FBI LAW ENFORCEMENT BULLETIN

AUGUST 1983

Community Policing

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AUGUST 1983, VOLUME 52, NUMBER 8

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Maintaining good police/public relations is an essential element of a community policing scheme. See article p. 1.

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 June 6, 1988.

Published by the Office of Congressional and Public Affairs,
Roger S. Young, *Assistant Director*

Editor—Thomas J. Deakin
Assistant Editor—Kathryn E. Sulewski
Art Director—Kevin J. Mulholland
Writer/Editor—Karen McCarron
Production Manager—Jeffrey L. Summers
Reprints—Marlethia S. Black

ISSN 0014-5688 USPS 383-310

Editor's Note:

This article is adapted from a speech presented by Chief Constable Parrish before the FBI National Academy in November 1982.

Community Policing

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The Derby East Police Scheme

Chief Constable Parrish

Early in 1980, an experimental community policing scheme was implemented at Chaddesden, a suburb of Derby. As experience was gained, it proved to be a very satisfactory scheme of policing for the particular area concerned, with the right balance being maintained between "enforcement" and "service" roles.

If particularly good police/public relations are not to be eroded, schemes such as this are a necessary ingredient of the policing role. However, each scheme must be tailored to the particular needs of the area concerned.

The Derby Police Division encompasses more than the city of Derby itself. For policing purposes, it is divided into three subdivisional areas; the Chaddesden scheme is still operated in the central subdivision.

To set the scene, it is worth comparing briefly the policeman's lot in our two countries. As statistics indicate, there are enormous differences in the incidents of personal violence. The rates for homicide and robbery are 8 times higher, and for rape 15 times higher, in the United States than in England and Wales per head of population. On the other hand, rates for property offenses are, perhaps surprisingly, fairly similar.

Crime rates vary considerably throughout Derbyshire. Fortunately, we are well below the national average, except for Derby Division. The East subdivision, in particular, is very markedly above the national average. Not only is the crime rate here the highest in the county by a significant margin, but detection rates for most types of offenses are distressingly low. The situation has been steadily deteriorating over recent years, particularly for offenses of burglary, especially housebreaking, and thefts of vehicles and pedal cycles.

In addition, the particular needs of a multiracial population as centered in Derby Division requires constant consideration. As early as 1981, it became evident that an accurate evaluation of the police role in the mainly immigrant settlement area that is a suburb of Derby East subdivision was needed. A working party was formed in April 1981, to appraise the situation and report on its findings.

The city of Derby suffered serious disorder on the day following the street riots of Brixton (London) and Toxteth (Liverpool) during the summer of 1981. For no apparent reason, groups of several hundred youths congregated in the city, and many instances of damage to property ensued. The public disturbances in Derby subsided as quickly as they began and the city resumed its usual relative calm. Thus, the working party was considering policing in that part of the city which typifies inner-city problems associated with deprivation, unemployment, and poor housing at the time of the worst public disorder seen in Great Britain this century.

". . . an experimental community policing scheme . . . proved to be a very satisfactory scheme of policing . . . with the right balance being maintained between 'enforcement' and 'service' roles."

The city has 220,000 inhabitants and compares in numbers with Baton Rouge, La., Richmond, Va., and Fresno, Calif. The population includes 17,000 of Asian descent (Pakistani and Indian), 15,000 East Europeans, 14,000 Afro-Caribbeans, 500 Vietnamese, and 350 of Malay/Chinese descent, an approximate 3 to 1 ratio between indigenous population and those of mixed ethnic immigrant origin, some 50 percent of whom were born in Great Britain.

Having visited many police forces in England and examining various policing schemes, the working party was able to highlight difficulties which should be avoided when implementing a scheme to return to traditional policing methods. The two areas of difficulty considered to be important were role conflicts and selection processes.

Role Conflict

A scheme should avoid any aspect of being special. It should be a joint police/community venture. Reactive-type policing causes a role conflict if superimposed on other more traditional methods. For example, the unit beat police system adopted by all British police forces gave the constable mobility which evolved subsequently into a reactive response to calls from the public.

The overworked "panda" driver became in danger of being alienated from the public and his foot patrol colleagues. The panda drivers saw themselves as the "law enforcers" and regarded the foot beat officers as the "community peace-keepers" or "hobby bobbies." No successful scheme could tolerate such a two-tier policing concept.

Selection Processes

Because of poor selection, difficulties occurred when officers lacked motivation through the erroneous belief that the traditional methods are outdated and not important. No formal training in community police work or social awareness had been offered, and consequently, officers were unprepared for the changed strategies.

Traditional methods of policing place emphasis on closer and equitable interaction with the public, and in essence, mean more officers on foot and cycle patrols. There is nothing remarkable in this, but over the years, the very fact that such policing is manpower intensive has resulted in a reactive "fire brigade" type of response to the detriment of community support.

The government and people of our country were so concerned at the country's disturbances that an eminent judge was appointed to investigate the public disorders in Brixton. His subsequent report made a number of recommendations regarding policing methods and training, including:

1) Arrangements for statutory consultation between the police and the community;
2) An urgent study into ways of recruiting more members of ethnic minorities;
3) Courses in community relations of all officers; and
4) Reexamination of methods of policing inner cities, in particular, patrolling patterns, the role and status of uniformed constables, and opportunity for more continuity and community contact.

Long before the publication of this report and in direct consequence of the recommendations of the working party, a system of traditional policing was introduced in the Derby East subdivision for a 1-year experimental period beginning January 1, 1982. Many of the recommendations subsequently published in the judge's report

had already been incorporated into the experimental policing scheme, reinforcing the view that our objectives were in line with the desires of the law-abiding majority of the public.

The Derby East Scheme

The Derby East subdivision encompasses a population of 92,000 and is commanded by a superintendent, with a chief inspector deputy. It is one of the busiest subdivisions in the United Kingdom, and for the purposes of the experiment, it has been divided into four distinct areas.

Area 1—Pear Tree/Normanton

This area is densely populated and is the main immigrant settlement of Derbyshire. Housing varies from low-class, run-down terraced properties to the better class, but still older-type properties on its periphery. The area has outward signs of urban deprivation with a certain amount of redevelopment.

There is virtually no industry, but nightclubs, discos, restaurants, and bars attract a considerable number of people, not necessarily from the immediate vicinity. The streets are seldom "asleep," and street walkers and pimps are noticeable to the discerning eye.

Area 2—Sinfin

At present, less populated than area 1, this is a rapidly developing area with regard to light industry, including the home of Rolls Royce which has 28 sites in Derby Division, and housing. New housing estates and blocks of flats have taken large numbers of people displaced by redevelopment.

Area 3—Allentown/Wilmorton

This area comprises the older-type, terraced and semidetached private and council dwellings. There is a large industrial estate fulfilling the needs of service and direct consumer requirements.

Area 4—Alvaston/Rural

This area contains a main arterial route along which development of private housing is evident. The largest of the four areas geographically, it embraces rural pasture land and has an attractive marina and county show ground, as well as a selection of typical English country villages.

Before embarking on the experiment, it was necessary to gage public sensitivity to a changed police emphasis. Reaction was tested at meetings to which community leaders, council and education officials, and the general public were invited. A social survey designed to evaluate public attitudes toward the existing and proposed policing methods was undertaken in the Pear Tree/Normanton area. Therefore, the scheme was implemented with a high level of public awareness and predetermined idea of their needs.

Each of the four areas was placed under the command of an inspector, which in itself implied a greater degree of autonomy and responsibility for the policing of that area on a 24-hour basis. Each had 3 uniformed sergeants and a number of uniformed constables varying from 19 in area 3 to 30 in area 1. Detectives were allocated to each area in sergeant and constable rank.

Officers at all ranks were selected on proven ability and potential to be effective law enforcers. It was necessary that they possess a correct attitude and inclination to relate well to the public they served.

The public wanted locations within easy reach of their homes, where they could meet and discuss matters with their local officers. Accommodations have been acquired for use as public "surgeries" to fulfill this need.

Essentially, personnel are on foot, but cycles are provided for mobility without being detrimental to public contact.

Training was given to all officers. This took the form of a 1-week community relations course at force headquarters, supplemented by a day of briefing on the aims and aspirations of the scheme by senior police officers. This latter briefing enabled officers to voice their opinions and suggestions and allowed them to identify themselves with the scheme and primary objectives.

Officers were reminded of the important role they play in the scheme

and that throughout the experimental year their views and suggestions would be considered through channels arranged by each inspector.

The constables were also made aware of the aim to enhance their office. The constable, at the root of so many of the day-to-day achievements, more than anyone, is called upon to make decisions and to take action relating to a broad range of police work rather than any particular specialist activity. His experience, training, and stature should reflect that responsibility.

It was clearly explained to all officers concerned that whatever changes made in accord with the climate of the times and the requirements of the public, in the way we go about our work, preventing crime, detecting offenders with a view of ensuring punishment appropriate to the circumstances, protecting life and property, and preserving public tranquillity remain the overriding objectives.

The ethos of the scheme revolves around three aspects—consultation, cooperation, and credibility.

Consultation

As previously mentioned, public meetings were held prior to the experiment's inception and two such similar events have since taken place where the temperature of public attitudes has been tested.

Formal liaison meetings take place on a regular basis at police and elected representative levels, ranging from the beat constable and parish councillors exchanging ideas and perceptions through to Police Authority dialog directed by the chief constable. Such liaison meetings, which are arranged locally by the area inspector on a bimonthly basis, involve representatives of county and city councils, the Commission of Racial Equality, educational and social service bodies, community association representatives, and minority group leaders. These meetings are a useful way of airing grievances and discussing problems, ideas, and projects. It enables the groups to monitor community feelings.

The goodwill which emanates from nearly all factions clearly illustrates that police efforts are appreciated in the majority of cases. Requests for advice to solve potential problems often leads to more than satisfactory solutions, if only because agencies and associations now have a better understanding of the police function.

Cooperation

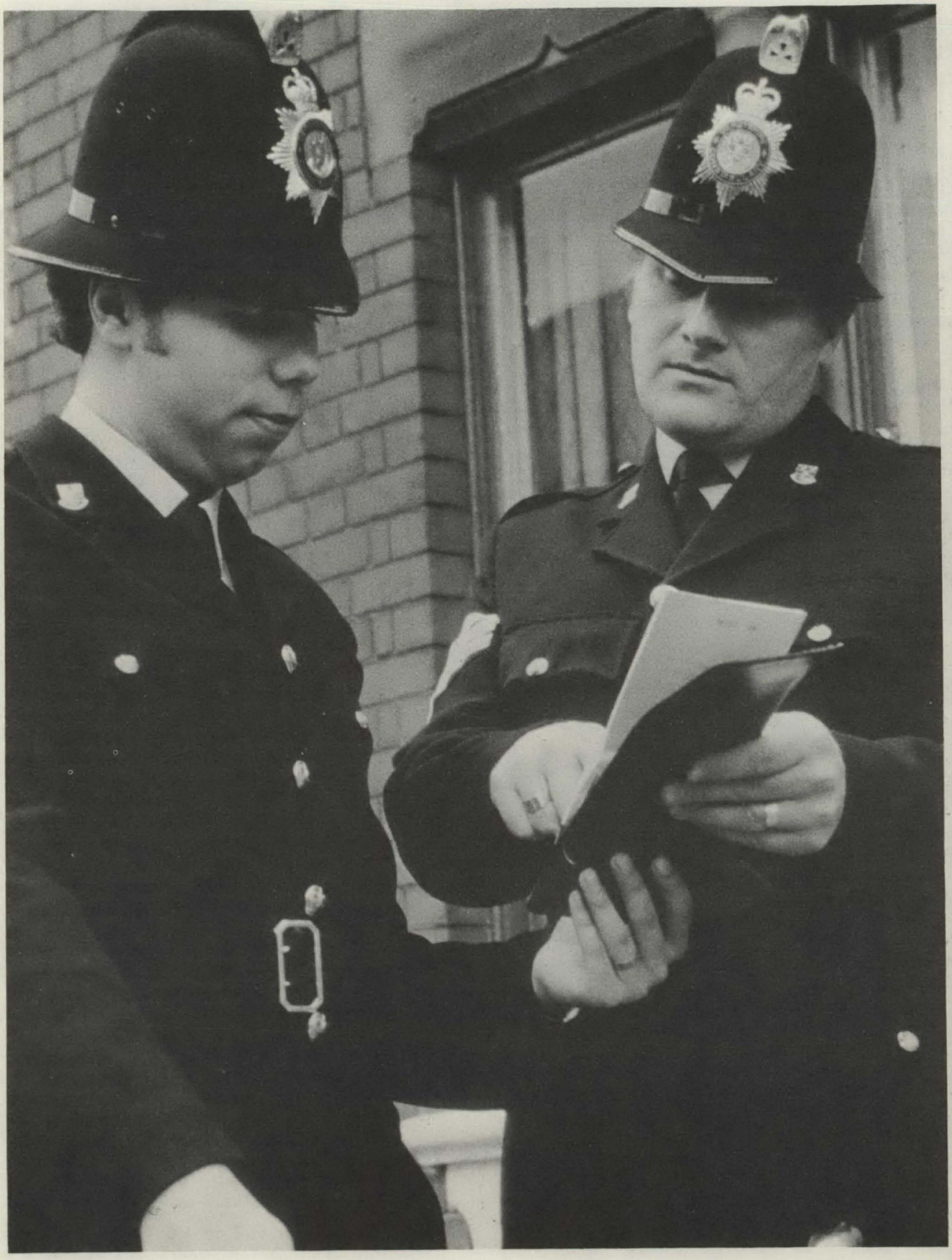
Informal construction at the grassroots level, particularly by the officer on the beat, enhances public confidence. The regular areas of contact are with schools, youth organizations, places of religious worship and public gatherings, coffee bars, old peoples' homes, and resorts of public entertainment and recreation.

A conscious effort was made to resist publicity for the scheme prior to its introduction, for it was not the intention to imply that in the Derbyshire Constabulary, a "utopian" scheme had evolved which would be the panacea for all social ills. However, the unique aspects of the proposed scheme, insofar as it involves every member of the subdivision, attracted the attention of the press, television, and radio agencies, so that the publicity decision was reviewed at the appropriate time. Suffice it to say we did not want to publicize what we hoped to achieve but rather what we had achieved.

Credibility

In the first 6 months of the experimental scheme, the demoralizing and seemingly inevitable trend of steadily deteriorating crime rates in Derby division over recent years, particularly with regard to housebreaking and thefts of vehicles, appears to have been reversed. For a welcome change, the crime statistics are good news.

The total number of offenses reported to the police is down 3 percent in the Derby East subdivision, compared with the same period of the previous year. This is not a dramatic improvement in itself, but very encouraging when set against a 4-percent *increase* elsewhere in the Derby Divi-



"Informal consultation at the grassroots level, particularly by the officer on the beat, enhances public confidence."

sion and a 14-percent *increase* for the rest of Derbyshire.

It is in the more serious preventable categories that the biggest improvements are evident. Burglaries of dwellings are down 26 percent. In other words, for every four housebreakings in 1981, there were only three in 1982. This compares with a very slight reduction in numbers for the rest of Derby Division and a large increase by almost a quarter for the rest of the force area. Similarly, vehicle thefts have fallen 10 percent and thefts of cycles by almost 30 percent, largely against the general trend.

In contrast, the statistics appear to present an unfavorable picture for some other types of crime. Thefts from vehicles, for example, are up 19 percent, a much larger rise than elsewhere. Also, increases of 16 percent for miscellaneous thefts and 8 percent for criminal damage to property are significantly higher than elsewhere, and at first sight, discouraging.

However, the very strategy of bringing the police to the public would be expected to result in a greater proportion of less serious offenses being reported to us. While, under the previous system of policing, the victim of a small value theft or damage offense might have thought it not worth the trouble of notifying the police, it is now not only more convenient for him to do so but hopefully he will believe that is it worthwhile, not just a formality.

To sum up, the picture presented by crime statistics so far is distinctly encouraging. Numbers have fallen in the more serious preventable categories, and the greater readiness of the public to report less serious offenses can, to some extent, be taken as a sign of increased public confidence. It is only fair to add that detection rates have so far failed to show significant improvement, but it is perhaps early to expect results in this area.

These are the tangible results. But what of those matters we cannot quantify and will never be able to prove, yet are nevertheless factors which are worthy of consideration?

First, the improved working relationship between uniformed officers and their detective counterparts has consequently resulted in improved morale. Secondly, there is an easier exchange of information between public and police and an acceptance of officers as members of the society they serve rather than an extension of government. Also, the amount of tension in situations requiring firm but tactful handling by officers now trained in public awareness has lessened. And finally, there are considerable benefits to be derived from the consultative methods the police and public use in dealing with all situations affecting the well-being of persons in the community.

Obviously, it is necessary for a scheme such as this to be flexible and open to modification during its formative period. At the conclusion of the experiment, independent appraisers will prepare their reports on the basis of information processed. In addition, we will benefit from an independent social survey conducted by a national polling organization on public response. Also, the reactions of the personnel involved, the public, and official representative bodies like the police federation will be considered.

This scheme cannot be the sole remedy for problems facing society or any enforcement agency, but at least, we are making positive efforts to give the public what they desire within the bounds of lawful authority and fiscal policy. This scheme is labor intensive, and its cost effectiveness may never be truly assessed. Job satisfaction is hard to measure, as is the achievement, if any, in the reduction of vandalism, crime, accidents, and prosecutions. However, this is a positive goal for which we as police officers must strive in order to secure a more ordered and law-abiding state of society. The problems of that society as it exists today are not the burden of the police alone, but we must ensure that we are making a full contribution to their solution. This experiment forms part of that contribution. **FBI**

Alcoholism and Suicide: A Fatal Connection

By
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When a police suicide occurs, the impact reaches far beyond the victim. The event shakes the very core of law enforcement—to preserve life, not destroy it, in carrying out one's duties. As Dr. Maurice Farber, a well-known psychiatrist, has said, "Suicide is an action that takes place in sadness and desperation . . . . It inflicts grief and remorse upon survivors."[1]

In this country, suicide has become the focus of scientific study only within recent years. During a symposium on the subject in 1969, Dr. Karl Menninger said:

> ". . . the incidence of suicide will be reduced only when the public recognizes it as a social problem, as a psychological problem, and as a medical problem, rather than as a moral problem and a disgrace to be covered up, regretted, and forgotten."[2]

Concerned about the problem, a study conducted by the Chicago Police Department in 1980 identified and described the suicide deaths of all Chicago police officers during a 3-year period (1977–1979).[3] The data indicate that there is a strong correlation between alcoholism and suicide.

Statistics

The gathering of meaningful data on suicide is controversial and presents many problems. Experts believe that the statistics concerning suicides are unreliable because suicide is underreported. In addition, scientists and statisticians disagree about the definition of suicide. If the definition takes into account the individual's intention about death, the problem is clear immediately. The person who is to be classified is dead and unable to state his conscious intention.

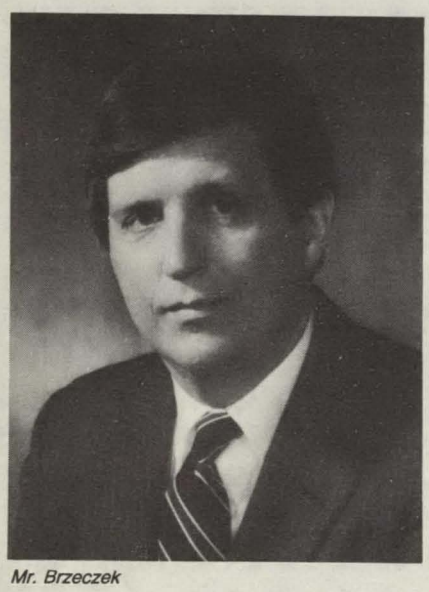
Suicide is the 10th most prevalent cause of death among adults and the 3d highest cause of death among adolescents 15 to 19 years old. For every "successful" suicide there are perhaps 10 nonfatal attempts.[4]

No single theory accounts for all suicides; experts do not even agree about the suicide rates. While one author says that the variation in suicide rates among cultures is extreme,[5] another argues the statistics reveal an overall stability in suicide rates, stating that his study of nearly all cultures reveals a suicide rate of 20 to 30 per 100,000 regardless of urbanization and industrial growth.[6] It is important to note that data in the Chicago study, using figures from The National Center on Health Statistics and the Chicago Department of Health, indicate that the local rate is 10 suicides per 100,000 people.

About police suicides, Drs. Dash and Reiser summarize the statistics:

> "To date, only five published studies have offered specific data on police suicides. Friedman reported an annual suicide rate of eight per 100,000 for New York City police officers during the six-year period from 1934 to 1940. Nelson and Smith had reported that for the

Ms. Wagner



Mr. Brzeczek

state of Wyoming, the 1960 to 1968 rate for police was 203 per 100,000. Heiman has reviewed Friedman's study and added comparative data for London Bobbies and New York City police officers during the period 1960 to 1973. The 13-year rates average out to 5.8 per 100,000 in London and 19.1 per 100,000 in New York. In a subsequent paper, Heiman reported that for 1934 through 1939, the average Chicago Police Department rate was 48 per 100,000. The average for the San Francisco Police Department (was) 0 per 100,000 and the St. Louis Police Department rate was 17.9 per 100,000. Danto reported 12 suicides among Detroit police officers between 1968 and January 1976. These figures were not, however, reported in population statistics terms." [7]

Definitions

Various definitions of suicide appear in the literature, particularly where there is an attempt to present a theory of suicide. These definitions reflect the sociology and psychology of suicide. Regardless of the theoretical framework, though, all experts find suicide to be an extremely complex process. Lawrence Kubie states it is very difficult to research suicide when one cannot tell when this act of self-injury has self-extinction as a goal and when it does not. "A healthy, energetic youngster faces a serious illness. He cannot tolerate the idea of living without the high, active energy level. He skips his medicine, pretending he is not sick. He may be dead. Is this suicide?" [8]

At one time it was thought that suicide was related to hostile feelings that were turned inward on the self—murder in the 180th degree. Now it is clear that other emotions are important, too. They include shame, guilt, dependency, and the affective states of hopelessness and helplessness. Most suicides are characterized by an ambivalent feeling—hostility vs. affection, wanting to die vs. wanting to be rescued.[9]

At first, suicide seemed to be clearly identifiable—that is, a person was "suicidal" when he talked about suicide, attempted it, or succeeded in killing himself. Later studies of suicide, however, revealed it to be more complicated. Did the individual simply talk about suicide, or did he intend to take action? What period of time was involved in self-destructive action? Did the victim intend to die, intend to gamble with death, or intend not to die but simply hurt himself? Did the person passively accept death or actively inflict it upon himself? [10]

Direct self-destruction may take many forms, but it clearly results in self-inflicted pain, injury, or death. The behavior is visible and the effect is immediate. Indirect self-destructive behavior differs from this in two ways—the time and awareness involved. The effect is long-range; the behavior may span years. The person is usually unaware of or doesn't care about the effects of his behavior, nor does he consider himself a suicide.[11]

Emile Durkheim defined suicide as "all cases of death resulting directly or indirectly from a positive or negative act of the victim himself, which he knows will produce this result." [12] This definition eliminates the cases where a person commits suicide by dying at the hand of another. It implies that suicide is entirely rational.

"Suicide may result from external social factors, internal psychological factors, and internal biological factors."

Jean Baechler's definition carries Durkheim's theory even further: "Suicide denotes all behavior that seeks and finds the solution to an existential problem by making an attempt on the life of the subject."[13] Suicide, Baechler adds, is a behavior rather than an act because only rarely is it circumscribed by the precise moment when it is accomplished. The behavior is a response to a problem. Whether real or imaginary, the problem is real to the individual considering suicide. Baechler does not believe in a distinction between normal and pathological suicide. He says that one can kill oneself because one had contracted an incurable disease, or can kill oneself because one thinks he has contracted an incurable disease.

Suicide is a religious issue because it involves an orientation toward life and death and the forces that control both. Philosophers from Plato to Camus have been concerned with suicide. Some have opposed it, some have held a permissive attitude toward it, and still others have praised it. It is also an issue for psychology. Dr. Karl Menninger reasons that three elements are required by the victims of suicide. The first is the wish to kill—aggression; the second is the wish to be killed—punishment; the third is the wish to die—the death instinct.[14]

Suicide may result from external social factors, internal psychological factors, and internal biological factors. Since these three categories are always interacting, the causes of suicide are likely to be a combination of these factors.[15] For example, an individual suffering from a manic depressive psychosis in a deep depression may commit suicide although little is occurring in the outside world to cause it. A psychologically healthy person faced with the certainty of being torched to death might commit suicide. "Suicides in the main are committed by psychologically damaged personalities confronted by a deprivational situation. It is the nature of the vulnerability, the kind of deprivation, and their interactions that must be analyzed."[16]

Hope also is considered to be crucial to one's decision to choose suicide; the act of suicide has been described as an act of hopelessness, despair, and desperation. Suicide occurs when there appears to be no available path that could make for a tolerable existence. "Not everyone is an equal candidate for suicide. There are those who become the more readily hopeless in the face of difficulties of life. These suffer basically from an impaired sense of competence . . . that predisposes (them) . . . to suicide."[17]

The Chicago Police Department Study of Suicide, 1977–1979

This study was conducted to determine whether the incidence of suicide is higher among sworn members of the police department than among the general public. Knowing that there has been speculation that suicide is a problem to police, the ultimate aim was to produce a profile or guide for supervisors and command personnel so they could identify officers who display suicidal tendencies.

The study began by examining the Personnel Division's listing of department members who died 1977 through 1979. These lists were compared to the master files at the office of the medical examiner. Each officer's death that was listed as a medical examiner's case was thoroughly investigated.

The medical examiner's files contained death investigation reports submitted by detectives who visited the scenes of the fatalities. They also contained autopsy and toxicologic reports and miscellaneous reports. Most cases of suicide were clearly apparent. Where there was a question about whether a fatal injury was intentionally self-inflicted, the researcher consulted professionally trained people rather than make an arbitrary decision or rule out a possible suicide, which included the chief surgeon in the Medical Division and members of the police department's Research and Development staff.

Twenty police officers were the victims of suicide during the period studied:

1977	6
1978	7
1979	7

If one looks only at the numbers, a Chicago police officer was five times as likely during this period to take his life as a citizen of the city, based on a department strength of 13,000 and a general city population of 3 million.

The officers who committed suicide ranged in age from 25 to 60 years.

Age group	Number of victims
25 to 29	2
30 to 34	4
35 to 39	6
40 to 44	2
45 to 49	1
50 to 54	3
55 to 60	2

The average amount of time each officer served was 13.4 years, although this figure varied from year to year, the average ranging from 11.7 years to 16 years.

Of the 20 individuals studied, 13 officers were married and living with their spouse, 3 were single, 3 were separated from their wives, and 1 police officer was widowed. None of the victims was divorced at the time of his death. All of the victims were male. Suicide notes were available in only two cases.

All available department records on these 20 individuals were carefully analyzed for data that described what was known about them. Judging by their medical records, a majority could be classified as medical roll abusers. Twelve had extensive medical roll records, six had average medical roll records, and two had limited medical roll records. The overwhelming majority of the medical complaints of the deceased members was stomach flu. Others complained of such ailments as nervous problems, high blood pressure, heart trouble, back trouble, kidney disease, bursitis, and alcoholism.

Of the 20 victims, 17 held the rank of police officer, 1 was a youth officer, and 2 were lieutenants. Evidence of family problems was discovered in 13 cases. Four of the officer's disciplinary records showed complaints registered by a spouse or girlfriend concerning off-duty personal problems. Serious health problems were noted in six cases, and financial problems were noted in two cases.

Alcoholism was documented in 12 cases in the study. Six officers had undergone treatment for alcoholism. One officer had been hospitalized four times for treatment of alcoholism, while another had been treated on two occasions. Because inpatient alcoholism treatment often requires 3 to 4 weeks of hospitalization, it is usually documented on department medical records. Nine of the victims had substantial quantities of alcohol in their systems at the time they died. This fact was verified by toxicologic reports maintained by the medical examiner. Evidence of narcotics use was found in only one case—that of an officer whose body contained an intoxicating amount of morphine believed to have been caused by heroin injection. Based upon these findings and the data from disciplinary and medical records, we believe that heavy use of alcohol and alcoholism played a significant role in the lives of these police officers.

Thirteen of the officers were white; seven were black. This is significant because during this period only 20 percent of the Chicago police force was black, while black officers composed 35 percent of the suicide victims. The ethnic backgrounds of the officers are as follows:

	Percent
Black	35
German	20
Irish	20
Polish	17.5
Italian	5
Swedish	2.5

Of the 20 officers, 10 were members of the Catholic faith, 2 were Baptist, and 1 professed to have no religious ties. Church affiliations of the other victims could not be determined. The suicide victims had the following number of years of education:

Some high school	5
High school graduate	3
Some college	8
College graduate	4

Eighty percent of the subjects took their lives by gun—revolvers were used in all cases. Fourteen of these men died of head wounds, while two of the victims (both black officers) shot themselves in the left breast. Three of the subjects died as a result of carbon monoxide poisoning, and one was burned to death after setting his apartment on fire. Fifteen of the subjects committed suicide at home or on their own property.

". . . medical and discipline histories at work reflect the progression of illness among employees who suffer from alcoholism and other substance abuse problems."

Five were away from their homes. Six were discovered in their bedrooms, while another six died in personal automobiles.

Seventeen of the subjects were born and raised in the city of Chicago. One was born in Wisconsin, another in South Carolina, and a third in Arkansas.

Disciplinary records disclosed that seven of the victims had serious disciplinary problems. Seven others had normal or average disciplinary records, and the remaining six had a virtual lack of job-related problems. What follows is a list of the types of disciplinary troubles encountered by the subjects of the study. The incidents are shown in order of frequency:

1) Inattention to duty,
2) Negligent operation of department vehicles (charges resulting from an accident in which the officer was at fault),
3) Unauthorized absence from duty,
4) Intoxication on duty,
5) Failure to purchase a city vehicle license, and
6) Issuing bad checks.

Two of the officers in the study had made known suicide attempts before their deaths. Three of the victims had taken a leave of absence from the department but had returned to duty before their deaths. Three others had been placed on disability pensions during their police careers. Three were on limited duty status at the time they committed suicide. Fourteen of the officers had been injured on duty at least once during their employment.

The average performance rating of the subjects at the grading period just prior to their deaths was 85.2. In almost every case, there was a notable drop in the victims' performance ratings within a period of 6 months to 2 years before the suicide.

These data are summaries of the information available in the records of the 20 officers. No personal interviews with close family members of the victims were conducted, partly because the study occurred 1 to 3 years after the suicides. Such interviews might be useful to an ongoing study of suicide, if family data could be collected at the time of the occurrence. A high percentage of this small sample had a problem with alcohol. The following vignettes from the study will highlight this issue.

Subject 1: He was 56 years old and had been diagnosed as an alcoholic. During the last year of his life, he was treated for alcoholism, cirrhosis of the liver, and organic brain syndrome. He had been reported as depressed over his ill health and a family problem.

Subject 2: He was 51 years old. He had been treated for alcoholism twice in the 4 months before his death. There was evidence of depression.

Subject 3: He was 44 years old. There are no clues in the existing records that would allow a hypothesis. However, before his appointment he was arrested for drunk driving and had serious marital problems. He was intoxicated at the time of death. The records suggest that the problem was related to alcoholism.

Subject 4: He was 33 years old and had 4 years on the job. The night of the suicide, he was involved in a sexual deviation that was being investigated. There were no narcotics found in his system at the time of his death. He appeared to have had a psychiatric problem.

Subject 5: He was 36 years old and had been on the job for 12 years. He was documented repeatedly for minor offenses that made him an unsatisfactory worker. He was known to be unhappy with his job and experiencing personal problems. He was a heavy user of the medical roll. At the time of his death, he was "slightly intoxicated."

Subject 6: He was 42 years old. There is evidence of a drinking problem in this officer's entire history. A "large quantity" of alcohol was found in his body at the time of death. He had a history of drunk driving, a disorderly conduct arrest, and a heavy drinking pattern.

Subject 7: He was 37 years old. He had a "moderate amount" of alcohol in his system at the time of his death. He had used the medical roll extensively for flu and stomach problems. He had two arrests, both precipitated by women friends where violence was involved—once at a tavern. Though drinking was not specifically noted in the record, one could infer the association and infer drinking to be a problem.

Subject 8: During a 5-year period, this officer was hospitalized on four occasions for "alcoholic rehabilitation." His entire history reveals problems related to drinking.

Subject 9: He was 54 years old. He was known to have been unsuccessful in prior treatment for alcoholism. The toxicologist's report indicated a "high level" of alcohol in his system at the time of his death.

Subject 10: He was 35 years old. Before his suicide, a diagnosis had been made of late-stage alcoholism as evidenced by delerium tremens. His treatment had not been successful. A "large quantity" of alcohol was found in his system at the time of death.

Subject 11: He was 27 years old. This young officer had been on the job only a year at the time of his death. There is no data in his record to indicate an alcohol problem, but at the time of death, he had a "substantial quantity" of alcohol in his system.

Subject 12: He was 30 years old. This officer's 3-year police career was fraught with disciplinary investigations and medical roll abuse. A long history of financial problems may be a further indication of an alcohol or drug problem. The woman with him at the time of his suicide stated that "he did not use narcotics and was a light drinker." A "large quantity" of alcohol was found in his system at the time of death.

Subject 13: He was 48 years old. Before this officer's 19 years on the police force, he was arrested twice for public intoxication and drunk driving. Minor rule violations throughout his career indicate that alcohol could have been a problem. At the time of death, he was found in his garage in a car that had signs of being in a "recent collision." A "substantial amount" of alcohol was found in his system.

Subject 14: This officer was in his early thirties. His record reveals an inordinate number of reprimands and suspensions for failure to attend court, negligent use of department vehicles, and reporting late for work. Though these patterns are commonly found in alcoholism, there is no history of alcoholism treatment and no evidence of drinking before his death. Approximately 1 month before his death and following a nonfatal suicide attempt, the department's Psychiatric Advisory Board diagnosed his condition as "severe depression in a schizoid character." A suicidal risk was noted. From these records it appears that this person had a psychiatric problem.

Subject 15: This officer was 50 years old. He suffered for many years from a back injury and heart condition. Though alcohol is not specifically mentioned in his history, he was suspended from duty for inattention to duty, violation of medical roll procedures, and assaulting his wife. He had been receiving "psychiatric therapy" for family and financial problems.

Subject 16: He was 36 years old. This officer's police record indicates areas of good performance; he once received the Superintendent's Award of Valor. Though he showed heavy use of the medical roll, he sustained 11 onduty injuries. Four sustained disciplinary complaints were for negligent use of department vehicles. He had been having "serious marital problems" and shot himself after an argument during which his wife told him to leave.

Subject 17: This officer was 29 years old. His history contained repeated incidents of unacceptable behavior. A large quantity of morphine was found in his system at the time of his death.

Subject 18: He was 32 years old. There are no indications in the records that this officer was troubled or ill. He had been on amphetamines for weight loss just before he died. There is no evidence of drug use in the toxicologic report.

Subject 19: He was 55 years old. This officer had suffered from kidney disease; treatment included dialysis three times a week. On the day of his death, the officer complained of pain. He had been depressed about his condition.

Subject 20: He was 37 years old. This officer had a history of personal and work-related problems. The work problems were indicated in his disciplinary and medical histories. The suicide was precipitated by a broken-off relationship.

". . . Alcoholism exists when drinking affects any major area of one's life—physical illness, work problems, or personal life."

Discussion

Alcoholism and drug abuse are cited throughout the literature as behavior that is aimed at warding off feelings of depression. However, the use of alcohol and other drugs is common in our culture. According to the National Council on Alcoholism, the disease process is evident in approximately 10 percent of drinkers and drug users. In these individuals, continued drug usage leads to decreasing tolerance for the drug, increasing denial of its effects, and loss of control over the drug and the individual's life.

From the experience of the Alcohol and Drug Assistance Unit of the Chicago Police Department and employee assistance programs in large companies throughout the country, it is evident that medical and discipline histories at work reflect the progression of illness among employees who suffer from alcoholism and other substance abuse problems. On-the-job accidents and alcohol-related incidents also are indications of the disease. If one looks at the data that are available on each officer in this sample, one could deduce that three-quarters of the victims suffered from alcoholism. These 15 cases indicate that the individuals either had been diagnosed as having alcoholism or displayed the kind of work and life behavior patterns that are common among people with alcoholism. Of the other five individuals, two appeared to have had indirect, self-destructive behavior patterns, and three appeared to have suffered from psychiatric problems.

A distinction is made in the suicide literature between direct and indirect self-destructive behavior. In both, the behavior is assumed to injure the individual's health and hasten his death. The distinction between the two types of self-destructive behavior relies primarily on the individual's intention. When the primary conscious goal is self-injury, the term "direct self-destructive behavior" is appropriate. Suicide is the extreme form of direct self-destructive behavior. Indirect self-destructive behavior involves self-injury, but here it may be an undesired effect, not a primary goal. Examples of indirect self-destructive behavior include drug abuse, alcoholism, cigarette smoking, reckless driving, and various ways of neglecting one's health.[18]

The individual who chooses a direct form of self-destructive behavior usually is in great psychological stress, and in the case of suicide, there is often a precipitating event. We see this clearly in the three situations in our sample involving psychiatric problems (subjects 4, 16, and 20).

Indirect self-destructive behavior typically occurs without acute stress. However, all of us have some kind of indirect self-destructive behavior. It becomes dangerous and life threatening only when it is habitual. One theory holds that destructive behavior patterns develop as a way of defending against mental pain that threatens to result in depression.[19]

One authority says, "According to these criteria alcoholism with its characteristic pattern of denial, low frustration tolerance, need for immediate gratification, and self-centeredness qualifies as an indirect self-destructive condition; nevertheless, alcoholism can also greatly overlap with direct self-destructive behavior as seen in the frequent association of the condition with depression, with feelings of hopelessness, and with high risk taking behavior."[20]

Most suicide studies are conducted by psychologists and psychiatrists examining their hospitalized patients. These studies and most others do not correlate alcoholism and suicide. However, a few studies do.

In one study, conducted in 1962, all suicides attempted during a 4-month period at King County Hospital in Washington State were examined. Twenty-three percent of the attempted suicides and 31.4 percent of completed suicides involved alcoholics. An earlier study on suicide in Sweden found that 30 percent of those who attempted or completed suicide were alcoholics.[21]

One study notes that a comparatively high proportion of alcoholics commit suicide and consequently "a high suicide rate among alcoholics appears to be unquestionable."[22] In a description of the relationship between alcohol and suicide, one expert notes that the physical deterioration caused by alcoholism hastens natural death; it is also well known that a significant proportion of fatal accidents are the result of alcohol.[23]

Traditionally, however, mental health experts have seen the use of alcohol as symptomatic of an underlying psychological or psychiatric problem. Only recently has alcoholism been identified as a disease—a primary disease that exists in and of itself—that is not caused by other underlying problems. Those familiar with

the treatment of alcoholism are aware that suicide is associated with alcoholism.

The definition of alcoholism used in the policy statement for the Alcohol and Drug Assistance Unit in the Chicago Police Department is as follows: Alcoholism exists when drinking affects any major area of one's life—physical illness, work problems, or personal life. As one examines the records on the lives of the 20 police officers who committed suicide, it becomes clear that physical symptoms commonly seen in alcoholism had been identified. These included cirrhosis of the liver, organic brain syndrome, stomach problems, and flu-type symptoms that are associated with hangover and delerium tremens. Other physical and emotional symptoms are associated with alcoholism, but they were not noted in the existing study records.

Many behavior patterns described in the records of these 20 police officers are common to alcoholism. Heavy drinking resulted in arrests for disorderly conduct—often associated with blackouts, drunk driving, and automobile accidents. Financial problems, due to irresponsible patterns and the denial of other problems, were evident. And frequent medical roll abuse and a pattern of being late for work were apparent.

If the psychological studies are set aside for the moment, one can focus on the fact that some individual depression is not a psychological problem but a biochemical process. The research in this area is not definitive at this time. However, because we know that alcohol is a drug—a mood-altering chemical, a depressant—we can see that it is important to look at alcoholism in relation to depression.

An essential precursor of suicidal behavior is a feeling of powerlessness, of having no control over various aspects of one's life. The factors vary tremendously. They could include a personal loss, an illness, a job failure, etc. Clearly, the issue of control is important in alcoholism, too, because as an individual loses control over his drinking, he increasingly loses control over his life.

Practically all suicidal behaviors stem from a sense of isolation and from distress at some intolerable emotion or situation. It is the individual's attempt to regain control and to halt an intolerable existence that leads to suicide. What is intolerable for one person, however, may not be intolerable for another. Although the act of suicide is an all or nothing action, thinking about the act ahead of time is a complicated process. It is often a shock to family and friends that a loved one has committed suicide. Somehow they have not been aware of the clues leading up to the suicide, which might have prepared them for the actual event. This is doubly true where individuals have taken an oath to preserve life.

As we have seen, alcoholism and its attendant symptoms may be one of these clues. The conclusion seems to be that if we want to prevent suicide, we must be willing to intervene in the indirect self-destructive behavior of others. Knowing individuals with alcoholism, we tend to watch their work life, relationships, and health deteriorate, aware that we are watching the progress of a fatal illness. **FBI**

Footnotes

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[12] Supra note 6, p. 9.

[13] Supra note 6, p. 11.

[14] Karl Menninger, *Man Against Himself,* (New York: Harcourt, Brace and World, Inc., 1938), p. 23.

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[21] Ibid, p. 209.

[22] William A. Zushing, "Individual Behavior and Suicide," *Suicide,* ed., Jack P. Gibbs (New York: Harper and Row, 1968), p. 104.

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The Police and the Elderly (Part I)

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The proportion of elderly people in the United States is increasing at a dramatic rate. At present, approximately 11 percent of the population in the United States is 65 or older, and it is estimated that this percentage will increase to 18 percent during the next 50 years.[1] This population shift demands a tremendous amount of forethought, planning, and understanding by human service agencies to insure that the needs of all people are being met.

As direct service professionals, the police come into contact with the elderly for the same reasons that they come into contact with other segments of the population—they may be victims, witnesses, suspected perpetrators of crimes, or community members in need of guidance. Due to the tremendous increase in the size of this population, it is especially important that police officers become aware of the special needs and characteristics of this segment of our society. This awareness, combined with the knowledge of various laws pertaining to the elderly, can make the lives of police officers and the elderly a little easier.

What the Police Should Know About the Elderly

Human aging may be thought of as a pattern of biological as well as psychological changes. Literature on the elderly usually emphasize the negative changes that occur. However, in order to obtain an accurate picture, it is necessary to be aware of the strengths as well as the weaknesses of the aged person. A well-rounded view can be especially important to

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police officers in their interactions with the elderly.

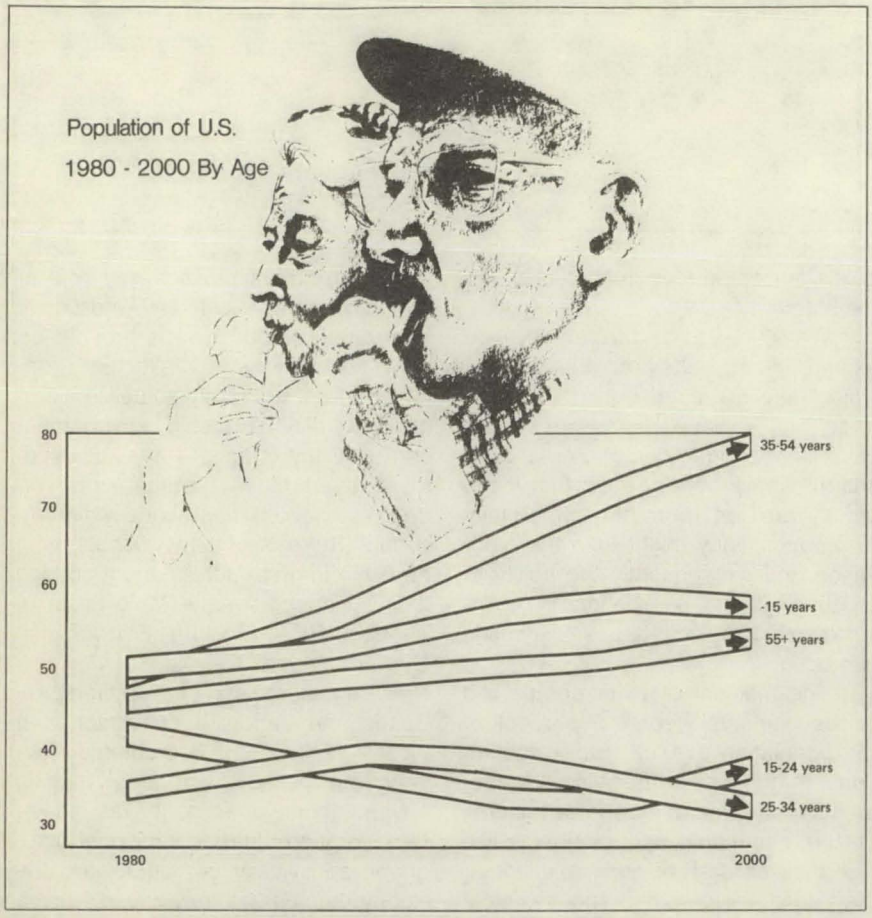
Weaknesses of the elderly are exemplified by the retirement laws which take the aged out of the work force and replace them with "more capable" younger workers, creating a self-fulfilling prophecy such that if the elderly are not given the opportunity to produce, they might lose the motivation and consequently the ability to produce. If the stimulation in one's surroundings is limited, a similar result can occur.

The majority of older people live in the community; only 5 percent of the population over 65 live in institutions. In contrast to the living arrangements of a generation ago, a minority of the community-based elderly live with their children or other relatives. If they do not live with a spouse, most of these individuals live alone or with a nonrelative.[2] Their increased independence raises the likelihood of interactions with police officers. Despite the fact that over 80 percent of older persons have one or more chronic conditions (e.g., visual and/or hearing impairments), these problems do not generally impede their daily activities. A 1979 National Center for Health Statistics report indicated that only 20 percent of the persons over 65 who were surveyed limited their normal daily routines.[3]

Environment plays a key role in the development of any individual. The young person who is brought up in a culturally and intellectually deprived milieu will rarely actualize his or her potential. A sterile environment can similarly stagnate the development of the elderly person. However, this stagnation does not have to occur. There are many people who have made great achievements during their advanced years—Pablo Picasso, Thomas Edison, Clara Barton, and Grandma Moses are just a few.

After a review of the literature, Baltes and Labouvie concluded that most intellectual decrements observed in the aged are largely due to environmental deficits. It was, therefore, argued that educational programs specifically geared toward the elderly should be developed.[4] In a similar vein, Geist has argued that general mental ability does not gradually decline with age.[5] Problem-solving ability often remains intact; verbal skills often improve. However, when one applies a time limit to tasks, there is an ostensible decline in performance.[6] Perhaps the knowledge of a long response time makes prospective employers especially reluctant to hire older workers since they believe that they are "accident prone." However, research has indicated that the reverse is true. Accident rates are lowest among older workers, perhaps due to their slow and careful work patterns.[7]

The elderly person represents a collection of unique and varied experiences. This special attribute can be used to enrich many lives. Programs such as Foster Grandparents have harnessed this asset. However, many people choose to deprive themselves of any regular contact with elderly persons, in part because of a



fear of the weaknesses they foresee acquiring during their future gerontological period of life.

Biological Characteristics

A slow deterioration of biological functions begins during a person's midthirties. As a consequence, when people reach their sixties, they are less capable of dealing with infection, trauma, and other stressful conditions.[8] The biological changes cause elderly persons to reach higher levels of arousal than their younger counterparts when confronted with stressful situations. In addition, a longer period of time is needed to return to one's normal state.[9] This factor is extremely important for police officers to consider when interacting with distressed elderly victims or witnesses.

Visual impairment is very common among the elderly. Peripheral vision is often impaired, as is acclimation to the dark. A more moderate impairment necessitates greater illumination for reading, and there may also be some color discrimination loss for blue, green, and violet.[10] Touch sensitivity is decreased [11] and bruising is easier. Diminished auditory acuity and discrimination is also common among the elderly. In fact, loss of sensitivity to high-frequency sounds affects nearly everyone by the age of 70. This hearing loss accentuates any feeling of isolation and consequently might play into any feeling of depression which, in turn, might dispose such an elderly person to withdrawal behavior.[12]

The aging person typically experiences a decrease in the ability to acquire and retain information. Such individuals might easily recall the details of events that occurred in their youth but have difficulty in remembering what happened that very morning.[13] Together with possible hearing and visual impairments, this latter characteristic has a direct impact upon the adequacy with which an elderly person might be able to serve as a witness to a crime. These characteristics must also be taken into account when the suspected offender is being advised of his or her rights. Hearing impairments might obscure the police officer's statement. Chronic or acute brain damage might prevent a person from comprehending what the officer is saying. Foreign-born individuals might forget their acquired language and revert to their mother tongue.[14] In addition, a severe short term memory problem might cause suspects to waive their rights inadvertently because they forgot what the police officer had told them.

Statistics indicate that intellectual impairment of such mental functions as memory, orientation, judgment, learning, and calculation is considered clinically significant in nearly 10 percent of individuals over 65 who live in the community. The rate increases to 50 to 75 percent of the nursing home population. Unfortunately, many of these individuals needlessly suffer. Approximately 15 percent of these cases are believed to stem from undetected disorders which are potentially reversible. An additional 20 to 25 percent of these individuals are inflicted with treatable conditions which remain undetected and consequently aggravate intellectual impairment.[15] Knowing these facts, the police officer can play a very important role in the care of elderly persons merely by referring them to the appropriate agency.

". . . it is especially important that police officers become aware of the special needs and characteristics of this segment of our society."

The role of helping professionals is extremely important among the aged. Since the average life span has increased, so too has the prevalence of chronic progressive disorders.[16] The increased proportion of elderly persons in our society corresponds to the likelihood of an increased proportion of disabled persons. More and more people are being confronted with the problem of adapting to impaired sensory and perceptual functions which come with growing old. According to a National Center for Health Statistics survey, the most commonly reported conditions are arthritis, hypertension, hearing impairment, heart condition, and visual impairment.[17] Decreased resistence to disease increases the elderly individual's chances of acquiring a physical disability. In addition, physiological changes predispose many elderly people, especially women, to obtain bone fractures from relatively minor stress.[18] Such fractures increase the likelihood of being subject to periods of immobility. Concern about these mishaps is emphasized by the fact that accidents are the primary cause of crippling and disabling and the third leading cause of death for older persons.[19]

Educational Characteristics

As the overall characteristics of our society change, so do the characteristics of the elderly. For example, the average educational level for persons 65 and over has been steadily rising. Whereas the median years of schooling completed by individuals 65 and older was approximately 8.5 in 1970, it is predicted that by the year 2000, this median number will exceed 12.[20] These statistics point to the fact that today's young and middle-aged citizens have higher educational levels and possibly reading levels than their elderly counterparts, a characteristic of the elderly which can be easily exploited by con artists who seek out the vulnerable for fraudulent schemes. It is perhaps an equal tragedy that this characteristic is not being considered by the honest work force in their communications with the elderly. Consequently, it is difficult for some to read and comprehend information concerning essential services such as health insurance, Medicare, Medicaid, Food Stamps, Social Security, and Supplemental Security Income. A majority of elderly persons participating in a recent study demonstrated a reading ability of eighth grade and less. However, 98 percent of essential service documents had reading levels of ninth grade or higher.[21] Until these essential service documents are appropriately changed, police officers might find themselves in the position of providing indepth explanations of specific government benefits or alternatively referring the elderly person to someone who can help them.

When referrals are made, the police officer should remember that the elderly prefer interacting with older service workers. This preference will inevitably have an impact upon how the services are received and used. This age preference also applies to police officers as well as nurses and lawyers and varies with the elderly individual's educational level when physicians are considered. Whereas the more educated elderly person prefers a younger physician, the less educated one prefers an older physician.[22]

Psychological Characteristics

The increased risk of becoming ill, seeing one's friends and loved ones stricken with disease, and being exposed to the death of family members and friends place a tremendous amount of stress on the elderly. For some people, retirement is an additional source of stress, especially since many employers require their employees to retire at age 70. After a lifetime of working, these individuals are faced with the question of what to do with their time. Social Security regulations which restrict the amount of nontaxable income retired persons may earn insure that most of these elderly people will stay out of the work force. Forced retirement combined with possible health problems serve to limit the feeling of being in control of one's life.[23]

How do the elderly cope with these new sources of stress? A prevalent stereotype is that aging individuals do not have the ability to adapt to stressful situations—that they are rigid in their responses or that they use regressive defense mechanisms which distort reality instead of dealing effectively with it.[24] However, a study conducted by McCrae yielded no support for this stereotype. In fact, results of this study indicated that there was generally no difference in the way young and old people cope with stress. However, older people (i.e., age 65 to 90) were found to be less likely to rely upon the mechanisms of hostile reaction and escapist fantasy than younger people (i.e., age 21 to 49). McCrae concluded that the differences in coping strategies employed by young and old individuals can be attributed to the different types of

"A sound understanding of the general characteristics of the elderly can provide police officers with a basis for . . . providing appropriate assistance."

stress that these two age groups encounter.[25] The clarity of McCrae's findings becomes obscured by the notion that the coping strategies used so successfully in one's youth might cause problems in one's old age. In line with this reasoning, Vogel has claimed that many elderly individuals continue to use the same coping mechanisms even after they may have become maladaptive.[26]

The literature concerned with personality changes occurring with age is largely inconclusive. The one generalization that has been found is that introversion increases with age in the second half of life. In addition, depression has been found to be the most common emotional disturbance among the elderly.[27] It is, then, perhaps no coincidence that alcoholism is a serious problem among many elderly individuals [28] and that old age is the time of highest risk for suicide.[29]

The disabled elderly person is especially susceptible to feelings of loneliness and isolation, as well as all those symptoms which typically accompany such feelings. When social interaction is impeded as a result of visual, hearing, or mobility impairments, long-standing neurotic disorders can often be aggravated.[30] Introversion and the feeling of isolation among the elderly may be partly a consequence of our socialized need to hide all blemishes. Fortunately, the trend toward mainstreaming disabled individuals is beginning to reduce this attitudinal barrier. The manner and techniques used by police officers in their public service functions can be a tremendous help in this regard.

Summary

These characteristics of the elderly are by no means all-inclusive. The issues which were discussed were selected because of their overall impact upon police/elderly interactions. However, individuality must not be disregarded. Each elderly person represents a unique collection of experiences and physical conditions. Consequently, police officers must deal with a full range of older persons, from those who are outgoing to those who are reticent, from those who are physically able to those who are bedridden. A sound understanding of the general characteristics of the elderly can provide police officers with a basis for assessing each elderly person's strengths and weaknesses, the accuracy of which is crucial for providing appropriate assistance.

(Continued next month)

Footnotes

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[9] R. Schulz, "Emotionality and Aging: A Theoretical and Empirical Analysis," *Journal of Gerontology,* vol. 37, 1982, p. 45.

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[12] Supra note 6, p. 86.

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Photo and illustration courtesy of the American Association of Retired Persons.

Facial Reconstruction, Publicity, and Photography Leading to Identification of Deceased Persons

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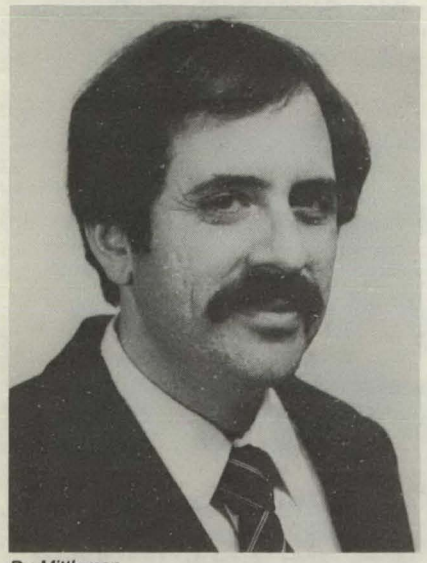
A good working relationship with the news media can be of the utmost importance in terms of generating publicity sometimes required to identify an unknown person. The following case report underscores this belief and demonstrates how the use of facial reconstruction and comparison of photographs taken while the victim was alive, along with post mortem dental evidence, resulted in a successful identification. These comparisons are extremely useful when trying to identify severely decomposed remains where fingerprint evidence is not suitable or there is no dental record available. Of course, this technique requires that there be a known suspect in terms of the deceased's identity.

On July 14, 1980, a severely decomposed body was found in the northwest section of Miami, Fla. The deceased, clothed in female attire and clutching $35 in the right hand, was found lying supine in the bushes, between a fence and a building. Decompositional change had rendered fingerprint and visual identification improbable. The dentition was perfect with the exception of a few missing teeth that had fallen out after death. The subsequent autopsy revealed the deceased to be a black female, 17–22 years of age. The cause of death was a gunshot wound to the head. As a result of the unusual circumstances of death and the autopsy findings, the death was classified as a homicide.

Despite subsequent newspaper coverage, including a physical description of the deceased, her clothing, etc., no leads emerged and the case remained unsolved. The major problem, of course, was identification of the victim.

A facial reconstruction was performed using the technique described in an article in the *Journal of Biocommunications.*[1] The result was photographed and the picture was artistically touched up. Local newspapers were notified, as well as a major local television station, in the hopes that some-

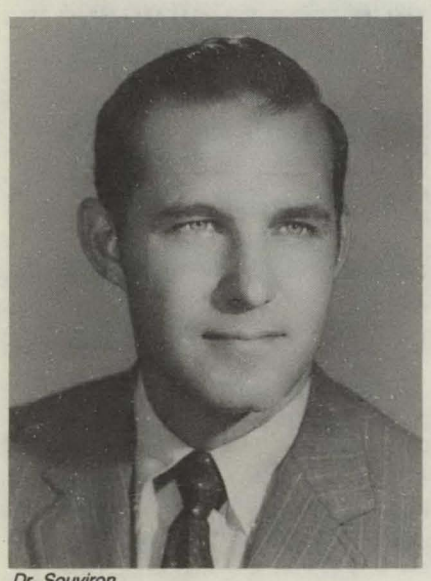
". . . persons skilled in the field of photography, facial reconstruction, and the news media can all work hand-in-hand to solve the mystery of identification."



Dr. Mittleman

Mr. Valor

Ms. Lugo



Dr. Souviron

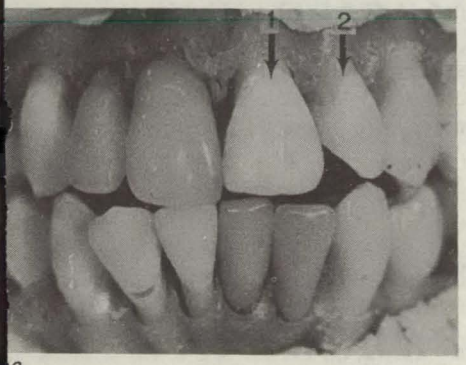
one would recognize the deceased and provide a clue that would lead to dental records or hospital X-rays, and ultimately, to the victim's identification. Despite widespread media coverage, we received only two productive phone calls. Dr. Mittleman was contacted by a reporter who was writing a general article on facial reproduction. This article appeared in the *New York Times,*[2] and as a result, a woman living in New York recognized the possibility that this might be the same woman who disappeared with her sister a few weeks prior to the discovery of the body. Her suspicions were based solely on the recognition of circumstances—a photograph of the reconstruction did not appear in the newspaper. The woman was hopeful that the identification of the unknown person would provide a lead that might assist in determining the whereabouts of her missing sister.

The mother of the suspected victim was contacted, and it was determined that no dental records or medical X-rays were available. Photographs were requested in an effort to match the teeth as seen in before death photographs with the teeth in the skull. One of the photographs showed a protruding left upper lateral incisor, as well as a peculiar gap between the left upper central and lateral incisors. These findings matched perfectly with the teeth in the skull. (See figs. 1 and 2.) Identity was established in this case based predominantly upon the photographic comparison of the before death photographs of the deceased with teeth in the skull.

Subsequent investigation revealed that the victim and her friend went to the south Florida area from New York City. The sequence of events surrounding their disappearance were consistent with the site where the body was found, and family members remembered the deceased's clothing. The facial reconstruction resembled the face of the deceased, especially the oblique view. (See fig. 3.) The underlying bony prominences and the basic shape of the skull were similar, i.e., prominent jaw, cheekbones, etc.

With the identity of the deceased established, police agencies now have leads which may assist in solving the murder. Despite numerous attempts to uncover the whereabouts of the deceased's traveling companion, her location and fate remain unknown.

1



2

3

sition, etc. In such cases, the family should be requested to submit as many photographs of the victim smiling as possible. A forensic odontologist may be able to confirm identity on this basis independent of all the other factors.

In the above-referenced case where a murder conviction was obtained, the successful prosecution hinged on the establishment of the victim's identity. A photograph was submitted with little hope that it would be helpful. With photographic enlargement, however, the identity was established. (See fig. 4.)

A major factor in identity problems is the occasional need for media involvement. Without the help of the press, identification in the case discussed would never have occurred. The news media is usually quite receptive to these stories, and in order to create public interest, facial reconstruction may be used. The facial similarity may result in a reader being able to provide the identity of the deceased. The help of the press wire service may also be invaluable to widely disseminate available information.

Although facial reconstruction is not difficult to do, it does require patience and a moderate degree of artistic talent. With experience, persons skilled in the field of photography, facial reconstruction, and the news media can all work hand-in-hand to solve the mystery of identification. **FBI**

Conclusion

Identity based on dental comparisons of photographs taken during life and autopsy data is a relatively new technique which has already assisted in gaining a murder conviction.[3] This technique should be used in cases where there is a suspect victim with no fingerprints or other standard methods of identification because of decompo-

Footnotes

[1] B. P. Gatliff and C. C. Snow, "From Skull to Visage," *Journal of Biocommunications,* vol. 6, No. 2, 1966, pp. 27–30.

[2] J. Thomas, "Face Reconstruction Identifies Unknown Dead," *New York Times,* Dec. 11, 1982, p. 10Y.

[3] *Dolvin* v. *Alabama,* 391 SO 2d 666.

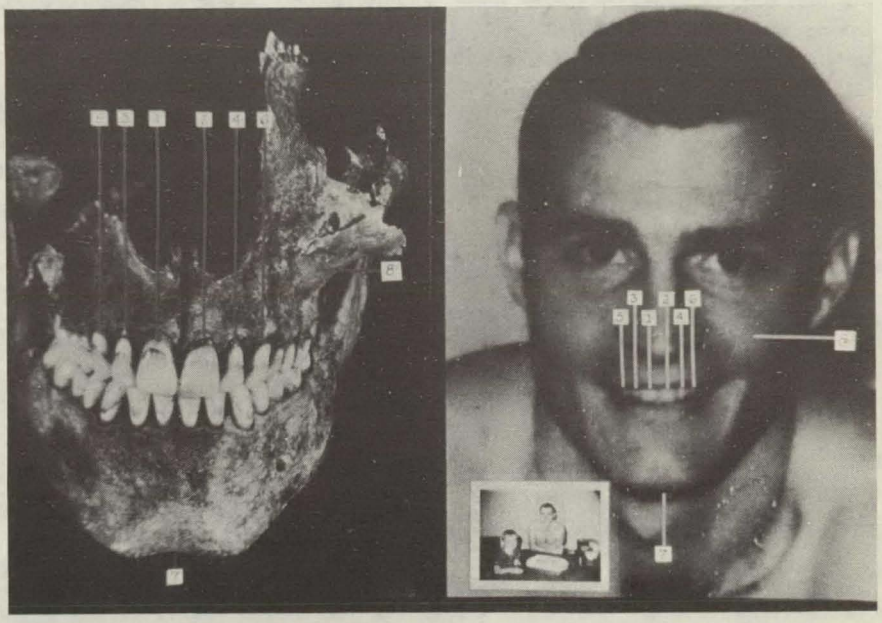


Figure 4

CONFESSIONS AND THE SIXTH AMENDMENT RIGHT TO COUNSEL (Part I)

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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.

MASSIAH v. *UNITED STATES*[1]

THE BEGINNING

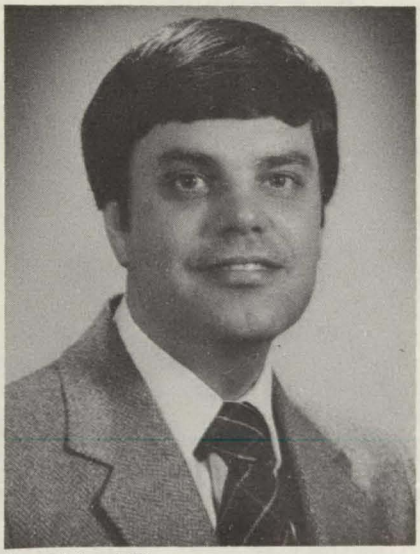
Winston Massiah and Jesse Colson were seamen on ships of the Grace Line during the late 1950's. In April 1958, customs agents received information that their ship, the S.S. Santa Maria, was scheduled to arrive in New York harbor from Chile and that it contained a shipment of cocaine. Customs agents boarded the ship when it docked and found in the "aft peak" five packages containing over 3½ pounds of cocaine.

Massiah and Colson were subsequently arrested and indicted for Federal drug violations. Following pleas of not guilty, both were released on bond pending trial. While free on bond, Colson met with customs investigator Finbarr Murphy and agreed to cooperate with the Government in its ongoing drug investigation. As part of his cooperation, Colson consented to have a portable transmitter placed under the front seat of his car.

On November 19, 1959, Massiah got in Colson's car, and Colson, following Murphy's instructions, induced Massiah to talk about the shipment of cocaine. Massiah spoke freely, and the entire conversation was overheard by Murphy, who was secreted in a nearby car equipped with a radio receiver. As a result of Massiah's admissions, several additional defendants and co-conspirators in the illicit drug operation were identified and prosecuted.

At Massiah's trial, defense counsel objected to Murphy's testimony concerning Massiah's statements in the car on grounds that the Government had obtained the statements through illegal eavesdropping and therefore in violation of Massiah's constitutional rights. The trial judge rejected this argument, allowed Murphy's testimony, and Massiah was convicted and sentenced to 9 years' imprisonment.

Massiah appealed his conviction to the Court of Appeals for the Second Circuit, restating his argument that the Government had obtained his statements in Colson's car as the result of illegal eavesdropping. However, perhaps realizing the futility of this argument in light of established legal precedent, Massiah added a new argument to his appeal by alleging that the Government had violated his sixth amendment right to the assistance of counsel by having one of its agents approach him in order to obtain incriminating statements after he had been indicted and had retained a lawyer. In support of this new argument, Massiah cited the 1959 Supreme Court decision in *Spano* v. *New York*,[2] noting that while Spano's conviction was overturned by a unanimous Supreme Court because his "will was overborne" and therefore his confession was involuntary, four justices stated they would have also



Special Agent Riley

reversed Spano's conviction on grounds that his confession was obtained as the result of police interrogation after Spano was indicted for murder and his lawyer had advised him not to answer any questions.

In a 2–1 panel decision, the second circuit rejected Massiah's arguments, ruling that the constitutional standard for the admissibility of a confession in a criminal case is voluntariness, and there was no evidence that Massiah's statements to Colson had been coerced. In rejecting Massiah's reliance on the opinions of four justices in *Spano,* the court found that a rule prohibiting the use of voluntary, highly relevant statements on grounds that they were obtained by a Government agent from an indicted defendant who had retained counsel was not required by the sixth amendment and would needlessly hamper investigations—investigations that frequently must continue beyond the indictment stage in order to ensure that everyone involved in a criminal enterprise is identified and prosecuted.[3]

On March 3, 1964, Massiah's case was argued before the Supreme Court. On May 18, 1964, in a 6–3 decision, the Court reversed Massiah's conviction and in the process created a new constitutional standard for the admissibility of confessions based on an accused's sixth amendment right "in all criminal prosecutions, . . . to have the assistance of counsel for his defense." [4] In short, the Court held that Massiah's sixth amendment right to counsel was denied when "there was used against him at his trial evidence of his own incriminatory words, which federal agents had deliberately elicited from him after he had been indicted and in the absence of his counsel." [5]

In a dissenting opinion written by Mr. Justice White, in which Justices Clark and Harlan joined, it was noted that while the sixth amendment had been interpreted to guarantee a defendant's right to the assistance of counsel, without Government interference, before and during trial, it had never before been used to exclude from evidence a defendant's voluntary pretrial admissions. Prophetically, Justice White wrote: "The importance of the matter should not be understated, for today's rule promises to have wide application well beyond the facts of this case." [6]

This article describes the development of the sixth amendment right to counsel since *Massiah,* with emphasis on the impact that this decision and decisions that followed have had on the admissibility of confessions in criminal trials.

GROWTH OF THE *MASSIAH* DOCTRINE—WHEN DOES THE RIGHT TO COUNSEL ATTACH?

The growth of sixth amendment confession law predicted by Justice White as the result of the *Massiah* decision has materialized; however, this growth was not immediate. In fact, the importance of the *Massiah* case was quickly overshadowed by the Supreme Court's landmark decision in

". . . *Massiah* had established that a voluntary confession deliberately elicited from an indicted defendant by the Government in the absence of counsel could be excluded on sixth amendment grounds. . . ."

Miranda v. *Arizona*,[7] in 1966. In *Miranda,* the Court once again stressed the requirement that confessions be voluntary before being used as evidence against a defendant. Then, in an effort to help insure voluntariness, the Court ruled that a confession obtained as the result of custodial interrogation is not admissible unless the Government first proves that before the confession was obtained, the defendant was advised of his "*Miranda* rights" and freely and voluntarily waived them. This new rule provided a powerful weapon for attacking the admissibility of confessions, and consequently, there was little development of the principle announced in *Massiah* during the late 1960's and early 1970's.

However, beginning in the 1970's, at least two trends emerged which made *Miranda* a less effective tool for defense attorneys to keep clients' out-of-court statements to the police from being used against them at trial. First, growing awareness on the part of law enforcement officers of the requirements of *Miranda* resulted in fewer violations of the rule. This was especially true of violations caused by lack of police training (e.g., complete failure to advise of rights or obtain a waiver, etc.). Second, in a series of cases beginning with *Harris* v. *New York*[8] in 1971, the Supreme Court arrested further growth in the application of the *Miranda* rule. As a result, defense attorneys were no longer as successful as they had been in the past in having their clients' out-of-court statements to the police ruled inadmissible on *Miranda* grounds.

Faced with admission at trial of clients' damaging statements—statements found to be voluntary and not violative of the *Miranda* rule—defense attorneys were forced to look elsewhere for arguments that might result in exclusion of this damaging evidence. Since *Massiah* had established that a voluntary confession deliberately elicited from an indicted defendant by the Government in the absence of counsel could be excluded on sixth amendment grounds, it was only logical that defendants would raise this argument in an attempt to have their admissions excluded. This argument worked for those defendants whose cases were factually similar to *Massiah*; however, if the incriminating statements at issue were deliberately elicited prior to indictment, *Massiah* simply would not apply unless the courts were willing to find that the sixth amendment right to counsel had attached at some earlier stage in the defendant's case.

Attachment of the Right to Counsel Before Indictment

In *Kirby* v. *Illinois,*[9] the Supreme Court reviewed a number of its prior decisions concerning the sixth amendment right to the assistance of counsel. While *Kirby* was not a confession case, attachment of the right to counsel was the major issue, and the Court ruled that the right attaches when "adversary judicial criminal proceedings" have been initiated against the defendant "whether by way of formal charge, preliminary hearing, indictment, information, or arraignment." Additionally, the Court found that Kirby's warrantless arrest as the result of a "routine police investigation" did not equate with the initiation of "formal prosecutorial proceedings." [10]

After *Kirby,* a defendant who found himself in a *Massiah*-type situation no longer had to show that he had been indicted at the time his statements were deliberately elicited in order to make a sixth amendment argument. Instead, he needed to show only that at the time the statements were deliberately obtained by the Government in the absence of counsel, there had been an arraignment or preliminary hearing, an information had been filed, or he had been otherwise formally charged. Additionally, the general term "formal charge" used by the Court in *Kirby* allowed defendants to argue that the sixth amendment right to counsel attaches at even earlier stages than those specifically mentioned in that case.

Attachment of the Right to Counsel Based on the Filing of a Complaint and the Issuance of an Arrest Warrant

While it is generally acknowledged, based on *Kirby* and lower court decisions,[11] that the sixth amendment right to counsel does not attach as the result of a defendant's warrantless arrest, many defendants

have argued that the filing of a complaint and the issuance of an arrest warrant constitute a "formal charge," so that formal prosecutorial proceedings have been initiated for sixth amendment purposes. Although the Supreme Court has not decided this issue, several lower Federal courts have, using different approaches and reaching different conclusions.

In *Robinson* v. *Zelker,*[12] the Court of Appeals for the Second Circuit was presented with the question of whether the filing of a complaint and the issuance of an arrest warrant under former section 144 of the New York Code of Criminal Procedure amounted to the initiation of adversary criminal proceedings. Holding that it did, the court stated:

> "Here the arrest warrant itself commanded that appellant be brought forthwith before the Criminal Court 'to answer the said charge, and to be dealt with according to law.' These were formal criminal proceedings, for the warrant had been signed by a judge based on an 'information upon oath' that appellant did commit the crimes of assault, robbery and possession of a dangerous weapon."[13]

As can be seen from the above, the *Robinson* court based its decision solely on the wording of the warrant itself. Nowhere in the opinion does the court indicate whether a prosecutor had authorized the filing of the complaint, assisted in its preparation, or had in any other way—formally or informally—committed the Government to prosecute the defendant. One result of *Robinson,* although probably not intended by the court, was to create an incentive for police officers not to obtain arrest warrants before taking a defendant into custody. Additionally, the possibility of this occurring is increased by the fact that arrest warrants are not constitutionally required in order to make a lawful arrest, at least where the arrest takes place in a public place.[14]

Four years later, in *United States* v. *Duvall,*[15] another three-judge panel in the Court of Appeals for the Second Circuit addressed the same issue presented in *Robinson;* however, in this case, the warrant had been issued under the Federal Rules of Criminal Procedure as the result of a Federal criminal investigation. Without articulating any differences between warrants obtained under the New York Code of Criminal Procedure and the Federal Rules of Criminal Procedure, except that under the Federal rules an affidavit, as well as a complaint, can be the basis for a warrant, the court stated: "We see no reason in principle why the filing of a complaint should be deemed to give rise to a right to counsel immediately upon arrest pursuant to warrant."[16] Significantly, the court mentioned in its opinion that an assistant U.S. attorney had assisted Secret Service agents in drafting the complaint, but this fact apparently was not given any weight by the court except for mention of the fact that the assistant who helped prepare the complaint was not the same assistant who ultimately prosecuted the case.

A different approach to this issue was taken by the Court of Appeals for the Fifth Circuit in *Lomax* v. *Alabama.*[17] In *Lomax,* the court steered clear of the formal language in the warrant itself. Instead, it analyzed the facts in light of the Supreme Court's language in *Kirby,* which explained that formal adversary proceedings are initiated when "a defendant finds himself faced with the prosecutorial forces of organized society, and immersed in the intricacies of substantive and procedural criminal law."[18] Using this approach, the court found that the defendant's sixth amendment right to counsel had not attached at the time of his warrant arrest because the prosecutor was not aware of the arrest and had not involved himself in the investigation by helping to draft the complaint or obtain the warrant. The court made it clear, however, that if there had been evidence in the case that the prosecutor had been involved in the investigation or had in any other way evidenced his commitment to prosecute, the result might have been different.

In *Lomax,* the court's focus on prosecutor involvement to determine whether formal adversary proceedings have been initiated raises several

". . . the right to counsel . . . attaches when 'adversary judicial criminal proceedings' have been initiated against the defendant 'whether by way of formal charge, preliminary hearing, indictment, information, or arraignment.' "

problems. For example, many police departments do not have in-house legal counsel, and therefore, rely on prosecutors to assist in drafting complaints or to review complaints drafted by police officers to ensure that they establish probable cause. If this involvement is viewed as the initiation of formal adversary proceedings, even though the prosecutor's assistance has in no way committed the Government to prosecute, police officers may forgo such assistance, thereby increasing the chances that the complaint will later be found deficient, thus invalidating the arrest warrant. In the past, when arrest warrants were invalidated, the Government could attempt to prevent exclusion of evidence seized incident to the arrest by arguing that the arrest was still valid as a lawful warrantless arrest. However, in light of *Payton* v. *New York,*[19] which requires that absent emergency or consent a police officer must have a valid arrest warrant in order to enter a subject's residence to make an arrest, it is more likely today that loss of the arrest warrant will result in suppression of evidence.

A second problem raised by *Lomax* results from the court's determination that while a prosecutor's assistance is evidence that a case has moved from the investigative to prosecutive stage, the exercise of prosecutorial discretion almost certainly establishes the initiation of formal adversary proceedings for sixth amendment purposes. This is troublesome because commonsense dictates that prosecutors who assist police officers in drafting complaints or review police-drafted complaints, for legal sufficiency, are going to look at these cases in terms of their prosecutive merit. If the prosecutor determines that the case does not meet that jurisdiction's prosecutive guidelines, there is no longer any purpose to be served by filing the complaint, and the police officer can use the prosecutor's opinion as the basis for closing the case. The result is that the subject is spared the embarrassment of being arrested, and scarce police resources can be channeled to other cases. On the other hand, a prosecutor's authorization or acquiescence in the filing of a complaint may only evidence his determination that probable cause exists, and the case has prosecutive potential. Since many of these cases may never actually get to the prosecution stage, it is questionable whether the exercise of this type of prosecutorial discretion should be viewed as initiating formal adversary proceedings.

Finally, the *Lomax* court's heavy reliance on prosecutor involvement for determining when formal adversary proceedings have been initiated leaves room for defendants to argue that if a prosecutor has provided assistance and advice to the police during an investigation, formal adversary proceedings should be deemed to have been initiated at that point, regardless of whether the defendant has been arrested or otherwise charged at the time the alleged sixth amendment violation occurred.[20]

A review of the cases suggests that the question of whether the filing of a complaint and the issuance of an arrest warrant initiates formal adversary proceedings should only be decided after a court has analyzed (1) the role that the complaint and warrant play in that jurisdiction's criminal justice system, and (2) the nature and scope of any prosecutor involvement in the case. Finally, decisions which hold that a defendant's sixth amendment right to counsel attaches at an early stage in a criminal case, with the greater risk that the defendant's voluntary statements may not be admissible if obtained after that stage, make it more difficult for the Government to convict defendants of crimes. Difficulty on the part of the Government in obtaining a conviction does not justify, in and of itself, a narrow interpretation of the sixth amendment right to counsel; however, the impact of early attachment on society as a whole is an important factor which should be weighed by the courts before they rule in this very difficult area of the law.

Attachment of the Right to Counsel as the Result of a Defendant's First Appearance Before a Judicial Officer

As mentioned earlier, the Supreme Court has not decided whether the filing of a complaint and the issuance of an arrest warrant initiates formal adversary proceedings. However, in *Brewer* v. *Williams,*[21] the Court

did rule that formal adversary proceedings had been initiated where the defendant was arrested and "arraigned" on a warrant and then committed to jail. At his arraignment, Williams was made aware of the charges contained in the warrant and advised of his *Miranda* rights. Bail also was discussed. It would appear that the Court's decision in *Brewer* was in line with its previous holding in *Kirby* that formal adversary proceedings are initiated at arraignment. However, the decision in *Kirby* was based on the Court's prior ruling in *Powell* v. *Alabama,*[22] a case which involved an arraignment on an indictment where Powell was required to enter a plea. Because of this, it could be argued that a judicial appearance like the one afforded Williams—where the defendant does not enter a plea, testimony is not taken, and defenses are not waived—should not be viewed as initiating formal adversary proceedings, at least in the absence of the other factors relied on by the Court in *Brewer,* i.e., issuance of a warrant and commitment of the defendant to jail.[23]

While this argument appears to have some validity, the Court's failure to discuss prosecutor involvement in *Brewer,* coupled with the fact that Williams' postarrest hearing was unremarkable in its scope and content, may require police legal advisers to read *Brewer* as holding that formal adversary proceedings are initiated once a defendant has had his first appearance before a judicial officer. This would be true regardless of what actually took place at the appearance, or whether the appearance was based on a warrantless arrest or resulted in the defendant being released on bond.

Attachment of the Right to Counsel to Offenses for Which the Defendant Has Not Been Formally Charged

An issue raised by the *Massiah* decision, but not answered in that case, is whether incriminating statements obtained by Government informants from defendants who have been formally charged can be excluded on sixth amendment grounds when the information that is obtained relates to offenses other than those for which they have been charged. For example, assume Colson's efforts to obtain incriminating statements from Massiah concerning the cocaine shipment for which he had already been indicted were unsuccessful, but Massiah did make incriminating statements concerning a second shipment of cocaine that was scheduled to arrive in New York harbor shortly, or his plan to bribe a juror at his upcoming trial.

Analysis of these questions begins with the *Massiah* decision itself, where the Court excluded Massiah's statements based on the facts in that case, but agreed with the Government's position that it was entirely proper to continue the investigation of the suspected criminal activities of Massiah even though he had already been indicted.

Two Federal circuit courts of appeals that have addressed the problem of continuing criminal activity have ruled that the sixth amendment right to counsel only applies to those matters for which the defendant has been formally charged.[24] Therefore, it would appear that in these jurisdictions, the statements in our hypothetical would be admissible at a later trial on these new charges. On the other hand, some courts have criticized the use of a *per se* rule and have rejected it in favor of an approach that requires the court to take into account such factors as how and why the incriminating statements were obtained and the relationship, if any, between the new crimes and the ones for which the defendant had already been formally charged.[25]

Regardless of the approach used, most courts agree that if the incriminating statements pertain to criminal acts that took place after the initiation of formal adversary proceedings on the original charges, and these criminal acts are unrelated to the original charges, the sixth amendment right to counsel does not apply, and the statements are admissible at the trial on these separate offenses. The rationale is simply that a defendant does not have a sixth amendment right to the assistance of counsel while committing a crime.[26] Since the plan to bribe a juror in our hypothetical is totally unrelated to the original charge, the statement concerning the plan

". . . if the incriminating statements pertain to criminal acts that took place after the initiation of formal adversary proceedings on the original charges, and these criminal acts are unrelated to the original charges, the sixth amendment right to counsel does not apply. . . ."

would likely be admissible in a later prosecution for that crime. Additionally, the prosecutor would argue that the statement concerning the second shipment of cocaine also constituted a separate offense, and therefore, should also be admissible in a later prosecution for that offense. However, unlike the bribery statement, the statement concerning the second shipment of cocaine is not totally unrelated to the original case.

The problem of related offenses was recently addressed by the Court of Appeals for the Fifth Circuit in *United States* v. *Capo.*[27] In *Capo,* the court was presented with a case where following his being formally charged for simple possession of marihuana, the defendant and his brother were approached by a Government informant who deliberately elicited incriminating statements. These statements resulted in the Government dropping the simple possession charge and replacing it with an indictment for conspiracy and possession of marihuana with intent to distribute. The defendant argued that his sixth amendment right to counsel, which had attached as the result of his having been formally charged for simple possession, carried over to the new charges—charges that the defendant argued were not separate and distinct from the original charge. The court rejected the defendant's argument and ruled that while the simple possession charge was somewhat related to the conspiracy and possession with intent to distribute offenses later charged, it was a tenuous relationship since the evidence in the simple possession case, marihuana residue found in the defendant's van, was not used in the trial on the subsequent charges. In a dissent, Chief Judge Godbold saw a much closer relationship between the two charges and argued that the Government should not be allowed to use the statement as evidence of an ongoing crime, conspiracy, where it is the Government that keeps the conspiracy going by arranging a meeting between the defendant and an informer.[28]

Based on the majority opinion in *Capo,* the incriminating statement in our hypothetical concerning the second shipment of cocaine would probably be admissible in the fifth circuit at a subsequent trial on that offense; however, other courts have focused on the purpose behind the deliberate elicitation in the first place, and in these jurisdictions, admissibility could be a problem.

In *United States* v. *Moschiano,*[29] the Court of Appeals for the Seventh Circuit ruled that it would closely scrutinize situations where the Government deliberately elicits postindictment statements from a defendant in order to determine the Government's reason for engaging in this activity. If, following review, the court determines that the incriminating statements evidencing continuing criminal activity were obtained as the result of a *bona fide* investigation aimed at these additional offenses, the statements would be admissible at later trials based on these new charges. However, the court noted that if its review determined that Government agents had engineered the activities that resulted in the incriminating statements for the purpose of obtaining evidence to use against the defendant at the trial on the charges that were already pending, the statements would not be admissible, regardless of how unrelated or separate the offenses were. Using this approach, the statements attributed to Massiah in our hypothetical would be inadmissible if the purpose behind Colson's meeting with Massiah was to obtain incriminating statements concerning the crime for which he had already been charged.

The *Moschiano* decision warrants one further observation. The issue in most cases where incriminating statements have been elicited concerning continuing criminal activity and separate offenses is whether these statements are admissible at later trials based on these separate violations. However, in *Moschiano,* the Government had used the statements concerning the separate offense, Moschiano's agreement to sell $50,000 worth of Preludin tablets to an undercover agent after he had already been indicted for distributing heroin, at the trial on the original heroin charges to evidence Moschiano's predisposition and thereby negate his entrapment defense. The court found no error in the use of the statements for this purpose since the postindictment statements concerning the Preludin involved a separate offense, and the independent Preludin investigation had

been conducted in good faith and not for the purpose of eliciting incriminating responses for use at the defendant's trial on the heroin charges.[30]

FBI

(Continued next month)

Footnotes

[1] 377 U.S. 201 (1964).
[2] 360 U.S. 315 (1959).
[3] 307 F.2d 62, 66 (2d Cir. 1962).
[4] U.S. Const. amend. VI.
[5] 377 U.S. 201, 206 (1964).
[6] *Id.* at 208.
[7] 384 U.S. 436 (1966).
[8] 401 U.S. 222 (1971); *Michigan* v. *Tucker,* 417 U.S. 433 (1974); *Beckwith* v. *United States,* 425 U.S. 341 (1976); *Oregon* v. *Mathiason,* 429 U.S. 492 (1977).
[9] 406 U.S. 682 (1972) (plurality opinion).
[10] *Id.*
[11] *Id. See also, Caver* v. *Alabama,* 577 F.2d 1188 (5th Cir. 1978); *Jacks* v. *Duckworth,* 651 F.2d 480 (7th Cir. 1981), *cert. denied,* 102 S.Ct. 1010 (1982).
[12] 468 F.2d 159 (2d Cir. 1972).
[13] *Id.* at 163.
[14] *Payton* v. *New York,* 445 U.S. 573 (1980).
[15] 537 F.2d 15 (2d Cir. 1976), *cert. denied,* 426 U.S. 950 (1977).
[16] *Id.* at 22.
[17] 629 F.2d 413 (5th Cir. 1980).
[18] *Kirby* v. *Illinois,* 406 U.S. 682, 689 (1972) (plurality opinion).
[91] 445 U.S. 573 (1980).
[20] *See, United States* v. *Jamil,* 546 F.Supp. 646 (E.D.N.Y. 1982), *rev'd,* No. 82-1237 (2d Cir. May 2, 1983).
[21] 430 U.S. 387 (1977).
[22] 287 U.S. 45 (1932).
[23] *See, McGee* v. *Estelle,* 625 F.2d 1206 (5th Cir. 1980).
[25] *Boyd* v. *Henderson,* 555 F.2d 56 (2d Cir. 1977), *cert. denied,* 434 U.S. 927 (1978); *Sanchell* v. *Paratt,* 530 F.2d 286 (8th Cir. 1976).
[25] *Saltys* v. *Adams,* 465 F.2d 1023 (2d Cir. 1972); *United States* v. *Merritts,* 527 F.2d 713 (7th Cir. 1975); *United States* v. *Anderson,* 523 F.2d 1192 (5th Cir. 1975); *Grieco* v. *Meachum,* 533 F.2d 713 (1st Cir. 1976); *United States* v. *Capo,* 693 F.2d 1330 (11th Cir. 1982) (rehearing en banc granted 3/3/83); *United States* v. *Moschiano,* 695 F.2d 236 (7th Cir. 1982).
[26] *United States* v. *Moschiano,* 695 F.2d 236 (7th Cir. 1982).
[27] *United States* v. *Capo,* 693 F.2d 1330 (11th Cir. 1982) (rehearing en banc granted 3/3/83).
[28] *Id.* at 1340.
[29] 695 F.2d 236 (7th Cir. 1982).
[30] *Id.*

Decline Recorded in the Number of U.S. Bombings

During 1982, the number of bombings decreased 30 percent from the 1981 total of 1,142. According to preliminary Uniform Crime Reporting statistics, explosive bombings were down 23 percent and incendiary incidents fell 44 percent in total. However, bombings attributed by the FBI to terrorist groups increased by 5—from 33 in 1981 to 38 in 1982.

Of the 795 bombings occurring last year in the United States and Puerto Rico, 562 were explosive and 233 were incendiary. Last year's incidents resulted in 16 deaths, 99 injuries, and $7 million in estimated property damage.

Among the 16 persons who lost their lives as a result of the bombings, 9 were the perpetrators themselves, 5 were intended victims, and 2 were innocent bystanders. Those injured in the incidents included 45 innocent bystanders, 29 intended victims, 16 perpetrators, and 9 law enforcement officers. The number of deaths and injuries decreased 29 percent from the 1981 total.

Residential properties remained the most frequently bombed targets; 213 attacks were directed at private residences, apartment buildings, and other private property. Other targets included commercial operations and office buildings (194), vehicles (145), school facilities (51), and law enforcement personnel, equipment, or facilities (15). The remaining incidents were directed at individuals or at various other types of property.

Regionally, the Western States recorded 286 bombings; the Southern States, 187; the North Central States, 177; and the Northeastern States, 126. Nineteen incidents occurred in Puerto Rico.

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Photograph taken 1979

Neville McBean

Neville McBean, also known as Mack Bean, Tom Bean, Frank Davis, Mack Davis, Cephas Alexander McBean, Cephus Alexander McBean, Nevelle McBean, Nevill McBean, Neville McBeam

Wanted For:

Interstate Flight—Murder

The Crime

McBean, an illegal alien since 1972, is wanted for the murder of a woman in St. Louis, Mo., on June 15, 1979. The 52-year-old Jamaican allegedly shot the woman in the face with a .38-caliber handgun.

A Federal warrant was issued on July 27, 1979, in St. Louis, Mo.

Description

Age	53, born January 4, 1930, at Higgin Town, St. Ann, Jamaica (not supported by birth records).
Height	6′0″ to 6′1″.
Weight	190 to 220 pounds.
Build	Medium.
Hair	Black.
Eyes	Brown.
Complexion	Dark.
Race	Negro.
Nationality	Jamaican.
Occupations	Farm laborer, house painter, scrap metal dealer, truckdriver.
Scars and Marks	Scar left finger; knife scars on abdomen; gunshot wound scar right side of spine; pockmarks on left side of face.
Remarks	Speaks with British accent; illiterate.
Social Security Nos. Used	244-18-8835; 494-42-1188.
FBI No.	193 336 D.

Caution

McBean has been previously convicted of carrying concealed weapons and is known to possess a sawed-off shotgun. He should be considered armed, extremely dangerous, and an escape risk.

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:

PI1862CIPI1716PMPOCI

Fingerprint Classification:

18 I 12 Ur Ref: 11

L 22 U 22

I.O. 4904

Right middle fingerprint

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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

Interesting Pattern

This pattern is classified as an arbitrary tented arch. The arbitrary type of tented arch possesses two equally good loop formations going in the opposite direction and one delta.

U.S. Department of Justice
Federal Bureau of Investigation

Official Business
Penalty for Private Use $300
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JUS–432

Second Class

Washington, D.C. 20535

The Bulletin Notes

that Patrolman Milton Young, Newport, R.I., Police Department, responded to a call regarding a woman threatening to jump off the Newport Bridge, 190 feet above Narragansett Bay. When the woman slipped, or appeared to jump, Patrolman Young grabbed her and was in turn grabbed by Patrolman Henry Lombardi, who was on the scene.

Credited with saving the woman's life by press reports, the Bulletin joins these officers' superiors in commending the quick and courageous actions of these two patrolmen.