering only emergency first aid is desirable. You should maintain the same emergency equipment for heart attack victims as a hospital emergency room.

There are several areas of importance in the operation of a stadium medical program including:

1) Good communications should exist. Due to the size of most major league stadiums, it is essential that there is an adequate number of walkie-talkies so that when a person is injured, no more than 2 minutes elapse before help is on the way;

2) It is important to have a stadium ambulance in good working order. A stadium ambulance is a golf cart equipped with the necessary emergency equipment and engineered to accommodate a stretcher;

3) Each person receiving emergency first aid should, if at all possible, complete a report with all information regarding the injury; and

4) All R.N.'s and paramedics should receive annual cardiopulmonary resuscitation certification.

Terrorism

A stadium full of people could be a prime area for assassinations, kidnapings, taking of hostages, bombings, armed attacks, or extortions. Where, other than stadiums, could a terrorist group find such a concentration of people? You must have liaison with local authorities and the FBI to advise on any potential terrorist activities. You must be constantly aware of terrorism as more terrorists acts will probably occur in this country and some possibly in stadiums.

Conclusion

All crowds are potentially violent. It is possible for a group of law-abiding citizens to turn into a rock-throwing abusive mob. All it takes is a leader, a common enemy, and the anonymity of the group. Leaders in a crowd, as they try to incite others, sometimes appear as if they have specialized training in arousing crowds to violence. It is incredible how a person will go along with a leader who is shouting and inciting a large group of people. An otherwise law-abiding citizen experiences the safety of anonymity in a crowd. That feeling of anonymity can be removed by breaking up the crowd, by using a camera, and by shouting explicit orders while pointing at a specific individual. A properly selected and trained staff will insure a "winning season" for a stadium security staff. **FBI**

ENTERING PREMISES TO ARREST
An Analysis of the Warrant Requirement (Part 1)

By DANIEL L. SCHOFIELD
and JOSEPH R. DAVIS
Special Agents
Legal Counsel Division
Federal Bureau of Investigation
Washington, D.C.

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

At the core of the fourth amendment to the U.S. Constitution [1] is the fundamental notion that governmental intrusions into private premises or areas where an individual has a reasonable expectation of privacy [2] should be carefully controlled. As a general rule, protection against unreasonable searches and seizures is afforded by the constitutionally imposed requirement that a warrant be obtained from a neutral and detached magistrate who can balance important privacy and liberty interests against the often-competing interests of effective law enforcement.

Frequently, law enforcement officers are confronted with difficult questions pertaining to their legal authority to enter premises to make an arrest. One of the most significant of those legal issues concerns the extent to which the warrant requirement applies to the facts of a particular case. It is important to address, in detail, the following questions concerning the applicability of the warrant requirement in the context of entering premises to make an arrest. What kind of warrant, if any, is constitutionally required to enter a suspect's premises to make an arrest? What kind of warrant, if any, is constitutionally required to enter the premises of a third party to arrest a suspect? What constitutes the existence of exigent circumstances justifying a warrantless entry? And, what are the consequences of entering in violation of the warrant requirement?

On April 15, 1980, the U.S. Supreme Court announced its opinion in the case of *Payton* v. *New York.* [3] *Payton* provides definitive answers to some of the above-mentioned questions, while leaving others unresolved. However, there are a number of lower Federal and State court decisions that have addressed many of the legal questions left unanswered by the Supreme Court in *Payton.*

The first part of this article will provide an historical perspective of the law concerning the government's decisions to enter premises to arrest and a detailed look at the *Payton* opinion and its impact. The second part will examine many of the lower court decisions that address questions not directly answered by the Supreme Court in *Payton.*

Historical Perspective

Supreme Court Litigation

Prior to *Payton,* the U.S. Supreme Court had never addressed squarely the legality of a warrantless entry into private premises to effect an arrest. In fact, on a number of previous occasions while deciding related issues, the Court specifically noted that this precise question remained open. [4] Nevertheless, dicta (comments not necessary to the resolution of a case) in previous Supreme Court opinions provided some insight as to the thinking of various members of the Court on this important issue. The diversity of opinion within the Court first became apparent in 1969 in *Chimel* v. *California,* when Mr. Justice White contended in his dissenting opinion that a warrantless entry for the purpose of arrest, based upon probable cause, is lawful, regardless of the existence of exigent circumstances. [5]

The conflict in the Court appeared again in *Coolidge* v. *New Hampshire* (1971), wherein Justice Stewart, writing for the majority, characterized a police entry into a home to effect an arrest as a "very substantial intrusion" and continued:

> "It is clear, then, that the notion that the warrantless entry of a man's house in order to arrest him on probable cause is *per se* legitimate is in fundamental conflict with the basic principle of Fourth Amendment law that searches and seizures inside a man's house without warrant are *per se* unreasonable in the absence of some one of a number of well defined 'exigent circumstances'."
>
> * * * *
>
> "Indeed, if Mr. Justice White is correct that it has generally been assumed that the Fourth Amendment is not violated by the warrantless entry of a man's house for purposes of arrest, it might be wise to re-examine the assumption." [6]

More recently, in *United States* v. *Watson* (1976) and *United States* v. *Santana* (1976), the Court considered a closely related issue. [7] *Watson* presented the question of whether a warrantless arrest in a public place was lawful in a situation wherein the officers had sufficient time to obtain a warrant but failed to do so. Justice White authored the majority opinion upholding the validity of the warrantless arrest. Justices Brennan and Marshall dissented on the basis that the proper approach is to subject all warrantless arrests to the same rules developed for warrantless searches, thus requiring an arrest warrant in the absence of exigent circumstances. [8] The most recent Supreme Court case touching on this issue was *Santana,* which involved a warrantless arrest in the vestibule of a suspect's residence after the suspect retreated from the doorway upon approach of the officers. [9] A majority of the Court found that this case presented the same issue decided previously in *Watson*—the legality of a warrantless public arrest—and again validated the arrest. But in *Santana,* the divergence of opinion on the issue of arrests in private premises was evident. In a concurring opinion, Justice White indicated, as he had previously in *Chimel* and *Coolidge,* that a warrant is not required to enter a home to arrest. Rather, probable cause to arrest and probable cause to believe a suspect is in the house are sufficient to satisfy the fourth amendment. [10] Justices Marshall and Brennan dissented in *Santana,* again expressing their view that absent exigent circumstances, all warrantless arrests are improper—particularly those involving entry into private premises to arrest. [11]

In summary, although no previous case directly considered the issue of warrantless entry to arrest, two facts were apparent from a careful reading of earlier Supreme Court decisions: (1) A majority of the Court recognized that arrests in private premises presented a more difficult fourth amendment issue than public-place arrests; and (2) certain members of the Court had widely divergent views, Justice White believing that no arrest warrant should be required regardless of the location of the arrest, and Justices Brennan and Marshall arguing that all arrests, public or otherwise, should require arrest warrants in the absence of exigent circumstances.

Common Law Ambiguity

When faced with the task of interpreting the meaning of the fourth amendment, courts often return for guidance to the early body of rules and principles which were originated, developed, and administered in England at the time of the adoption of the fourth amendment, often referred to as the common law. Indeed, in upholding the validity of warrantless arrests in public places in the *Watson* case, the Supreme Court placed substantial reliance on the undisputed common law rule that allowed such arrests based upon probable cause to believe the suspect had committed a felony. [12]

"'. . . the Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not reasonably be crossed without a warrant'."

However, an examination of the common law rule regarding the legality of warrantless home arrests reveals a sharp divergence of views. Justice Stevens, writing for the majority in *Payton*, noted that three distinct views were expressed by the common law commentators:

> "Lord Coke, widely recognized by the American Colonists 'as the greatest authority of his time on the law of England,' clearly viewed a warrantless entry for the purpose of arrest to be illegal. Burn, Foster and Hawkins agreed, as did East and Russell, though the latter two qualified their opinions. . . . Blackstone, Chitty and Stephen took the opposite view, that entry to arrest without a warrant was legal, though Stephen relied on Blackstone who, along with Chitty, in turn relied exclusively on Hale. But Hale's view was not quite so unequivocally expressed. [13] (citations omitted)
>
> * * * *
>
> "In all events, the issue is not one that can be said to have been definitively settled by the common law at the time the Fourth Amendment was adopted." [14]

Modern legal commentators who have examined the major common law authorities arrive at a similar conclusion—there is no consensus on the subject. [15]

Prior State Court Decisions and Legislation

If the weight of authority as to the common law rule was difficult to ascertain, no such ambiguity existed as to the status of the law in a majority of the States prior to *Payton.* Although sources may have arrived at slightly different totals, legal commentators and courts uniformly agreed that a majority of the States which had taken a position on the issue permitted warrantless entry into the home to arrest, even in the absence of exigent circumstances. One commentator assessed the situation in 1978 as follows: "State Courts are evenly divided on the issue; and . . . all but a few state legislatures . . . have sanctioned them." [16] (citations omitted)

In *Payton,* the Supreme Court calculated the figures as follows:

> "At this time, 24 States permit such warrantless entries; 15 States clearly prohibit them, though three States do so on federal constitutional grounds alone; and 11 States have apparently taken no position on the question." [17] (citations omitted)

While recognizing that the clear majority of States still allowed warrantless entries to arrest, the Supreme Court noted in *Payton* that the *trend* of recent decisions was to the contrary. Ten of the 12 State courts of last resort considering the issue held that absent some exigent circumstance, warrantless entries into the home to arrest are invalid. [18] Only the Supreme Court of Florida [19] and the New York Court of Appeals (in *Payton*) [20] expressly upheld warrantless entries to arrest in the face of a direct constitutional challenge.

Thus, it may fairly be said that the number of States sanctioning such warrantless entries in the absence of special circumstances, though still a majority, was declining in recent years. [21]

Prior Federal Court Decisions

If, at the time *Payton* reached the Supreme Court, the clear weight of State judicial and legislative authority was supportive of warrantless arrests in private dwellings, it was equally certain that the contrary view predominated among the Federal appellate courts.

As early as 1949, the U.S. Court of Appeals for the District of Columbia held that a warrantless and forcible entry into a suspect's home for purpose of arrest was improper, unless it was required by "the necessities of the moment." [22] This general principle was reaffirmed by the same court in *Dorman* v. *United States,* [23] a 1970 case involving a nonconsensual, but peaceable, entry into the suspect's residence in order to arrest. Writing for the majority, Judge Leventhal stated:

> "We now come to the question whether the general requirement of a warrant as a condition for entry into a house is subject to an exception where the entry is for the purpose of making an arrest of a suspected felon. As we shall later point out, the requirement of a warrant may be excused where circumstances do not tolerate delay, like that incident to obtaining a warrant, of an officer making an arrest. But the basic principle, the constitutional safeguard that, with room for exceptions, assures citizens the privacy and security of their homes unless a judicial officer determines that it must be overridden, is applicable not only in case of entry to search for property, but also in case of entry in order to arrest a suspect." [24]

The court then went on to explain in some detail the factors which should be considered in assessing whether the circumstances are such as to justify an exception to the general warrant requirement, generally referred to as "exigent" or "necessitous" circumstances or "urgent need." [25]

In the decade from 1970 to the present, 7 of the remaining 10 Federal appellate courts adopted the principle set forth in *Dorman,* either directly by holding that warrantless entries to arrest are unconstitutional in the absence of exigent circumstances,[26] or implicitly by assuming that exigent circumstances must be present to uphold such entries and arrests.[27] Only three Federal courts of appeal upheld warrantless entries into private premises to arrest in the absence of necessitous circumstances.[28]

In the *Payton* opinion, the Supreme Court noted the weight of authority among the Federal appellate courts and cited *Dorman* and a later Federal case, adopting its reasoning as "persuasive and in accord with this Court's Fourth Amendment decisions." [29]

The *Payton* Decision

At issue in *Payton* and a companion case, *Riddick* v. *New York,* was the constitutionality of New York statutes that authorized police to enter private premises without a warrant and with force, if necessary, to make routine felony arrests.

On January 14, 1970, after 2 days of intensive investigation, New York detectives had assembled evidence sufficient to establish probable cause to believe that Theodore Payton had murdered the manager of a gas station 2 days earlier. At about 7:30 a.m. on January 15, six officers went to Payton's apartment in the Bronx, intending to arrest him. They had not obtained a warrant. Although light and music emanated from the apartment, there was no response to their knock on the metal door. They summoned emergency assistance, and about 30 minutes later, used crowbars to break open the door and enter the apartment. No one was there. In plain view, however, was a 30-caliber shell casing that was seized and later admitted into evidence at Payton's murder trial. In due course, Payton surrendered to the police, was indicted for murder, and moved to suppress the evidence taken from his apartment.

On March 14, 1974, Obie Riddick was arrested for the commission of two armed robberies that had occurred in 1971. He had been identified by the victims in June of 1973, and in January 1974, the police learned his address. They did not obtain a warrant for his arrest. At about noon on March 14, a detective, accompanied by three other officers, knocked on the door of the Queens house where Riddick was living. When his young son opened the door, they could see Riddick sitting in bed covered by a sheet. They entered the house and placed him under arrest. Before permitting him to dress, they opened a chest of drawers 2 feet from the bed in search of weapons and found narcotics and related paraphernalia. Riddick was subsequently indicted on narcotics charges and moved to suppress the narcotics evidence taken from his residence.

In affirming the convictions of both Payton and Riddick, the New York Court of Appeals in a 4-to-3 decision reasoned that in both cases the warrantless nonconsensual entry into private premises to arrest was reasonable, because such entries are less intrusive than entries to search for evidence and were historically accepted both in English common law and in the practice of many American States.[30]

By a 6-to-3 vote, the U.S. Supreme Court reversed the decision of the New York Court of Appeals and ruled that the 4th amendment to the U.S. Constitution, made applicable to the States by the 14th amendment, prohibits the police from making warrantless and nonconsensual entries into a suspect's home in order to make routine felony arrests.[31]

Before examining the opinion in *Payton*, it is important to note those legal issues that were not addressed by the Supreme Court. First, the Court did not consider the question of whether the warrantless entries in either case might have been justified by exigent circumstances, since that issue was not ruled upon by the New York Court of Appeals.[32] Second, the Court did not rule on the authority of the police, without either an arrest or search warrant, to enter a third party's home to arrest a suspect.[33] Third, both cases were treated as involving nonconsensual entries, accompanied by probable cause to believe the suspect was at home at the time of the entry.[34]

". . . a State court may impose as a result of State law interpretation more rigorous requirements than those mandated by the U.S. Constitution."

The Supreme Court in reaching its decision considered the common law, State and Federal statutes, and prior State and Federal court litigation, much of which is discussed in this article. While observing some of that legal authority and custom would support the decision of the New York Court of Appeals, the Supreme Court nevertheless concluded that the widespread practice of making warrantless entries to arrest is not immune from constitutional scrutiny. Accordingly, the Court ruled that the entries at issue in *Payton* were constitutionally unreasonable.[35]

The majority opinion in *Payton* endorsed the notion that the fourth amendment condemns as presumptively unreasonable warrantless searches and seizures inside a home, whether such searches are for evidence of crime or a person to be arrested.[36] The Court noted that the physical entry of the home is the chief evil against which the wording of the fourth amendment is directed and that a warrant requirement minimizes the danger of needless intrusions.[37]

The Court then distinguished in traditional fourth amendment terms the reasonableness of warrantless arrests made in public places from those that require entry into private premises. Arrests in public do not implicate important privacy interests in the sanctity of the home.[38] Moreover, while observing that entries into the home to search for evidence may constitute broader and more intrusive searches into areas of privacy than entries to arrest, the Court concluded those differences were ones of degree rather than kind and that they both involved breaches of the entrance to an individual's home.[39] In that regard, the Court stated:

> "In terms that apply equally to seizures of property and to seizures of persons, the Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not reasonably be crossed without a warrant."[40]

The Court then dealt with the argument that ordinarily a search warrant is required before the government is permitted to intrude into the privacy of a home. While apparently conceding that an arrest warrant may afford less protection than a search warrant, the Court concluded that where the government produces facts which are sufficient to persuade a judicial officer that there is probable cause to arrest an individual, it is constitutionally reasonable to require that person to open his doors to the officers of the law when they have reason to believe he is within.[41] The rule adopted by the Court was stated as follows:

> ". . . for Fourth Amendment purposes, an *arrest warrant* founded on probable cause implicitly carries with it the limited authority to enter a *dwelling in which the suspect lives* when there is reason to believe the suspect is within."[42] (emphasis added)

Impact of *Payton*

Attempting to predict the ultimate impact a particular case will have on police procedures and the administration of justice is often difficult and somewhat speculative. However, there are several obvious implications of the *Payton* decision that merit attention.

First, the law in 24 States[43] that previously permitted warrantless entries to make routine felony arrests is directly affected by *Payton*, which holds that an arrest warrant is constitutionally required to enter the suspect's premises to make an arrest, absent exigent circumstances. Moreover, *Payton* disposes of any argument that the fourth amendment requires a search warrant to enter the suspect's premises to make an arrest. In this regard, it should be noted that a State court may impose as a result of State law interpretation more rigorous requirements than those mandated by the U.S. Constitution.

Second, in those instances where an arrest warrant is constitutionally required prior to an entry into premises to make an arrest, the quality of the arrest warrant will now be a constitutionally significant issue that may be raised by defense counsel. Therefore, it seems imperative that careful attention be paid to the warrant application procedure to insure that an adequate statement of the facts constituting probable cause[44] is presented to a neutral and detached magistrate[45] prior to the issuance of the warrant.

Third, failure to obtain a constitutionally sufficient arrest warrant for those entries where one is required by *Payton* will likely result in the suppression of any evidence obtained by the police as a direct result of that arrest. This would include any evidence seized in plain view inside the premises entered, any evidence seized in a search incident to the arrest, and possibly even incriminating statements obtained from the suspect shortly after the arrest.[46] In addition, the failure of police to adhere to a constitutional re-

quirement substantially increases the possibility of subsequent civil suits.

Fourth, the ruling in *Payton* will clearly place some additional burdens on the judicial systems of many jurisdictions, both with respect to the number of warrants that will be sought and increased litigation concerning the question of what constitutes exigent circumstances justifying a warrantless entry. In this context, the second part of this article will contain an examination of previous litigation concerning the issue of exigent circumstances and some suggestions which may prove helpful in formulating agency policy. **FBI**

(Continued next month)

Footnotes

[1] U.S. Constitution Amendment 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."

[2] *Katz* v. *United States,* 389 U.S. 347 (1967).

[3] 63 L. Ed. 2d 639 (1980).

[4] *United States* v. *Watson,* 423 U.S. 411, 418 n. 6 (1976); *United States* v. *Santana,* 427 U.S. 38, 45 (1967) (Justice Marshall, dissenting); *Coolidge* v. *New Hampshire,* 403 U.S. 443, 481 (1971).

[5] *Chimel* v. *California,* 395 U.S. 752, 778 (1969) (Justice White, dissenting).

[6] *Coolidge* v. *New Hampshire, supra* note 4, at 477–78, 480.

[7] *United States* v. *Watson, supra* note 4; *United States* v. *Santana, supra* note 4.

[8] *United States* v. *Watson, supra* note 4, at 453 (Justice Marshall, joined by Justice Brennan, dissenting).

[9] *United States* v. *Santana, supra* note 4.

[10] *Id.* at 43–44 (Justice White, concurring).

[11] *Id.* at 45–46 (Justice Marshall, joined by Justice Brennan, dissenting).

[12] *United States* v. *Watson, supra* note 4, at 418–421 and at 429–30 (Justice Powell, concurring).

[13] *Payton* v. *New York, supra* note 3, at 655–56.

[14] *Id.* at 658.

[15] Comment, The Constitutionality of Warrantless Home Arrests, 78 Colum. L. Rev. 1550, 1551–53 (hereinafter Columbia Comment); also see materials cited in *Payton* v. *New York, supra* note 3, at 655 n. 35.

[16] Columbia Comment, *supra* note 15, at 1553–55.

[17] *Payton* v. *New York, supra* note 3, at 658.
The Supreme Court calculated the breakdown on the issue as follows—23 States authorized such warrantless entries by statutes (Alabama, Alaska, Arkansas, Florida, Hawaii, Idaho, Illinois, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New York, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Utah, Washington.) Additionally, Kentucky has authorized warrantless arrest entries by judicial decision.
Four States prohibited warrantless arrests in the home by statute—Georgia, Indiana, Montana, South Carolina and one, Texas, by State common law.
The following 10 prohibited such warrantless entries on constitutional grounds—Arizona, California, Colorado, Iowa, Kansas, Massachusetts, Oregon, Pennsylvania, West Virginia, and Wisconsin.

[18] *State* v. *Cook,* 115 Ariz. 188, 564 P. 2d 877 (1977); *People* v. *Ramey,* 16 Cal. 3d 263, 545 P. 2d 1333 (1976), *cert. denied,* 429 U.S. 929; *People* v. *Moreno,* 176 Colo. 488, 491 P. 2d 575 (1971); *State* v. *Jones,* 274 N.W. 2d 273 (Iowa 1979); *State* v. *Platten,* 225 Kan. 764, 594 P. 2d 201 (1979); *Commonwealth* v. *Forde,* 367 Mass. 798, 329 N.E. 2d 717 (1975); *State* v. *Olson,* 287 Ore. 157, 598 P. 2d 670 (1979); *Commonwealth* v. *Williams,* 483 Pa. 293, 396 A. 2d 1177 (1978); *State* v. *McNeal,* 251 S.E. 2d 484 (W.Va. 1978); *Laasch* v. *State,* 84 Wis. 2d 587, 267 N.W. 2d 278 (1978).

[19] *State* v. *Perez,* 277 So. 2d 778 (Fla. 1973), *cert. denied,* 414 U.S. 1064.

[20] *People* v. *Payton,* 380 N.E. 2d 224 (N.Y. 1978).

[21] Compare the statistics provided in Columbia Comment, *supra* note 15, at 1553 n. 24 and 26, to compilation in the *Payton* opinion, *supra* note 3, at 658 n. 46, 47 and 48.

[22] *Accarino* v. *United States,* 179 F. 2d 456, 464 (D.C. Cir. 1949).

[23] 435 F. 2d 385 (D.C. Cir. 1970) (*En Banc).*

[24] *Id.* at 390.

[25] *Id.* at 392–93.

[26] *United States* v. *Reed,* 572 F. 2d 412 (2d Cir. 1978), *cert. denied,* 439 U.S. 913; *United States* v. *Campbell,* 581 F. 2d 22 (2d Cir. 1978); *United States* v. *Shye,* 492 F. 2d 886 (6th Cir. 1974); *United States* v. *Killebrew,* 560 F. 2d 729 (6th Cir. 1977); *United States* v. *Houle,* 603 F. 2d 1297 (8th Cir. 1979); *United States* v. *Prescott,* 581 F. 2d 1343 (9th Cir. 1978) (suggesting a *search* warrant would be required if time was available to obtain one prior to entry into third-party premises).

[27] *United States* v. *Bradley,* 455 F. 2d 1181 (1st Cir. 1972); *United States* v. *Davis,* 461 F. 2d 1026 (3d Cir. 1972); *Vance* v. *North Carolina,* 432 F. 2d 984 (4th Cir. 1970).

[28] *United States* v. *Williams,* 573 F. 2d 348 (5th Cir. 1978); *United States ex rel. Wright* v. *Woods,* 432 F. 2d 1143 (7th Cir. 1970), *cert. denied,* 401 U.S. 966; *Michael* v. *United States,* 393 F. 2d 22 (10th Cir. 1968) (upholding the entry and arrest without discussing the constitutional issue).

[29] *Payton* v. *New York, supra* note 3, at 651–52.

[30] *People* v. *Payton,* 45 N.Y. 2d 300, 309–312; 380 N.E. 2d 224, 228–230 (1978).

[31] 63 L. Ed. 2d at 644.

[32] *Id.* at 648.

[33] *Id.* at 649.

[34] *Id.*

[35] *Id.* at 659.

[36] *Id.* at 650–651.

[37] *Id.*

[38] *Id.* at 652.

[39] *Id.* at 652–653.

[40] *Id.* at 653.

[41] *Id.* at 660–661.

[42] *Id.* at 661.

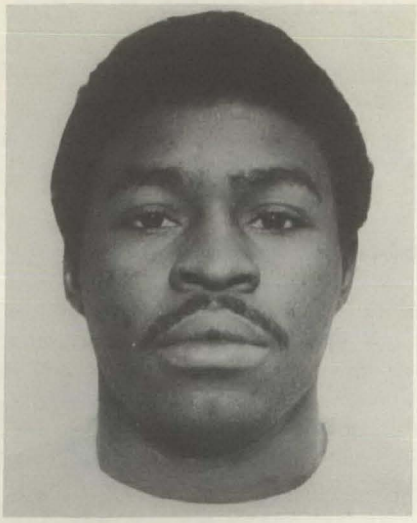
[43] *Id.* at 658, n. 46.

[44] *Whiteley* v. *Warden,* 401 U.S. 650 (1971).

[45] *Shadwick* v. *City of Tampa,* 407 U.S. 345 (1972).

[46] *Brown* v. *Illinois,* 422 U.S. 590 (1975).

WANTED BY THE FBI



Photograph taken 1973.

Loran D. Logan

Loran D. Logan, also known as Larry Donald Logan, "Huck."

Wanted For:

Interstate Flight—Murder.

The Crime

Logan is being sought for the murders of three persons who were allegedly shot with a .44-magnum revolver during a narcotics robbery.

A Federal warrant for his arrest was issued on October 15, 1976, at Columbia, S.C.

Criminal Record

Logan has been convicted of selling heroin.

Description

Age	26, born November 20, 1953, Georgetown, S.C.
Height	5'11" to 6'1".
Weight	192 to 205 pounds.
Build	Medium.
Hair	Black.
Eyes	Brown.
Complexion	Dark.
Race	Negro.
Nationality	American.
Occupations	Bellboy, bricklayer's helper, carpenter's helper, janitor, laborer, longshoreman, welder.
Scars and Marks	Burn scar on left side of face.
Remarks	May be wearing full beard and mustache or may be bald and clean shaven. Reportedly wears red, black, and green AFRO liberation wristband on left wrist.
Social Security No. Used	247-96-5066.
FBI No.	270,338 L11.

Caution

Logan should be considered armed and extremely dangerous.

Notify the FBI

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

Classification Data:

NCIC Classification:

211715131017PI171310

Fingerprint Classification:

21 M 1 U OOI 10 Ref: 1

L 3 W IOI 1

Right ring fingerprint.

U.S. GOVERNMENT PRINTING OFFICE : 1980 O - 322-074 : QL 3

Change of Address

Not an order form

FBI LAW ENFORCEMENT BULLETIN

Complete this form and return to:

Director
Federal Bureau of
Investigation
Washington, D.C. 20535

Name

Title

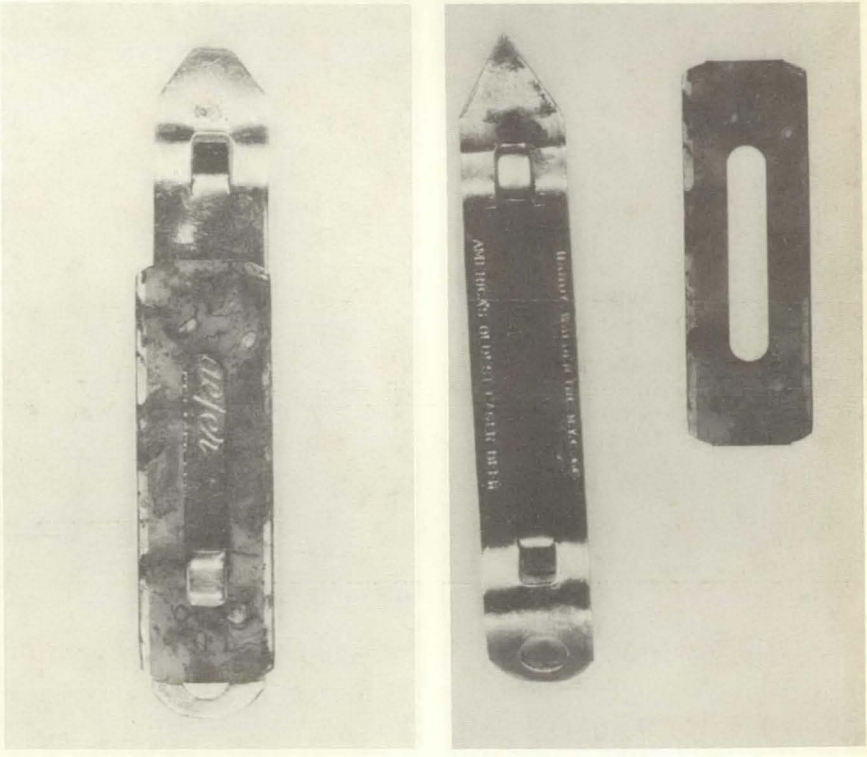
Address

City State Zip

Undiscovered Razor Blade

Undiscovered by the arresting officer, this weapon was removed from the pocket of a prisoner being booked into the Fairfax County, Va., Adult Detention Center. The weapon was constructed by attaching a razor blade to a can opener. When held in a downright position, the edges of the razor protrude slightly past the edges of the can opener. Even if displayed, this weapon is not readily identified as a potentially dangerous weapon.

(Submitted by the Fairfax County, Va., Sheriff's Dept.)



U.S. Department of Justice
Federal Bureau of Investigation

Official Business
Penalty for Private Use $300
Address Correction Requested

Postage and Fees Paid
Federal Bureau of Investigation
JUS–432

Controlled Circulation Rate

Washington, D.C. 20535

Interesting Pattern

This pattern is of interest because of the unusual ridge formation found at the center. The impression is classified as an accidental-type whorl with an outer tracing.