

FBI LAW ENFORCEMENT BULLETIN

DECEMBER 1979



FBI^{LAW} ENFORCEMENT BULLETIN

DECEMBER 1979, VOLUME 48, NUMBER 12

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Nashville police officers issue juvenile warning citations to teenage offenders. See story page 1.

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

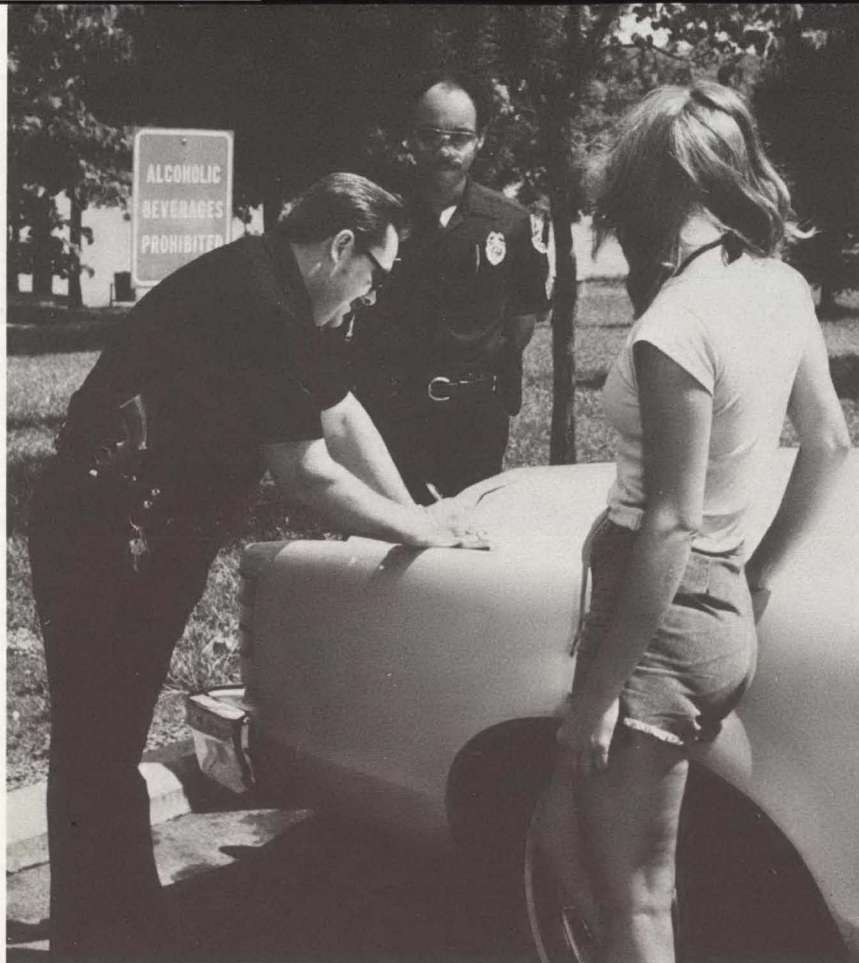
William H. Webster, Director

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 December 28, 1983.

Published by the Public Affairs Office,
Homer A. Boynton, Jr.,
Executive Assistant Director

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





Juvenile Warning Citations

A Diversion From Juvenile Court

The Youth Guidance Division of the Nashville Metropolitan Police Department operates a unique program to handle juveniles who are first-time offenders. The juvenile warning citation program provides police officers with a formal written response to juvenile offenses which falls between, and has several advantages over, traditional options of either verbal warning or physical arrest.

Since the beginning of the program in 1971, the use of citations has increased annually and has replaced physical arrests and transporting to juvenile court for many first-time juvenile offenders in Nashville. In brief, a warning citation can be issued for any minor law violation committed by a juvenile. The citation directs the youth's parents to contact a youth guidance citation counselor, who clears the case by way of either a telephone or face-to-face interview with parents and the youth.

Organization and Operation

Traditionally, a police officer encountering minor violations by juveniles had two ways to deal with the situation. By far the most common course of action was to issue a verbal warning to the youth and then release him. The alternative was, of course, physical arrest and transporting the youth to juvenile court facilities.

Verbal warnings are easily administered and consume little of the officer's time. They also have the obvious advantage that the youth avoids arrest and formal processing by juvenile court. Unfortunately, because there was no written documentation of the incident or the officer's response, a youth may be repeatedly warned verbally by different officers concerning

By MAJ. GEORGE H. CURREY

*Commander
Youth Guidance Division
Metropolitan Police Department
Nashville, Tenn.*

ADAM F. CARR, Ph. D.

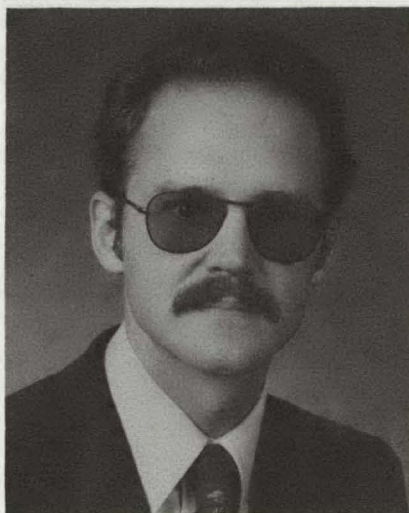
*Illinois State University
Dept. of Correction
Normal, Ill.*

JOHN F. SCHNELLE, Ph. D.

*Professor of Psychology
Middle Tennessee State University
Murfreesboro, Tenn.*



Major Currey



Dr. Carr



Dr. Schnelle

the same or similar offense. Also, officers may differ considerably in their criteria for giving a verbal warning. The lack of documentation thus limits the potential consistency of police response to juvenile violations and provides little or no basis for officer accountability.

The advantage of physical arrest is that it removes the youth, at least temporarily, from further opportunities for illegal behavior and creates permanent documentation of the incident and police response. However, the arrest process is time-consuming and possibly stigmatizing to make it an efficient procedure to deal with minor offenses.

The juvenile warning citation was designed to provide officers with an alternative to either physical arrest or verbal warning. A citation is similar in form and function to a traffic ticket. Although citations are meant to be used primarily for status offenses, such as curfew violation, loitering during school hours, possession of alcohol, etc., they can be issued for any misdemeanor.

The Nashville citation program is unique in that the Youth Guidance Division itself employs a staff of counselors to process the citations. This arrangement frees juvenile court from any involvement in the vast majority of status offenses.

The citation counseling section employs six full-time counselors and a supervising counselor, who are classified by the Civil Service Commission as junior probation officers and as a senior probation officer, respectively. Requirements for counselors are that they hold a B.A. degree in one of the behavioral sciences and pass a competitive civil service exam. Training is done inservice and consists of orientation tours with youth guidance officers on patrol, visits to juvenile court, instruction in juvenile laws, and extensive observation of counseling interviews. Following a 6-month probationary period, a counselor is assigned a regular daily workload by the supervisor.

Issuing a citation has numerous advantages over the traditional options. First, the youth is released immediately, thus saving him and the officer the time and inconvenience of juvenile court intake processing. Second, there is written documentation of the incident available to the police. Third, the youth's parents are involved in the disposition of the offense, but official juvenile court proceedings are avoided.

The citation records the youth's personal data and the time, date, location, and nature of the offense. The copy of the citation given the youth directs him to inform his parents of the citation. The parents are required to phone the Youth Guidance Division

within 72 hours to arrange to discuss the citation with a counselor.

When the issuing officer submits his copies of citations to the Youth Guidance Division, a decision is made by the counseling supervisor as to the disposition of the citations. The initial decision is based on the seriousness of the charge and any previous violations by the juvenile. The citation may be settled through any of the following ways:

- 1) A counselor discusses the violation by telephone with a parent;
- 2) A counselor may also discuss the violation with the juvenile and a parent by telephone;
- 3) The juvenile and a parent may be asked to come to the Youth Guidance Division for a conference with a counselor;
- 4) If the citation cannot be settled satisfactorily in the conference, the citation is referred to juvenile court; or
- 5) A petition to juvenile court may be filed immediately on the youth if he has a lengthy prior record. The counselor's only intervention in this case would be to inform the parents of the referral to juvenile court.

Table I

Percentage of Citations Cleared
Mode of Clearance

Violation	Telephone Interview	Personal Counseling	Referral After Counseling	Referred to Juvenile Court
Curfew	65	23	3	9
Loitering During School Hours	75	16	2	6
Possession of Alcohol	46	22	22	10
Drinking	28	8	55	9
Possession or Use of Drugs	5	23	67	5
Creating A Disturbance	80	17	3	0
In Metro Park After Closing	74	21	0	5
Trespass on School Property	81	15	4	0
Minor Traffic Violations	73	23	0.5	4

(Note: Percentages do not always total 100 due to rounding.)

the parents about other laws which pertain specifically to juveniles. The parent is also told that the citation will be kept on file until the youth becomes 18 years old. The counseling interview may last from 15 minutes to over an hour, depending on circumstances.

The primary reasons for counseling interviews are:

- 1) To educate juveniles and their parents to juvenile laws by providing them with a brochure of selected State and local laws and by discussing several of these laws with them;
- 2) To encourage the youth to stay out of trouble;
- 3) To assist parents to become aware of problems their child is experiencing and to accept some responsibility for their child's behavior;
- 4) To serve as an avenue for public relations between the police and community;
- 5) To provide an opportunity for police to obtain alcohol and drug information;
- 6) To provide the police with information on problem areas which need attention by selective enforcement; and

- 7) To provide police with data for research investigating the causes of delinquency and the effectiveness of delinquency prevention procedures.

Some Effects of the Program

Figure 1 documents the growth in the use of juvenile warning citations over the first 6 years in operation. The dramatic jump in citations from 1975 to 1976 was caused by two factors: (1) The Youth Guidance Division began instructing police recruits and inservice classes about the citation program, and (2) officers were given "arrest credit" for each citation issued, beginning in 1976, to encourage use of the citations.

Although most citations are cleared by way of counseling contacts, there is quite a bit of variation in the mode of clearance according to the nature of the violation. Table 1 shows the percentage of citations cleared by telephone interviews, personal counseling, referral to outside agencies following counseling, or immediate referral to juvenile court.

From the table, it is evident that most violations are cleared by telephone interviews. Some notable exceptions to the general tendency

Table II

Estimate of Time Required

	Citation	Arrest
Average Time	13 minutes	62 minutes
Range	3-30 minutes	15-90 minutes

concern possession and use of drugs and alcohol. In handling these violations, it has been the policy of the Youth Guidance Division to schedule personal interviews with the youth and parents whenever possible. Additionally, most of these youths are further referred to a local agency specializing in drug and alcohol abuse education.

To achieve a measure of the time involved in writing a citation, as opposed to making an arrest and transporting the youth to juvenile court, 36 officers assigned to the Youth Guidance Division were asked to estimate how much time was typically spent in issuing a citation and in arresting a juvenile. The results of this survey are displayed in table II.

The table indicates that it takes approximately five times as much time to arrest as to issue a citation. Despite some overlap in the ranges reported by officers, no officer reported that writing a citation required as much or more time than making an arrest. The arrest process is clearly inefficient in that the officer is taken out of service for 49 minutes longer than in issuing a citation.

Another way of viewing these statistics is that out of more than 900 man-hours required to arrest an average of 870 first offenders in 1972-73 (see fig. 2), better than 700 of these hours were completely unproductive for the officers. Under the citation program, the unproductive 49 minutes in the arrest process is made productive because that time is used in the counseling interview and the officer gains important time in service.

A somewhat more precise estimate of savings and efficiency of the citation and counseling system can be gained through a cost and time comparison of the citation/counseling process vs. the arrest process.

Counselors estimated that telephone interviews required an average of 26 minutes to clear a citation. They also estimated that personal counseling interviews required an average of 91 minutes to complete. These estimates, added to the time required to issue a citation (13 minutes), yield 39 minutes and 104 minutes to clear citations by telephone interview and personal counseling, respectively. Since 80 percent of citations are cleared by telephone interviews and 20 percent by personal counseling, the average time required to clear a citation will be the appropriately weighted average of the time required by either mode of clearance: e.g. $39 \text{ minutes} \times 80\% + 104 \text{ minutes} \times 20 \div 100\% = 52$ minutes average time to issue and clear a citation.

This length of time is 10 minutes less than the average time required of an officer to take a juvenile into custody and transport to juvenile court.

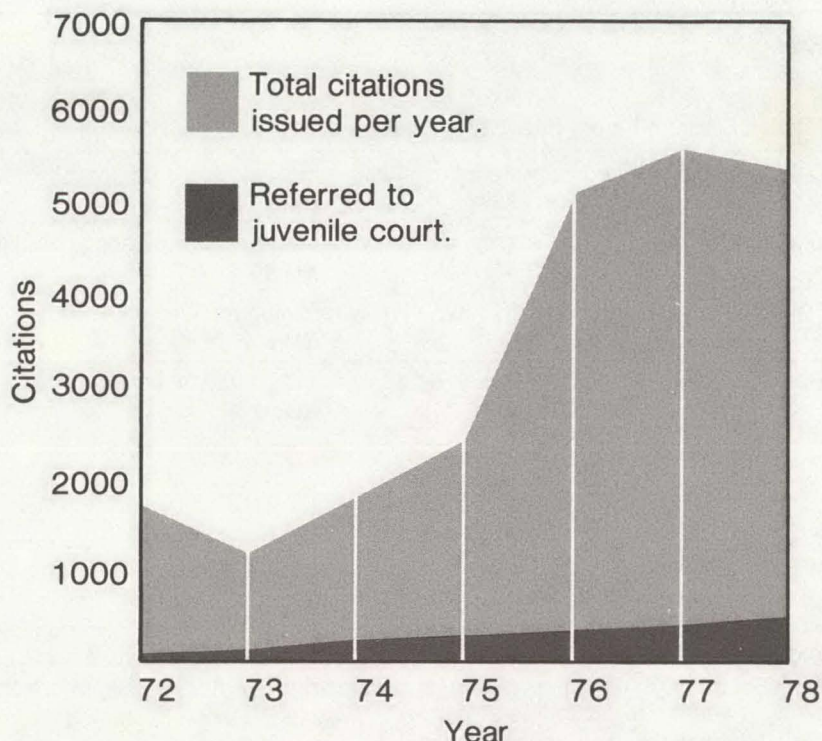


Figure 1. This figure shows the number of citations issued per year from 1972 through 1978. The lower line shows the number of citations per year which were referred to juvenile court for clearance.

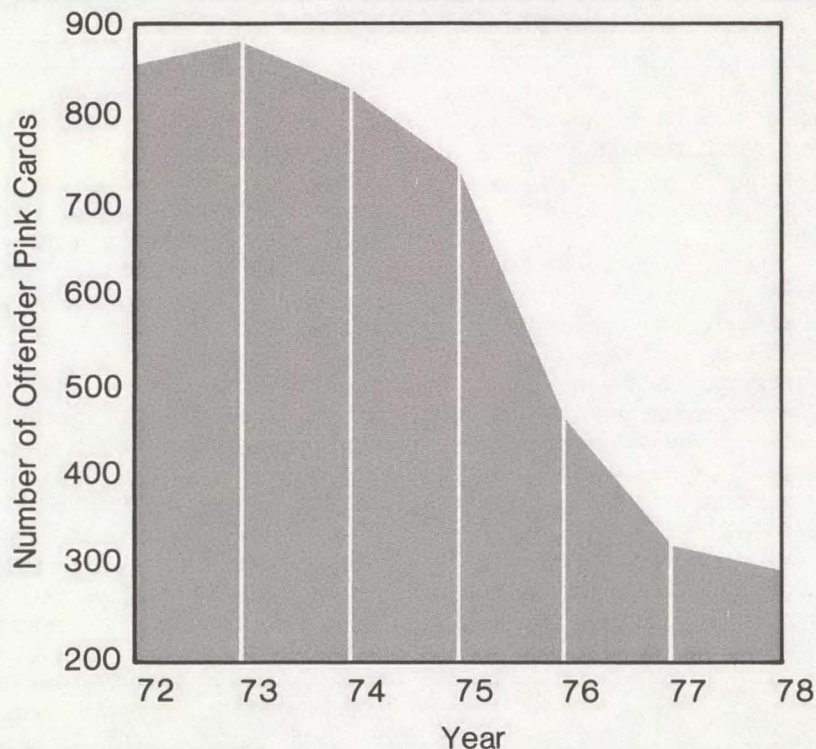


Figure 2. This figure shows the number of first offender "pink cards" processed by juvenile court over the years 1972 through 1978.

Table III

Citation Program Parent Feedback Questionnaire

Did the citation and counseling help you deal with your child's behavior?	YES 76%	NO 24%
Did the citation and counseling cause any problems between you and your child?	YES 4%	NO 96%
Have you supervised your child more closely following the citation?	YES 94%	NO 6%
Has your child's behavior improved as a result of the citation and counseling?	YES 82%	NO 18%

The direct cost of issuing and clearing a citation is \$3.86 per citation. This figure takes into account 13 minutes of police officer's time in issuing and 39 minutes of the counselor's time in clearing each citation. The cost of taking a youth into custody and processing through the juvenile court intake facility is \$4.60. This latter figure takes into account only 62 minutes of police officer's time spent in the process. It does not consider the time spent by court intake personnel in processing the juvenile. The actual total cost of juvenile cost intake processing is probably at least \$9.20, assuming an average of 1 man-hour required for intake procedures by court personnel. The efficiency of the citation/counseling system should be evident from these data.

One purpose of the citation program has been to divert first offenders away from court proceedings. A measure of success of the program in meeting this goal is the number of first offenders who are presented directly to juvenile court intake personnel. Figure 2 shows the number of first-offender "pink cards" initiated by juvenile court from 1972 through 1977. The decrease in pink cards from 1972 through 1977 corresponds closely with the increase in citations issued over the same time

period. (See fig. 1.) The statistical correlation between pink cards and citations is $-.96$. This indicates that the increase in citations almost completely accounts for the decrease in pink cards. In fact, the increase more than makes up for the decrease in pink cards. This gives some indication of the efficiency of the citation system in providing an alternative to physical arrest and verbal warnings.

Recently, Blankenship and Scarboro, authors of *The Social Reality of Juvenile Justice: Protection and Punishment* (1978), have criticized police diversion programs because they apparently bring an increasing number of juveniles under the direct or indirect control of the police. While it is true that the Nashville citation program has apparently increased the number of juveniles who have had formal police contacts, the program exerts no continuing "control" over these juveniles beyond the counseling interview. Moreover, the existence of written citations is a positive step toward the procedural rationalization necessary to the formal legalistic approach advocated by Blankenship and Scarboro.

An important aspect of the citation program is the involvement of parents in the disposition of citations. Recently, a questionnaire designed to assess parental satisfaction with the program was sent at random to 150 parents of youths who had received citations within the past 6 months. Completed questionnaires were received from 53

parents. The results are presented in table III.

Generally, parents who responded to the survey felt the citation program to be beneficial with regard to their handling of their child and that some degree of behavior change did result from the citation and counseling experience. At present, a research project is underway to determine whether follow-up telephone contacts with the parent will help potential recidivists to stay out of trouble.

Summary

The juvenile warning citation program was developed as a response to an increase in juvenile delinquency and a decrease in manpower to deal with it. The citation program provides officers with a simple, time-efficient alternative to either verbal warning or physical arrest. Citation counseling interviews which follow issuance of a citation are aimed at involving parents directly in the disposition of the citation and educating parents and the youth about juvenile laws and their consequences. These interviews by police counselors replace intake, detention, and processing by juvenile court; therefore, first-offender youths who are given citations are effectively diverted from the juvenile court system.

Objective measures of the citation program documented preferences for its use by officers, time saved over the arrest process, reduction in the number of first offenders seen by the juvenile court, and acceptance and satisfaction with the program by the parents of first offenders for minor violations.

FBI

DEADLY FORCE



By JAMES J. FYFE, Ph.D.

*Associate Professor
American University School of Justice
Washington, D.C.*

In August 1972, the New York City Police Department (NYPD) issued guidelines which stress to police officers "the value of life" and which declare that the police revolver is a weapon "for personal protection against persons feloniously attacking an officer or others at close range." This directive also generally forbids warning shots, shots to summon assistance, shots which endanger innocent persons, and shots at or from moving vehicles. It provides for stringent investigatory and reporting requirements and establishes a top-level board to review all police firearms discharges and to decide whether or not they were justified.

The effects of this order on police shootings in New York City were dramatic, immediate, and continuing. From 1971-1975, which was the time period of research on which this article is based, 14.7 NYPD officers fired their guns every week. Dividing those 5 years at the effective date of the directive, however, shows that this average is deceptive. Before the order, 18.4 officers fired their guns every week, a statistic which after the order declined to 12.9. And this during a period in which reported homicides and arrests for violent felonies, which the research found to be corollaries of shootings, continued to increase.

What's more interesting is what happened to the nature and consequences of police shootings during this period. Shootings in defense of life, which are generally considered the most justifiable incidents, remained fairly constant between 1971 and 1975—a weekly average of 10.6 before the guidelines declined to 8.7 afterwards. Shootings to prevent or stop crimes usually involving fleeing felons, however, declined 75 percent—from 2 officers weekly to .5 weekly. Prior to the mandate, New York City police shot and wounded 3.9 people every week, a figure that decreased to 2.3 once the directive was issued. Also, the number of persons shot and killed by police declined from 1.6 persons every week to 1.0. During the 3½ years between the end of this study

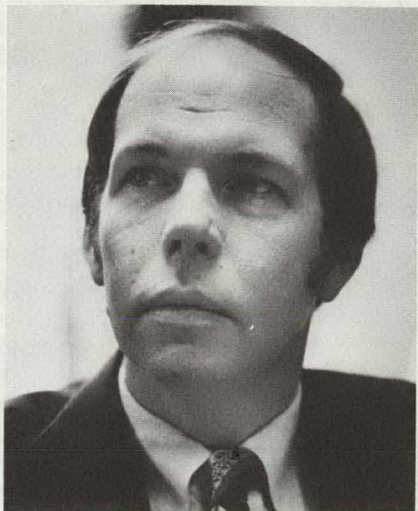
Dr. Fyfe, now a consultant to the Police Foundation, was formerly a lieutenant with the New York City Police Department.

and June 30, 1979, this figure has further declined to .6 citizen deaths per week or an annual rate to 1.28 fatal shootings per 1,000 officers.

The figures present rather compelling evidence that civilian injuries and deaths can be reduced if police administrators let their field personnel "know what they want." But the police chief who values life also has another concern: What about the lives of his people? Do such guidelines and review procedures "handcuff" the police or make them hesitant to resort to their firearms when they are in imminent peril? Do such guidelines and review procedures make the "cop's job more dangerous"?

The experience in New York City indicates that they do not. Although many factors contribute to the frequency with which police are injured or killed—the early 1970's were marked by several "political" assassinations of New York City police, for example—officer injuries and deaths have declined markedly since the promulgation of the shooting guidelines. Before the guidelines were established, 4.4 New York City police officers suffered substantial line-of-duty injuries during violent confrontations every week, a figure which was reduced to 2.5. One police officer was killed in the line of duty every 5 weeks; afterwards the department averaged one line-of-duty death every 10 weeks. Since 1975, one officer was lost in confrontations

James J. Fyfe



The FBI's Policy

It is the FBI's policy that Agents are not to shoot any person except as necessary in self-defense, where they reasonably believe they or another are in danger of death or grievous bodily harm. The term "self-defense" also includes the right to defend another person against what is reasonably perceived as an immediate danger of death or grievous bodily harm to that person from [their] assailant. Emphasis must be placed on planning arrests so that the maximum pressure placed on the individual being sought will afford him no opportunity to either resist or flee. Any situation of this type can deteriorate in an instant, and continuing alertness, extreme care, and good judgment will better prepare our Agents to control the situation.

every 20 weeks, an annual rate of 1.03 violent deaths per 10,000 officers. While these declines can't be attributed to the new shooting policy, a strong argument can be made that the policy did not make the cop's job more dangerous, especially in the light of continued increases in other measures of violence in the city.

One thing a police agency can do about the use of deadly force, therefore, is to formulate policy statements which give officers clear guidance in this important decision. A second is to enforce these policies by establishing high-level administrative review procedures. This is important for two reasons. First, it demonstrates the chief's personal interest in his personnel's use of their weapons. The New York experience also suggests that periodic and largely symbolic reaffirmations of his interest, by minor changes in review procedures and the like, inhibit misuse of deadly force. Second, establishing guidelines and review procedures initially transfers the responsibility for the control of police guns out of the courts and into the agency. This is important because it makes accountability for the use of weapons far more manageable.

Where the lawless person initiates action to cause physical harm, there should be no hesitancy in using such force as is necessary to effectively and expeditiously bring such a person under control. Good training and experience in arrest situations must be relied on to provide the proper response when confronted with deadly force situations. There are many situations in which Agent personnel may draw their weapons when making an apprehension and without being confronted with existing deadly force. This is a judgment question, which must be evaluated in terms of the individual or individuals to be apprehended, and the circumstances under which the apprehension is being made.

No warning shots are to be fired by Agents in an effort to stop a fleeing person or for any other purpose.

In jurisdictions without clear policy guidelines and review procedures of the NYPD, often the only way to deal with an officer who has used his weapon unwisely is to bring criminal charges against him, and these are very difficult to sustain. Internal review procedures of the NYPD, in contrast, are not required to adhere to strict evidentiary standards—a positive finding requires "a preponderance of the evidence" rather than "guilt beyond a reasonable doubt." The penalties meted out after positive findings need not be extremely harsh—they're not in New York City—but certainly send a message to the troops.

A third area in which a police agency may attempt to reduce the use of deadly force is less obvious. It involves examining the violence potential of alternative operational policies and practices. For many years, New York City narcotics officers followed a "buy and bust" policy which resulted in the arrests of great numbers of street drugpushers immediately after small undercover narcotics "buys."

Because arrests for "nickel bag" sales will never solve the drug problem—even though they may be valid responses to community demands about street conditions—it can be argued that such a policy is not cost-effective. One can also argue that such a policy leads to considerable police-suspect violence; the shooting of Serpico, for example, was far from an isolated incident. Under "buy and bust," New York City narcotics officers were shot and stabbed on a frighteningly predictable basis.

In New York City, changing the narcotics enforcement policy from an almost exclusively "buy and bust" operation to one predominantly involving lengthy investigations directed at high-level drug traffickers was not only cost-effective in terms of volume of drugs seized but reduced the dangers of narcotics enforcement as well. Since this policy change, the research shows that NYPD narcotics officers use their guns with half the frequency they did, are seriously assaulted less than half as often, and shoot others less than half as often.

It would appear, therefore, that deployment patterns involving police personnel engaged in highly sensitive work have a dramatic impact on police use of deadly force. Violence potential, along with cost effectiveness, should be a consideration in decisions related to enforcement strategies. Before laying out operational plans involving narcotics officers, decoys, and stakeouts, for example, police administrators should ask whether or not they are putting their personnel into such hazardous positions that they will have to resort regularly to their firearms. If so, every effort should be made to find less potentially violent alternatives.

A fourth and related area for administrative action is probably most relevant to large agencies, where it is possible for individual officers to become lost in the crowd. It involves the reward systems traditionally employed by police agencies. In most departments, "aggressiveness" and "activity" (lots of arrests) are highly valued commodities. In most departments, the most "active" officers are perceived, usually deservedly, as the "best cops."

They are regarded as assets by field commanders, and perhaps less often, by their peers.

While this system is generally admirable—all departments want bright, observant, and curious officers patrolling the neighborhoods—it is not without dangers.

Sometimes it is difficult to distinguish the well-intentioned, alert, enthusiastic officer from the overzealous officer. On occasion, field commanders have overlooked unwise use of force on the part of active officers because they generated impressive arrest statistics. It's hard to take negative action against a hero. In isolated cases, it has been found that officers with extremely checkered career histories have been permitted to remain in highly sensitive field assignments because of the high volume of their activity. Again, on occasion, these officers have ended their police careers with spectacularly violative shootings. These officers are the exceptions, but the consequences of their actions are frequently far greater than are their numbers.

Therefore, a police agency must closely monitor both the operation of its reward system and the performance of its personnel, but this is not easy. How does one distinguish the overly zealous—the "violence prone" is the term used in New York City—from the officer who is genuinely an asset to the community and the agency? How does one do so without discouraging the officers who are genuine assets?

One way to address this problem involves increasing the degree to which field commanders and supervisors, those closest to the operating level, are held accountable for identifying officers whose records hint at instability or patterns of questionable conduct. All too often, police agencies fail to do this. Field commanders are mandated to take action when they suspect corrupt activities on the part of their personnel, but often, this does not give them a stake in seeing to it that apparently overzealous officers are not

assigned to sensitive enforcement activities. There are cases in which police managers have lost commands for failing to discover or act on corruption beneath them, although in some cities, there are no known cases in which field commanders were removed for failing to take action regarding officers who were constantly the subjects of controversy over their use of force. Indeed, in many agencies, monitoring this aspect of performance is regarded strictly as the responsibility of those at headquarters, who are most removed from the operational level and less likely to acquire valid first-hand information than are field commanders.

A fifth administrative means of addressing police use of deadly force is training. Programs for entering and in-service personnel should attempt to develop the officer's knowledge of his working environment and the forces and actors within it. The work of sociologists and psychologists should be applied to that of the "cop on the street," with the goal of maximizing his interactive and crisis intervention skills and minimizing the possibility that his own actions will cause encounters to escalate to violence.

Training in deadly force should involve far more than marksmanship. It should be based on an analysis of the agency's actual experiences, should consider the legal, administrative, and moral questions centered around the use of the gun, and should emphasize that the most successful resolution to situations which involve potential violence is that which minimizes bloodshed.

It is unlikely that any administrative action (short of disarming the police) will eliminate entirely issues and controversies surrounding the police use of deadly force. However, the New York City experience suggests strongly that the level of police deadly force can be reduced dramatically by administrators. To do so, they should study the experiences of their departments, develop clear policies and review procedures, monitor performance, and examine operational policies, departmental philosophy, and training programs.

FBI

The Police Chief As A Management Team Builder

By Capt. Don Englert
*Police Department
San Luis Obispo, Calif.*

Many textbooks, periodicals, magazine articles, and training materials have been written on the subject of management. The subject matter runs the gamut from Fredrick Taylor's time and motion studies to today's modern concepts of participatory management, conflict resolution, and organizational development. For the most part, the private sector has been responsible for the search for new and innovative management techniques, with the public sector generally some 5 to 10 years behind.

Although there has been a substantial time lag, many police administrators have attempted to adopt some of the more applicable theories found in the private sector. Management by objectives and other similar management programs have been adapted to police department operations with a reasonable degree of success. Police agencies have probably made more progress in the field of management in the last 10 years than they did in the preceding 50 years.

The principles of team management have been quite extensively developed and used in the private sector. Group decisionmaking, matrix organization, and think tanks are used to develop maximum employee contribution to the decisionmaking processes. Although these principles have received some attention in today's modern police agencies, not much has been done to develop good, efficient team management.

Most police administrators would probably agree that effective team management could make their organizations more harmonious, effective, and productive. However, many top police administrators find that organizational effectiveness is curbed by the lack of teamwork from their management staffs, with decisionmaking frequently based on pragmatic judgments rather than a product of group thinking.

When team management is discussed in this article, two things are conceded. First, the very nature of certain police activities absolutely precludes prior input, discussion, and planned responses. Second, development of good team management is not totally divorced from the general concepts of team building. The development of team management could be viewed as team building at the management level. Therefore, many of the same strategies and techniques can be applied to the process of developing good team management.

One of the primary reasons that team management is not properly used in most police organizations is a lack of common ground for understanding basic principles. Although many police managers have been exposed to the principle of team building, organizational development, and group dynamics through management and executive development courses, most of the information has been acquired at different times and from different sources. Hence, due to this confusion, the management team in many police organizations does not function as a team because they have not been properly trained to function as such.

Most decisions being made in many police organizations today are still being made by two or three people. This normally includes the police chief and the bureau or division commander specifically concerned with a particular problem. Other management personnel who may not be immediately concerned with the impact of the decision are excluded from the decisionmaking process. The result is a decision made from a narrow perspective with a minimum exploration of alternatives.

The most common reason for neglecting team building seems to be the assumption that team building skills are an innate talent or a skill that cannot be learned. On the contrary, team building skills can be learned and practiced by the police manager in today's police organizations.

Some police agencies, having seen the need for developing management as a team effort, have sought and used outside professional consultants. Seminars are planned and presented to the management group, either at the department or at a retreat location free of the distractions of the day-to-day operations. While such efforts are generally productive, many police departments cannot afford to devote the time or financial resources to such an endeavor. However, the formal training process of the seminar is only the first step in learning the procedure and putting it into practice. If the management team is to become proficient in functioning as a team, it will be necessary to practice daily the concepts in the decisionmaking process of management.

Even if a police department can afford outside assistance from experts in the field, it generally cannot afford continuing assistance. It becomes necessary for someone in the department to carry forward the team building concept. When applied to the management team, the person who is in the best position to accomplish this task is the police chief.

The Chief as a Leader, Facilitator, and Communicator

Before the principles of team building can be realized in any police organization, the police chief must be committed to the concepts of team building and must be able to convince the management staff of the plan's benefits. A chief who consistently makes most of the management decisions in his organization will receive little serious support for those decisions. When the chief elicits suggestions, then consistently ignores the majority of the suggestions made by the management staff, it will have the same effect. If the chief is to expect the management team to want to function as a team, he must prove that the ideas, suggestions, and proposals made by the team are accepted, analyzed, and seriously considered. It is an accepted fact that "... when a leader is willing to consider the opinions and the needs of the team members to arrive at a decision or plan a course of



Captain Englert



Chief R. L. Neuman

action affecting the whole group, they will respond with strong commitment and involvement in carrying out the decision or plan effectively."¹

The chief must be a leader within the management team. His leadership abilities will have a direct influence on how well the management group functions as a team. Leadership is a quality that cannot be expressed in any precise terminology. However, one common factor that prevails throughout most definitions of leadership is that it is goal oriented. Terry described leadership as "... the activity of influencing people to strive willingly for group objectives."² In a similar definition, Koontz and O'Donnell described leadership as the art of influencing people to follow in the achievement of a common goal.³

Successful organizations are set apart from unsuccessful organizations by the existence of effective leadership. An effective leader is one who exerts a positive influence on the other members of the team. Gibson, Ivancevich, and Donnelly suggest that leadership is a combination of awareness of oneself, personal confidence, and the ability to communicate.⁴ The leader must be "aware of his impact on those he leads" if he is to adapt his style to cope adequately with the situation. He must be able to "communicate his objectives to his subordinates" in clear, precise terms so that the subordinates may carry out those objectives.

A key to exerting positive influence on those in the management group is gaining the willing compliance of those in the group. If willing compliance is obtained, the team members will be guided rather than forced in a certain direction. Not only will the team members be able to satisfy personal goals, such as personal esteem and the sense of accomplishment and belonging, but the team will also be committed to the accomplishment of organizational goals. The purpose of influencing others is not necessarily to gain total compliance with the thoughts of the team leader but to direct the team toward a given set of alternatives.

One of the most important steps in influencing the management group is establishing an atmosphere of trust among the participants. Without an open, honest, and straightforward relationship, the exchange of ideas and information necessary to allow the group to function as a team in the decisionmaking process, as well as the feedback process, cannot occur.

The chief must display confidence in the ability of the members of the management team to succeed. Although it is his responsibility to assure that the assignment is carried out, the management team must be given the opportunity to work at solving the problem. If the chief displays an attitude of impatience or is too quick to intervene when a problem is encountered, the group will soon realize that the solution will be worked out for them if they wait long enough.

The chief should attempt to secure commitment to organizational goals. To do so, he must personally be able to establish, communicate, and clarify the goals to the group. Every team member must know exactly what his role is in accomplishing the team's objectives. The goals must be stated in some specific terms if the chief expects the team to be successful within the established time frames. Although gaining commitment to the goals of the team and the organization is one of the most difficult tasks the chief faces, he cannot expect more than mediocre performance from the team if he neglects this task.

As previously mentioned, feedback is necessary if management is to function successfully as a team. "Feedback is necessary for two very important reasons. First, it prevents wasted effort, time and resources when tasks are not being performed as required. Second, it provides evidence of progress toward the goal when tasks are being performed correctly and therefore provides recognition of satisfactory effort or performance."⁵ If

positive feedback is received by team members, a sense of accomplishment is achieved that will encourage the group to strive even harder to accomplish the goals set by the team. Effective feedback also provides for improved performance which can only occur if those performing the task are aware of the need for improvement.

Understanding and Guiding the Team

If the chief is to function effectively as a team leader, he must develop an understanding of each member of the team. Although the team members may seem willing to commit themselves to the goals of the team and the organization, it should be remembered that often the commitment to personal goals is stronger than anticipated. Each team member brings to the group different qualities in terms of knowledge, cultural background, training, education, and previous experiences. Each member may have different motivational needs. It is the chief's job as the management team builder to learn as much as possible about each of the team members in terms of their value system and personal goals. He must try to learn what each member expects to get out of the team efforts and what he will be able to contribute in return. By doing this, the chief will be in a better position to remotivate a noncontributing member toward the goals of the group.

The chief should do as much as possible to learn the motivational needs of each member of the management team. No two people respond in the same way to the same set of circumstances. "To understand the motivational patterns of others, the team leader must learn to evaluate specific goals team members may set for themselves in terms of the basic need the person is trying to satisfy. In the work environment, it is reasonably safe to assume that the need for esteem is seldom met to the individual's satisfaction."⁶ By careful observation of each team member, the chief will soon be able to recognize those whose personal needs are being fulfilled, as well as those who are becoming frustrated and nonproductive.

When considering the management team as a whole, the chief must realize that it is not always necessary for superiors and subordinates to have similar personalities to be compatible within the same organization. What is necessary, however, is a common desire for accomplishment of the goals and objectives of the team and the organization. Perhaps one of the worst mistakes an organization can make is to promote or hire management personnel who fit into an "organizational mold." "To be effective in the long run, we feel that organizations need an 'open' dialogue where there is a certain amount of conflict, confrontation, and differing points of view to encourage new ideas and patterns of behavior so that the organization will not lose its ability to adjust to external competition."⁷

The chief must continually assess the team's success. It cannot be expected that the team will be 100 percent successful in solving all the problems which it encounters. In fact, if analysis reveals that the team is anywhere near to being this successful, it would seem apparent that the problems which the team has been given to solve are too simple in nature. On the other hand, the leader must guard against repeated failure if he expects the team to continue to function as a cohesive group. A high degree of group failure will engender some internal conflict and low morale that will destroy group productivity.

It must be understood that group decisionmaking cannot possibly be the product of solely one or two of the individuals. Good team effort requires that all members of the group interact as much as possible. One method that the police chief may use to ensure this interaction is to implement a well-planned job rotation program. This program may meet with some strong op-

position from some upper and middle management personnel. However, the long-term benefits, such as increased knowledge and experience among the management group and increased appreciation of the problems and complexities of each other's job, will result in a more productive team effort. Thus, the commanders of the detective, the patrol, and the administrative divisions might be rotated at a predetermined period of time.

Managing Conflict

At times, a certain amount of conflict will exist between members of the management team. The team members do have the responsibility to minimize as much as possible any nonproductive conflict that may occur. If a conflict cannot be resolved among the team members themselves, the chief will have to act. Conflict can have either a positive or negative impact on the team. It can be creative or destructive. Some managers do all they can to avoid it. The smart manager is one who accepts the fact that conflict is going to occur and does what he can to channel the energy into something productive. Conflict has been said to be of two types, emotional and rational. "Emotional conflict is unrelated to facts and is brought about by differences of opinions based on differences in backgrounds. Rational conflict comes from differences in values, experiences, and point of view."⁸ Almost all conflicts have elements of emotional and rational behavior. The important part is that the leader recognize the nature of the conflict, its causative factors wherever possible, and take steps to solve it.

Generally, conflict is a result of mistrust and poor communications. A substantial degree of conflict can be resolved if those involved can be persuaded to stay with the problem long enough to explain and understand each other's points of view thoroughly. The chief must be able to prove to the team members that by staying with the problem and eventually arriving at some conclusion, whether it be compromise, consensus, or whatever, the entire team will benefit.

Team Decisionmaking

The end product of building a cohesive, integral management team is good sound team decisionmaking. If the chief has properly developed the skills of the management team and if they are able to work as a cohesive unit toward the accomplishment of the established goals, the team should be able to reach successfully team decisions at the various levels. Team decisionmaking can pay off with a higher degree of effectiveness than individual decisionmaking. Studies have proven that "the probability of reaching a good decision increases with the number of individuals who become involved." "Extreme judgments are neutralized so that extremely bad decisions and extremely good decisions are never really reached. Instead, through team decisionmaking, *effective* decisions are made consistently."⁹ (Emphasis added.) Although the team building effort may be a longer and more tedious process, the end product, good sound team decisionmaking, can make the entire process worthwhile. **FBI**

Footnotes

¹ Earl J. Ends and Curtis W. Page, *Organizational Team Building* (Winthrop Management Series), p. 61.

² George R. Terry, *Principles of Management* (Richard Irwin, Inc., 1960), p. 493.

³ Harold Koontz and Cyril O'Donnell, *Principles of Management* (McGraw-Hill, Inc., 1959), p. 517.

⁴ James L. Gibson, John M. Ivancevich, and James H. Donnelly, Jr., *Organizations* (Business Publications, Inc., 1973), pp. 305-306.

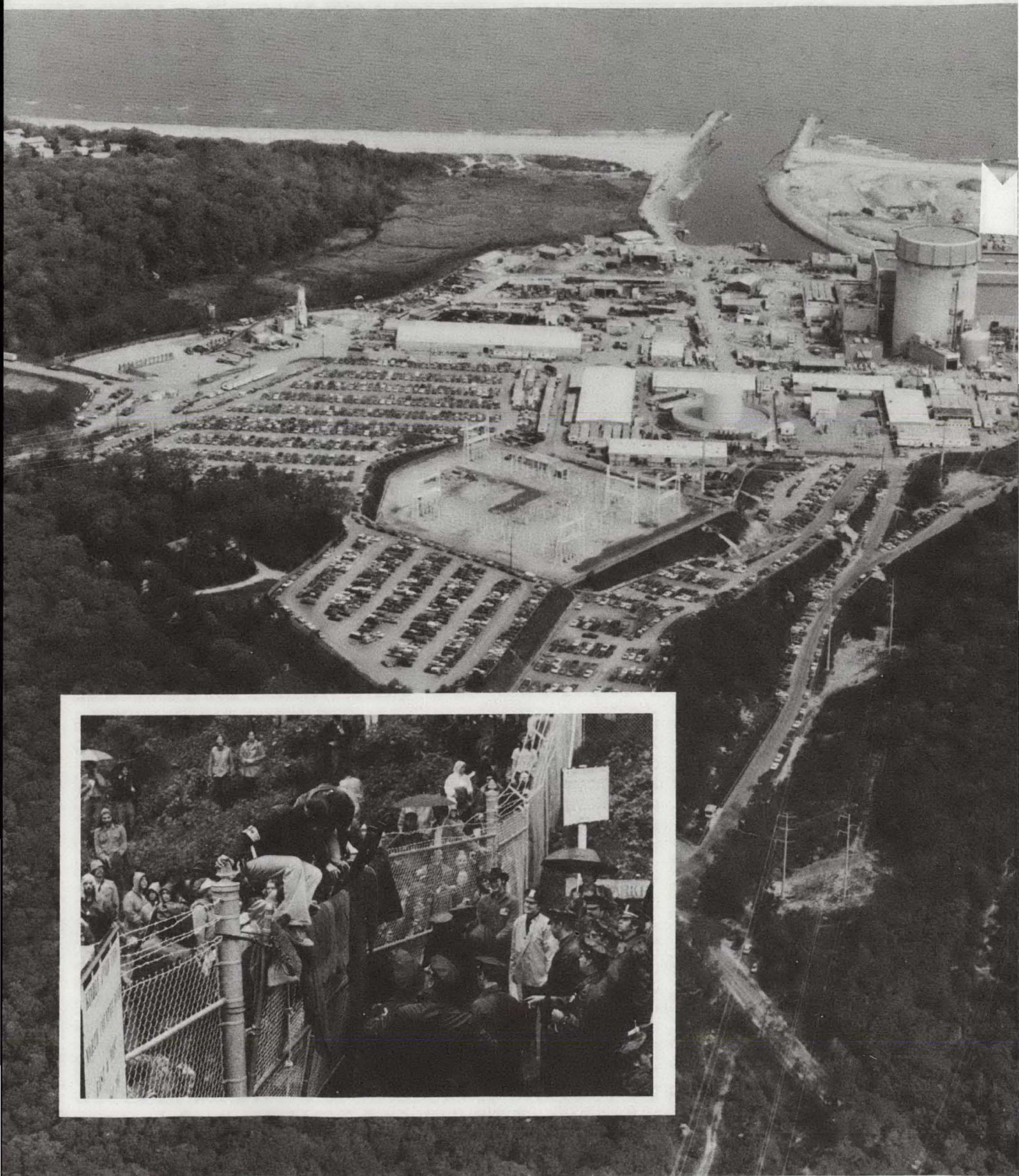
⁵ Earl J. Ends and Curtis W. Page, *Organizational Team Building* (Winthrop Management Series).


⁶ *Ibid.* p. 137.

⁷ Paul Hersey and Kenneth H. Blanchard, *Management of Organizational Behavior*, 3d ed. (Prentice-Hall, Inc.), p. 152.

⁸ Ronald G. Lynch, *The Police Manager* (Holbrook Press, Inc., 1975), p. 201.

⁹ *Ibid.* p. 238.





Arrow points to reactor building where three cameras were positioned.

TELEVISION:

A Versatile Tool At Large Demonstrations

By LT. JOHN FAKLER

*Commanding Officer
AV/R Unit
Suffolk County Police Dept.
Yaphank, N.Y.*

Last summer, demonstrators numbering over 15,000 gathered at Shoreham, N.Y., to protest against the construction of a nuclear power plant. The event was forecast as a peaceful demonstration by the protesters, but part of their plan was the commitment of an estimated 500 to 800 trained persons to penetrate and occupy the facility. If they could not successfully occupy the fenced-in plant, they were determined to dramatize their cause by being arrested.

The 82-acre utility facility, where the plant is being built, is protected by a double chain link fence that is 8 feet high and topped with barbed wire. It was clear to police administrators that the protesters were capable of penetrating the fence, and if the arrest contacts were to be peaceful rather than physical, it would be most practical to perform the arrests after the protesters had scaled the fence.

Thus, the rain-drenched site was divided into eight sectors, and groups of officers assigned to arrest teams were distributed throughout the sectors. Not knowing at the outset where the protesters had planned to penetrate made it difficult to assign an appropriate number of police to each sector, so the officers were equally deployed around the fenced perimeter. It was then decided to surveil the entire 82-acre site, plus the surrounding areas, with television cameras to provide command post administrators with the visual information they needed to make quick, accurate decisions regarding personnel deployment.



Lt. John Fakler

Three television cameras were placed on the roof of the 300-foot high reactor building. Low-light level cameras were also available in case coverage had to continue into the night. Each camera was capable of covering one-third of the entire site. The cameras were then connected to monitors which were installed at three locations—the command post, the communications center, and the utility's command center. In addition, three video cassette recorders were installed at the police command post

**“... TV applications
... are possible today
to help resolve law
enforcement
communications
problems.”**

so that any camera's activity could be recorded individually or simultaneously. The cameras, which were equipped with zoom lenses, made continuing wide angle sweeps of their areas until protesters were detected approaching the fence. Then a quick zoom-in enabled command officers to define accurately how many protesters were at a given location, as well as how passive or troublesome they were. Reinforcing squads were quickly assigned when necessary, and although passive protesters were heavy in numbers at some locations, it was visibly obvious to commanders that fewer officers would be able to handle some arrests. As a result, unnecessary commitment of police was avoided.

Excess communication between utility officials and police command personnel was also avoided. Officials could see events unfold and know exactly where their personnel should be deployed without having to wait for instructions from police. In this demonstration, there was sufficient time to install cabling between the cameras and the three monitor locations. But for most spontaneous disturbances, early television service is essential for making accurate command decisions.

Microwave transmission would be the answer. Portable microwave links can be set up quickly to transmit one or more video signals to a command center. Special low-light level cameras with at least 10x zoom lenses can provide useful pictures in almost any conditions. A parabolic microphone will help to hear what is happening at the scene, especially when you cannot get close.

In addition to the surveillance cameras, a portable color television camera team responded to potential trouble areas to record up close the activity taking place. The recordings made by that unit gave accurate replays of the events for after-action evaluation, as well as supplying valuable training material.

Another television service provided was the video taping of prisoners at the initial processing and holding area. After being recorded with their prisoners, the officers were returned to duty. The tapes accurately documented the physical condition of each prisoner at this stage. After initial processing at this holding area, which was less than 1 mile from the point of arrest, the prisoners were bused to headquarters several miles away for completion of processing and arraignment.

A final, but very significant, application of television was its value in orienting the more than 500 officers who assembled on the scene for the first time that morning. A brief video program was produced to provide officers with information about new procedures they would have to employ when making arrests. The program also provided officers with the opportunity to “see” the entire site and an overview of what was expected and where. As part of the program, the top-level command officers who directed the operation were able to convey firsthand the policy and procedures they wished enforced.



Donald Dilworth
Commissioner

Five hundred police officers had to be oriented within an hour on the morning of the demonstration, so four television playback consoles were installed in rooms at the mobilization point near the site. As the officers arrived by bus, they were ushered to one of the rooms to view the orientation program. When officers eventually arrived at their posts, they were aware of the surroundings and what was expected of them.

At the conclusion of the day, 571 persons had been arrested without violence. The demonstrators, the press, and utility officials all agreed that the police had done a commendable job in protecting company property and preserving the individual rights of demonstrators.

Television played a useful role at this demonstration, and it is clear that it would be equally effective at disasters or other unusual disturbances. The equipment to do the job is available, dependable, and not difficult to use. Improved technology has also lowered the price for equipment that was once too expensive to consider.

Television technology has advanced considerably during the past 5 years, and TV applications, once thought to be imperfect or not practical, are possible today to help resolve law enforcement communications problems.

FBI



Officers review an orientation program prior to taking their assigned positions.



Commissioner Dilworth and staff officers watch the activity of nuclear protesters on television at the command post to determine if additional resources are necessary and where they should be disbursed.

Rise In Crime

According to preliminary statistics compiled by the FBI, serious crime in the United States rose 9 percent in the first 6 months of 1979, when compared to the same period of 1978. Also, the Uniform Crime Reports' figures showed that crimes reported to law enforcement agencies increased 8 percent in the April-through-June quarter after rising 11 percent in the first 3 months of the year.

All offenses in the FBI's Index, which is used to measure fluctuations in crime, increased in the first 6 months of 1979. Collectively, violent crime rose 13 percent, while property crime increased 9 percent. Among violent crimes, murder was up 9 percent, forcible rape and aggravated assault each rose 11 percent, and robbery increased 15 percent. Increases in the property crime category were 7 percent for burglary, 10 percent for larceny-theft, and 13 percent for motor vehicle theft.

Rises in total crime were reported by cities and counties of all sizes, ranging from a low of 6 percent in cities with more than a million inhabitants to a high of 12 percent in each of two city groupings between populations of 10,000 and 49,999. While murder overall increased 9 percent, it was the only crime to show a decline in any of the city or county groupings. Its volume fell 6 percent in cities with populations from 50,000 to 99,999, 3 percent in cities with less than 10,000 inhabitants, and 9 percent in rural counties.

As in the first quarter of the year, increases in reported crime were seen in each of the four geographic regions of the Nation. The volume was up 12 percent in the Southern States, 10 percent in the Northeastern States, 8 percent in the Western States, and 7 percent in the North Central States.

FBI

Bombing Incidents Decline

Preliminary statistics compiled by the FBI reveal a decline in the number of bombing incidents during the first 6 months of 1979. However, the number of casualties resulting from these violent crimes has increased.

From January 1 to June 30, 1979, the 575 bombing incidents which occurred in the United States and Puerto Rico caused 7 deaths, 82 injuries, and more than \$3.5 million in property damage. In comparison, the 627 incidents reported in the first 6 months of 1978 resulted in 10 deaths, 70 injuries, and more than \$5.8 million in property damage.

In reporting the 8-percent drop in the volume of bombings, FBI Director William H. Webster noted, "The significance of the decrease is diluted by an 11-percent increase in the number of casualties resulting from these senseless crimes." One-third of those killed or injured were innocent bystanders. "This fact alone," added Director Web-

ster, "demonstrates the menace this kind of indiscriminate violence continues to present to our society."

Ironically, bombers themselves were those most often killed as a result of their crimes. Four of the seven fatalities in the first half of 1979 were perpetrators; a law enforcement officer, an innocent bystander, and an intended victim were the remaining fatalities.

Explosive devices were involved in 71 percent of the 1979 incidents, while the remaining 29 percent were incendiary in nature.

Twenty-nine percent of the attacks were directed at residences which, once again, were the leading targets of bombings.

FBI

INVESTIGATIVE DETENTION

The Forcible Stop

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.

By John C. Hall
Special Agent
Legal Counsel Division
Federal Bureau of Investigation
Washington, D.C.

Consider the following fact situations:

(1) An experienced police officer in a large metropolitan city observes three individuals unknown to him standing on a street corner during the afternoon. Although the behavior of the three is not unusual, the officer decides to approach them and engage them in conversation. The officer identifies himself and inquires as to the identities of the three and the nature of their business. One of the three responds that they are from out of town and en route to meet friends at another location. At this point, the three turn and walk away.

(2) Later that day, the same officer receives a report on his police radio that a liquor store robbery has just occurred nearby. The lone robber is described as a white male in his twen-

ties, with blond hair, wearing an olive-green jacket and a red knit cap. Moments later, the officer observes an individual, matching the description and wearing identical clothing, walking hurriedly from the area where the robbery occurred. The officer approaches the individual, identifies himself, and orders the individual to stop. The individual attempts to walk away.

(3) That night, this same tireless officer observes an individual in a high-crime area where burglaries are common, standing near the entrance to a business establishment which has been closed for several hours. On seeing the officer, the individual becomes extremely nervous and turns away as if attempting to shield his face from the

“ . . . to support an investigative detention, the police officer may use the reasonable amount of force necessary to carry out the detention.”

officer's view. The officer approaches the individual, identifies himself, and asks, "What's going on here?" The suspect does not respond, but attempts to walk away.

These fact situations typify the situations that confront law enforcement officers on a daily basis. It is the task of the officer to determine the appropriate response in each case.

Most police officers today will recognize that in the first situation, without more information than is given, the officer would have no legal authority to restrain the three individuals, and they are free to leave if they choose.

In the second situation, we find ourselves at the opposite end of the spectrum. The officer has information which leads him to believe that a crime has occurred (the radio message) and he now observes an individual matching the description of the robber, located at the right place and at the right time. Few would deny that the officer has probable cause justifying the arrest of the suspect. In other words, the officer may lawfully, and with the reasonable force necessary, "seize" the individual and prevent him from leaving.

The third situation is more difficult, for it falls between the first two. It is highly doubtful that the officer has sufficient facts (probable cause) to arrest the individual. On the other hand, the behavior observed by the officer, coupled with the circumstances (time of night, location), are probably sufficient to arouse a reasonable suspicion in the officer's mind that criminal activity is

occurring or being contemplated. Must the officer choose between allowing the criminal activity to proceed or making a premature arrest in the absence of probable cause?

Most officers doubtless will recognize immediately that the appropriate response is to conduct an investigative detention (more commonly referred to as "stop and frisk"). This procedure, first recognized by the U.S. Supreme Court as constitutionally permissible in *Terry v. Ohio*¹ in 1968, and further developed in subsequent decisions,² may be briefly stated as follows:

Given articulable facts which amount to a reasonable suspicion that a person is committing, has committed, or is about to commit a crime, a police officer may stop and detain that person for a reasonable period of time, for the purpose of conducting a limited investigation into the suspicious activity and circumstances. If, while conducting such detention, the officer reasonably believes his safety or that of others is threatened, he may frisk the person detained for weapons.

As the Supreme Court observed in 1972 in the case of *Adams v. Williams*:

"The Fourth Amendment does not require a policeman who lacks the precise level of information necessary for probable cause to arrest to simply shrug his shoulders and allow a crime to occur or a criminal to escape. On the contrary, *Terry* recognizes that it may be the essence of good police work to adopt an intermediate response A brief stop of a suspicious individual, in order to determine his identity or to maintain the status quo momentarily while obtaining more information, may be most reasonable in light of the facts known to the officer at the time." ³ (citations omitted)

It is not the purpose of this article to review the broad area of law relating to the "stop and frisk." Undoubtedly, police officers today are familiar with the general rule as stated above. Rather, as the title indicates, it is the *forcible* nature of such stops to which this article is addressed.

There is a dual significance to recognizing that such stops are forcible in nature. First, it emphasizes the authority of the police officer to enforce the stop, i.e., to use the reasonable force necessary to initiate and maintain such stops. And second, it recognizes that such a stop is a "seizure" of the person under the fourth amendment to the U.S. Constitution and is therefore governed by the constitutional protections against "unreasonable searches and seizures."⁴ As the Court stated in *Terry*, ". . . whenever a police officer accosts an individual and restrains his freedom to walk away, he has 'seized' that person. . . ." ⁵ Consequently, such seizures must be "reasonable, both at their inception and as conducted." ⁶

Obviously, not every contact between a police officer and a citizen involves a "stop" or "seizure" of the person. The Supreme Court further observed in the *Terry* case:

"Only when the officer, by means of physical force or show of authority has in some way restrained the liberty of a citizen may we conclude that a 'seizure' has occurred." ⁷

"Many investigatory stops are accomplished by a display of force rather than actual application."

It is clear that given the articulable facts (reasonable suspicion) to support an investigative detention, the police officer may use the reasonable amount of force necessary to carry out the detention. The crucial questions are: "What kind of force? And how much?"

The cases discussed below should serve to illustrate the forcible nature of the stop in investigative detention situations, as well as different types and degrees of force which may be appropriate in a particular case to make and maintain such stops.

Actual Force

Initially, it is interesting to note that *Terry v. Ohio*,⁸ the landmark case with respect to "Stop and Frisk" law, is illustrative of an investigative detention effected by the use of actual force. In that case, an experienced police officer observed three men who appeared to be "casing" a store prior to a robbery. The officer approached the three, identified himself, and inquired as to their identities. On receiving a mumbled response, the officer grabbed one of the three (Terry), patted him down for a weapon, and arrested him when a weapon was located. Significantly, the Court found that a seizure had occurred when the officer "took hold of him (Terry) and patted down the outer surfaces of his clothing."⁹

An even greater degree of physical force was applied in *United States v. Purry*.¹⁰ There the police stopped a suspect following a bank robbery, handcuffed him after he had attempted to pull away, and removed him back to the bank for identification by witnesses. Purry contended that an arrest

occurred at the time of the stopping and handcuffing which, in the absence of probable cause, was illegal. The Court disagreed and concluded that the combination of facts available to the officers justified their action in stopping Purry for investigative purposes. In addition, the Court stated:

"We think the handcuffing of Purry was reasonable, as a corollary of the lawful stop. . . . The handcuffing was an appropriate method of maintaining the status quo while further inquiry was made."¹¹

Show of Force

Many investigatory stops are accomplished by a display of force rather than actual application. The number and positioning of the officers and the display of weapons are typical examples.

In *United States v. Richards*,¹² Federal and local narcotics officers detained a small aircraft which was preparing for takeoff. Initially, one of the officers raised his badge, identified himself, and shouted for the occupant (Richards) to get out of the plane. When Richards hesitated, the officer moved in front of the plane, drew his gun, pointed it at Richards, and again ordered him out of the plane. This time Richards complied.

The Court, after finding that "specific facts" known to the officers justified an investigatory stop, commented on the amount of force used:

"(The officer) drew his gun . . . only after . . . (Richards) failed to comply with the first order. Otherwise, with nothing impeding the airplane, which was ready for takeoff, the officers would have been powerless to prevent its flight. . . . some show of force to stop appellant was both necessary and reasonable."¹³

Likewise, in *United States v. Bull*,¹⁴ the Court sustained a police officer's detention at gunpoint of two burglary suspects. The Court noted that the initial stop was a detention, not an arrest, and held that the officer's use of a gun, standing alone, ". . . is not sufficient to constitute the action of the officer as an arrest; it is but one circumstance, along with all the others surrounding the incident, to be weighed in determining the character of the officer's action."¹⁵

Show of Authority

Although some type of actual force, either applied or displayed, is present in each of the above cases, it is not suggested that actual force is a necessary ingredient in every investigative detention situation. The forcible nature of an investigative stop arises from the authority of the police officer to enforce the stop, if necessary, assuming he is legally justified in making the stop in the first place.

As one court recently noted:

"Any restraint of movement will do. . . . Thus, seizures have been found when an encounter is precipitated by a show of authority, such as when a siren was used to pull a motorist over; when a motorist stepped out of his camper, with his hands up, in response to an officer's knock on the camper door; or when under circumstances it was 'apparent . . . that the individual was not free to ignore the officer and proceed on his way.'" ¹⁶ (citations omitted)

"Investigatory stops are by their nature 'forcible' . . . and are therefore 'seizures' of persons under the fourth amendment. . . ."

In *Adams v. Williams*,¹⁷ the Supreme Court upheld the action of a police officer who, acting on a tip from a known informant that Williams was in a car nearby, armed and in possession of narcotics, approached the suspect seated in the automobile, tapped on the car window, and asked the occupant to open the door. When the suspect rolled down the window instead, the officer reached inside the car and removed a gun from the suspect's waist where the informant had stated it was located. The Court found that a "forcible stop" had occurred (emphasis added) and suggested strongly that it occurred at the time the officer tapped on the window. In a footnote, the Court noted that it had not been contended that "Williams acted voluntarily in rolling down the window of his car."¹⁸

Summary

Investigatory stops are by their nature "forcible," as opposed to "voluntary," and are therefore "seizures" of persons under the fourth amendment to the U.S. Constitution. The appropriate

type and degree of force in a given case must be determined by the surrounding facts and circumstances. Failure to enforce adequately a stop could result in the escape of a suspect or serious threat to the lives and safety of the officer and other persons. On the other hand, the use or threatened use of actual force when not necessitated by the circumstances could result in a court finding that an arrest had occurred, unsupported by the requisite probable cause. Such a finding could result in the suppression of evidence needed for prosecution, as well as civil action against the officer. The standard for reviewing the officer's action was described by the Supreme Court in *Terry v. Ohio* as follows:

"[W]hether the officer's action was justified at its inception, and whether it was reasonably related in scope to the circumstances which justified the interference in the first place."¹⁹

FBI

Footnotes

- ¹392 U.S. 1.
- ²See *Sibron v. New York*, 392 U.S. 40 (1968); *Adams v. Williams*, 407 U.S. 143 (1972); *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975).
- ³*Adams v. Williams* note 2, at 145-146.

⁴The fourth amendment states in pertinent part: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . ."

⁵*Terry v. Ohio*, *supra* note 1, at 16.

⁶*Id.* at 27-28.

⁷*Id.* footnote 16 at 19.

⁸*Id.*

⁹*Id.* at 7.

¹⁰545 F.2d 217 (D.C. Cir. 1976).

¹¹*Id.* at 220. It should be noted that the Court does not indicate that removal of Purry to the bank is justified as a part of the investigatory stop. Rather, the Court found that additional information obtained after the stop had occurred, and before removal to the bank, established probable cause to arrest. See *State v. Lopez*, 369 So.2d 623 (Fla. App. 1979) (police justified in stopping vehicle, holding operator at gunpoint and handcuffing him.)

¹²500 F.2d 1025 (9th Cir. 1974).

¹³*Id.* at 1028-1029.

¹⁴565 F.2d 869 (4th Cir. 1977), cert. denied, 435 U.S. 946 (1978).

¹⁵*Id.* at 870. See also *United States v. Russell*, 546 F.2d 839 (9th Cir. 1976) (stop of vehicle and removal of occupant at gunpoint approved); *United States v. Worthington*, 544 F.2d 1275 (5th Cir. 1977), cert. denied, 434 U.S. 817 (1977) (approved officer positioning himself in front of aircraft with gun drawn); *United States v. Maslanka*, 501 F.2d 208 (5th Cir. 1974) (officer drawing gun does not, by itself, turn investigatory stop into arrest). But see *United States v. Ramos-Zaroyosa*, 516 F.2d 141 (9th Cir. 1975) (unjustified use of gun to make a stop constituted arrest).

¹⁶*United States v. Elmore*, 595 F.2d 1036, 1041 (5th Cir. 1979).

¹⁷*Adams v. Williams*, *supra* note 2.

¹⁸*Id.* at 146, footnote 1. See also *United States v. Wylie*, 569 F.2d 62 (D.C. Cir. 1977), cert. denied, 435 U.S. 944 (1978) (stop occurred when officer told person with whom he was conversing outside bank that he could leave after returning to bank and clarifying matter.)

¹⁹*Supra* note 1, at 7.

Friction Skin Identification

The attendees of the 64th International Association for Identification (IAI) training conference adopted a resolution, effective August 2, 1979, recognizing friction skin identifications (i.e. including all prints, such as fingerprints, palm prints, footprints, and toeprints) as positive identifications. This resolution also placed the IAI on record as officially disapproving the reporting or testifying to "possible," "probable," or "likely" friction skin identifications.

Thus, members of the IAI, officers, or certified latent print examiners who provide oral or written reports or testimony of possible, probable, or likely friction skin identifications shall be deemed to be engaging in improper conduct as described in article 17, section 5 of the IAI constitution and charges may be brought under conditions in articles 1-7, section 5. According to the resolution, if the individual is a certified latent print examiner, his or her status will be reconsidered by the Latent Print Certification Board. **FBI**

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WANTED BY THE FBI



Photographs taken 1976.

Rosa Lee Lewallen

Rosa Lee Lewallen, also known as Rosa Lee Allen, C. H. Bennett, Elma Bennett, Mary Helen Bennett, Mary Lee Cheaveze, Mary Lee Roscoe Cheavze, Mrs. Julius Coons, Mrs. Koons, Mrs. John Rose Lewallen, Rosa Lee Lundy, Connie Ann Miller Martin, Rosa Lee Merritt, Mary Lee Roscoe, Mrs. John Rose, and others.

Wanted For:

Interstate flight—Kidnaping.

The Crime

Lewallen, who is being sought as an escapee from custody, was at the time of escape serving a life term following a conviction for kidnaping in which the female victim was tied to a tree and left to die.

A Federal warrant was issued for her on August 23, 1977, at Columbia, S.C.

Criminal Record

Lewallen has been convicted of forgery, worthless checks, grand larceny, adultery, drunk driving, and kidnaping.

Description

Age46, born June 2,
1933, Chesterfield
County, S.C.
Height.....5'2" to 5'6".
Weight126 to 147 pounds.
BuildHeavy.
HairReddish blond.
EyesBlue.
Complexion.....Ruddy.
RaceWhite.
NationalityAmerican.
OccupationWaitress.
Scars and

Marks.....Vertical scar from
base of throat to
navel; long vertical
scar on left thigh;
scars on inner wrists
and inner elbows of
both arms; several
moles on right cheek
of face; discolored
right eye.

Remarks.....Suffers from a heart
condition; has had
open heart surgery;
wears false teeth;
hair may be dyed
and may wear wig.

Social Security

Nos. Used251-89-3229
251-98-3292
253-44-2713.

FBI No.....310,753 C.

Classification Data:

NCIC Classification:

191707CO061666101802

Fingerprint Classification:

19 L 9 U OIO Ref: 25 9 25

M 1 R OIO

1 2 2

Caution

Lewallen reportedly has suicidal tendencies and should be considered armed, 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.



Right ring fingerprint.

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 _____

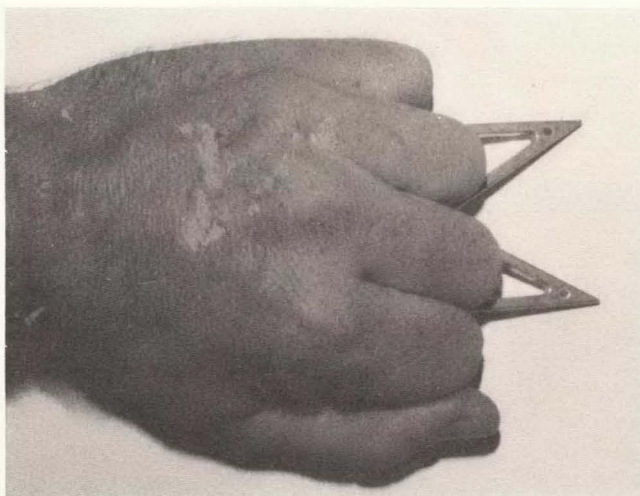
Zip _____

Cat with a Bite

The Fresno, Calif., Police Department reports that "The Watch Cat," a combination keyholder/self-defense weapon, is being manufactured commercially and marketed as a deterrent to would-be attackers. It has already been used legitimately and successfully against assailants on several occasions.

The California Attorney General's Office has ruled the device an illegal weapon, and district attorneys have expressed an intention to file criminal charges should it be used in an unlawful manner. However, persons merely possessing the device will not be prosecuted.

In light of its exceptional concealability, inherently injurious design, and potentially illegal applications, law enforcement personnel should be aware of this device.



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Interesting Pattern

This pattern is a plain whorl with a meeting tracing. The unusual aspect of the pattern is the appearance of a face in the center of the pattern when it is turned sideways.

