

FBI LAW
ENFORCEMENT
BULLETIN

DECEMBER 1980

Director's Message

The costs of organized crime in this country can be measured in the millions of dollars, but the human costs are far more devastating. The use of violence, the corruption of public and labor officials, the loss of tax revenue—all degrade our quality of life.

Organized crime groups are, of course, attracted to activities that involve significant sums of money—gambling, loansharking, narcotics, stolen securities, arson-for-profit, pornography, labor racketeering, extortion, truck hijackings, cigarette smuggling, bankruptcy scams, and systematic theft. The FBI defines organized crime groups as criminal organizations having some manner of formalized structure and whose primary objective is to obtain money through illegal activities. Such groups maintain their position through violence or threat of violence, corrupt public officials, graft or extortion, and generally have a significant impact on the people in their locale, or region, or the country as a whole.

Organized crime is not monolithic. There are many varieties of criminal groups that fit the definition. There does exist, however, one organized national criminal group, consisting of a confederation of 27 "families" operating under similar organizational structure and methods. There is substantial evidence of a "commission" which resolves "interfamily" jurisdictional disputes, decides major policy issues, and ratifies new "bosses."

While most heavily concentrated in the Northeast, it has elements in the majority of States. In the aggregate, it has over 2,000 hardcore members who are involved in illegal activities ranging from loansharking, narcotics, and illegal gambling to control over large segments of

ostensibly legal businesses, such as vending and waste collection. These families have also worked their way into ownership of a wide variety of retail businesses—restaurants, bars, hotels, and trucking, food, and manufacturing companies.

The initiated membership of 2,000 must be multiplied by 10 to include those who assist these families in their illegal activities. These are our estimates and they are, if anything, conservative.

There are also significant organized crime operations carried on by other organized groups of various geographical, ethnic, and racial backgrounds. Identified groups range from motorcycle gangs, such as the Hell's Angels and the Banditos headquartered on the west coast and in the Southwest, to highly sophisticated narcotics cartels centered in the Southeast, West, and Southwest.

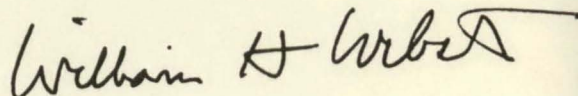
Consider some of the impact of organized crime on our society:

- Graft and corruption undermine government, making the citizenry cynical and suspicious.

- Labor racketeering deprives members of fair representation and drains pension and welfare funds.

- Use of laundered funds to cover overhead allows organized crime to gain monopolies over legitimate businesses.

For these reasons, organized crime is one of the three top investigative priorities of the FBI.



William H. Webster
Director
December 1, 1980

FBI^{LAW} ENFORCEMENT BULLETIN

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Contents

- Operations 2** **Crowd Control and the Small Police Department**
By Joseph A. Sandora, Chief of Police, City of Groton, Conn., and Ronald C. Petersen, Director, Law Enforcement Council of Eastern Connecticut, Old Lyme, Conn.
- Law Enforcement Role 6** **The Chicago Crime Commission**
By Patrick F. Healy, Executive Director, Chicago Crime Commission, Chicago, Ill.
- Training 10** **The Use of Video Tape in Law Enforcement Training**
By Sgt. William B. McDonald, Police Department, Greenburgh, N.Y.
- Crime Statistics 14** **Crime in the United States—1979**
- Cooperation 16** **"That Others May Live"**
By Capt. Jerald L. Folkerts, 1550th Aircrew Training and Test Wing, Kirtland Air Force Base, N.M.
- The Legal Digest 22** **Warrantless Vehicle Searches: The Impact of *Arkansas v. Sanders***
By John C. Hall, Special Agent, Legal Counsel Division, Federal Bureau of Investigation, Washington, D.C.
- 27** **Index to Articles Published in 1980**
- 32** **Wanted by the FBI**



THE COVER: At times, winter presents unique hazardous duty for the law enforcement officer. (Photo by Norm Bergsma, Albuquerque Tribune)

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William H. Webster, Director

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Crowd Control and the Small Police Department

The City of Groton is a community with a population of approximately 10,000 located along the shore of the Thames River and Long Island Sound in southeastern Connecticut. The city's 27-man police department faces problems common to most communities of this size—residential burglaries, vandalism, traffic accidents, barking dog complaints, etc. The department is organized into patrol and detective divisions. It also has a support services unit, a traffic and training unit, a marine patrol unit, and on a contingency basis, a scuba diving unit and an FBI-trained crises response team.

What is different about Groton City is that Electric Boat Division of General Dynamics Corp. is located within its borders. Electric Boat employs approximately 25,000 people who are engaged in building most of the nuclear submarines for the U.S. Navy.

One of the submarine classes built by Electric Boat, the Trident, has become a symbolic target to many anti-nuclear and antiwar groups throughout the country. The Trident is the largest submarine ever built by any government. It is 560 feet long and is capable of delivering a devastating nuclear blow to any potential enemy. The ceremonies held in conjunction with launching these submarines make ideal forums for massive antiwar and antinuclear demonstrations. Electric Boat generally invites up to 20,000 guests to these launching ceremonies, frequently including national political figures.

In April of 1979, a dual ceremony marking the launching of the first Trident submarine, the U.S.S. Ohio, and the keel laying of the U.S.S. Georgia was held. Approximately 20,000 guests attended the ceremony. Speakers included First Lady Roslynn Carter and

Ohio Senator John Glenn. Occurring within weeks of the Three Mile Island incident, the ceremony was besieged by approximately 4,000 demonstrators representing antinuclear and antiwar organizations from all over the country. Two hundred and thirty-six persons were arrested for nonviolent acts of civil disobedience. These individuals attempted to disrupt the ceremony by blocking the streets and sidewalks leading to the gates of the shipyard. Groups of 8 to 12 demonstrators sat in the path of guests who were walking into the ceremony. These groups, known by the demonstrators themselves as "affinity groups," were often bound together with chains or handcuffs and went "limp" at the point of arrest. Chains or handcuffs had to be cut with boltcutters, and the arrestees had to be carried away by police officers to waiting vans and buses. All demonstrators who participated in affinity groups had received training in nonviolent civil disobedience.

In April of 1980, the launching of the Nation's second Trident submarine, the U.S.S. Michigan, was held. Approximately 1,200 demonstrators marched on this ceremony, the number somewhat reduced by a nationwide antinuclear demonstration held in Washington, D.C., on the same weekend. While the total number of demonstrators was less, nearly the same number, 211, were arrested for acts of civil disobedience. Those arrested used the same type of tactics that were used in the 1979 demonstration.

Electric Boat currently has contracts to construct several more Tridents. Furthermore, it is likely that the Navy will continue the Trident program beyond current contracts, and Electric Boat will be a prime competitor. Thus,

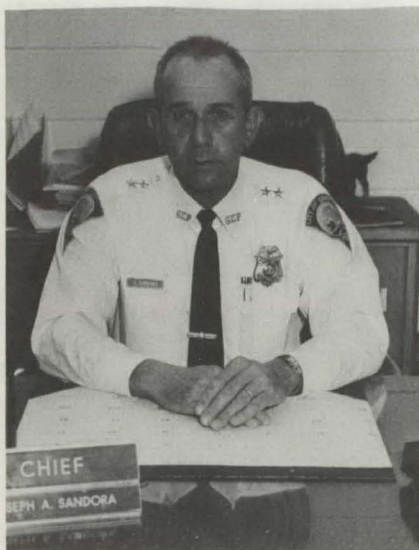
By **JOSEPH A. SANDORA**

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"The planning process. . . stressed a high degree of communication between all agencies involved."



Chief Sandora



Mr. Petersen

a major problem facing the Groton Police Department is how a 27-man police department develops procedures for handling massive, complex crowd control situations as described above on a regular basis. The following principles and procedures were adopted:

1) Adopt the proper perspectives. The role of police in this type of situation is to protect the life, safety, and property of all involved. This is a *neutral* role—don't adopt a "we/they" stance or a "siege mentality." The fact that some demonstrators choose to break the law by committing acts of civil disobedience does not alter other demonstrators' rights to demonstrate peacefully.

2) Communicate this perspective to all police personnel. Make it clear that unnecessary force will not be tolerated.

3) Communicate with the demonstrators. Once the leaders of demonstrating groups are convinced that the police intend to protect their rights, they are usually cooperative. During our planning process, regular dialog was maintained with these leaders. They readily provided accurate information on their plans, tactics, and number of demonstrators expected. In fact, one antinuclear group conducted a training program on civil disobedience for police personnel. This was the same training program given to those planning to be arrested at the next demonstration and proved very useful in understanding the methods and tactics used by the demonstrators.

4) Develop intelligence sources. Leaders of major demonstrating groups do not have complete control over their organizations. The activities of splinter groups and individuals are

unpredictable. Thus, well-placed intelligence sources are vital.

5) Get plenty of help. Eight police departments in the southeastern Connecticut region have signed the "mutual police assistance compact," which provides the legal and procedural framework for assisting one another. In the case of the two demonstrations cited above, the entire police department from the neighboring Town of Groton (a separate municipality) was deployed in the operation. Other area departments went on "standby" status and some were eventually mobilized.

The Connecticut State Police were contacted early in the planning stages. They provided personnel to staff the booking and processing center and a backup contingency of troopers. The State attorney's office provided personnel to act as observers and to assist in the booking process.

6) Based on the experience in Groton City, we assert that there is no such thing as too much preparation. The planning process employed stressed a high degree of communication between all agencies involved. This included other area departments, the State police, the State attorney, the Coast Guard, Electric Boat company officials, local jail officials, Naval Intelligence, the City Highway Department, and numerous other agencies. Issues to be decided ranged from major ones, such as how police personnel would be deployed, to seemingly minor ones,

such as whether there were enough booking forms for the booking and processing center. The location of prison vans, placement of barricades, the closing of streets, the transportation of dignitaries, and the distribution of equipment were among the issues to be decided.

A significant problem during the 1979 demonstration was dealing with the press. Approximately 170 press personnel covered the event; a 27-man police department is not accustomed to dealing with national press coverage of this magnitude. Out-of-town press personnel, unfamiliar with local police officials, were attempting to secure information and interviews from individual police officers. In order to alleviate this problem in the 1980 demonstration, an employee from another city department (who had a background in press coverage) was designated as press officer. This individual was fully briefed on the police operation and attended every planning session. All press and police personnel were advised in advance that all information would be released to the press by the press officer. This procedure allowed the press to obtain information without disrupting operations.

7) Learn from experience. During the entire process, the chief of police, the deputy chief, and the director of the law enforcement council maintained detailed logs. These logs included every phone call made or received in connection with the demonstration, minutes of all planning meetings, records of all actions taken, and intelligence information received. The logs were maintained from the beginning of the planning process through the critique following each demonstration.

The logs were combined into a comprehensive document recording the entire event. The document compiled for the 1979 Ohio demonstration proved invaluable in planning for the 1980 Michigan demonstration.

In addition, an observation team of area chiefs of police was organized. These chiefs were stationed at strategic locations and asked to record their observations and suggestions. The State attorney for New London County and members of his staff were also observers. A formal critique was held following each demonstration involving all participating agencies and the observers. Many problems were identified and corrected in this manner, and much was learned to make future operations more efficient.

Conclusion

Is Groton City successful in handling major crowd control situations? As with any police situation, objective evaluation of success or failure is difficult. However, the following facts are noted: Both launching ceremonies were conducted without delay; guests were able to enter and exit the shipyard without major inconvenience; of nearly 450 arrests for acts of civil disorders, only one civilian complaint was received. (This was for excessive force and was dismissed as unfounded); and

the demonstrators had ample opportunity to exercise their First Amendment rights.

Local reaction to the police response is best summed up by an editorial, "Police/Their Performance Saturday Was of Highest Order," which appeared in the area's major newspaper, the *New London Day*, in April 1979.

"Demonstrators who converged outside Electric Boat Saturday to protest the Trident program were American citizens expressing sincere and considered feelings, however much of those feelings differed from the 20,000 guests of the shipyard.

"The police contingents recognized this. They did not defer to the demonstrators, nor did they treat them with contempt. They regarded the protestors as human beings.

"Both sides respected each other. Both conveyed a message.

"The message of the more than 3,000 protestors was clear. But so was that of the police: We are here, they said by their firm but fair demeanor, to protect the public and property.

"In situations where arrests were necessary—and there were more than 200—the police, and the courts, acted with professional dignity. Demonstration leaders cooperated with the authorities to avert ugly confrontations.

"This could have been a trying experience for all concerned. But the way the police, and the courts, carried out their missions made it clear that this would be no Seabrook." **FBI**

The Chicago Crime Commission

*"From its inception,
the commission has taken
fierce pride in being
nonpolitical and independent."*

The Chicago Crime Commission is the oldest operating crime commission in the United States and has been the model for similar commissions established in other cities—now some 22 across the country. One of the city's most respected and venerable institutions, it is not well known to the general public.

Working mostly behind the scenes, the Chicago Crime Commission monitors various processes of the

By PATRICK F. HEALY

*Executive Director
Chicago Crime Commission
Chicago, Ill.*



Mr. Healy

Chicago area's criminal justice system and initiates constructive change. The commission has no official status, no arrest power, no subpoena power, and no court power. It does have what is probably the most important power of all—the power of public opinion.

The board of directors of the crime commission is among the most prestigious of any community organization in Chicago. It represents the very top establishment across the board—black, white, male, and female. Because of the members of the commission and the quality of work done by its staff, the Chicago Crime Commission is held in high esteem by law enforcement people throughout the country; immediate entry is provided to top government, police, and court officials.

One of the main functions of the commission is to maintain information regarding levels of crime in the community and the administration of criminal justice in order that citizens may make fair and intelligent judgments as to whether they are being well served by their public agencies. Since there is no central point of authority—agencies and departments deal with criminal justice in their own way—this is not an easy task. The public sector differs greatly from the private sector in management control. In business, a corporate official can easily ascertain whether the business as a whole is making a profit or experiencing a loss by checking the performance of corporate departments or divisions. In the public sector, the police report to one group, the courts to another, and the prosecutor to another. These agencies tend to report only data convenient for them to report, in terms that are most

likely to be complimentary. The Chicago Crime Commission controls all information and budget requirements and develops all needed data for managerial analysis and decisions. The commission presently monitors 34 Federal, State, and local agencies dealing with criminal justice matters.

The commission analyzes problems in depth and makes proposals to responsible decisionmakers—the chief judge, the State's attorney, etc.—to convince them to adopt measures that will resolve the problem.

Sample program areas illustrate the importance of the commission to the community.

Monitoring Criminal Justice Agencies

A total of 34 Federal, State, and local agencies are monitored at different levels, enabling the commission to detect trends, anticipate possible trouble areas, and indicate points of greater investigation:

- 1) Felony trials in the Circuit Court of Cook County are observed. The commission has worked with the Cook County League of Women Voters in extending citizen court watching programs throughout the country;

- 2) Reviewing and recording, on a daily basis, all felony indictments returned by grand juries;

- 3) All orders entered in criminal cases by trial judges are recorded;

- 4) Weekly and monthly activity reports listing case dispositions by judges are received;

- 5) Individual offenders are indexed;

- 6) Daily call sheets for each U.S. district court judge hearing criminal cases are reviewed;

- 7) Monitoring and indexing, where appropriate, all proceedings and reports of criminal justice agencies, including the Illinois Department of Law Enforcement, the Chicago Police Department, the Illinois Law Enforcement Commission, the Chicago/Cook County Criminal Justice Commission, the Administrative Office of Illinois State Department of Corrections and the Cook County Board of Corrections, the Illinois Legislative Investigating Commission, and the Cook County Sheriff's Office;

- 8) Public media (including newspapers, radio, and TV) are monitored for reports on law enforcement and the courts, crime, and legislative or administrative actions affecting the administration of justice;

- 9) Proceedings of the Chicago City Council, the Cook County Board of Commissioners, the Illinois State Legislature, and the U.S. Congress dealing with criminal justice administration are reviewed and monitored.

- 10) Appellate court decisions in criminal cases in both State and Federal courts are monitored and reviewed. When cases arise that may have significant impact on the administration of justice, the commission may ask the court's permission to supply additional information either to the court itself or to the parties appearing in the case;

- 11) Direct intelligence information is obtained through staff investigators on organized crime in the Chicago area; and

"Other cities should seriously consider forming a crime commission—no better investment could be made."

12) Liaison is maintained through periodic conferences with key personnel in criminal justice agencies, including the U.S. Department of Justice, the Illinois Department of Law Enforcement, the Chicago Police Department, the Cook County Sheriff's Office, and private credit agencies.

Maintaining Crime and Agency Performance Statistics

Maintaining statistics on crime and agency performance leads the commission to specific studies, such as court delay, gun case sentencing, bond forfeiture guidelines, and rape prosecutions.

Computerized Case Assignment

The staff has worked with the Cook County criminal court in developing a completely automated case assignment system for the criminal courts. The first of its kind in the country, the system allows for computerized random assignment of judges. This equalizes case loads among the 42 criminal court judges, provides for better court recordkeeping, and because of the random nature of case assignments, prevents the appearance of impropriety in case assignment.

The Victim/Witness Reception Center

Developed by the commission, the victim/witness reception center is operated by the State attorney's office and volunteers of the Junior League of Chicago. Offices, rather than courtrooms, are used for witness preparation. Paraprofessionals answer questions and help solve problems.

The center has improved communication between witnesses and the justice system. It has reduced trial delays due to incourt briefing, and through a simple system of case scheduling, has streamlined the operations of the preliminary hearing court. There has been a 45-day reduction in the average age of cases at the completion of preliminary hearings. Following the success of the first victim/witness center, the commission worked with the Junior League of Chicago to establish a second center which opened in the spring of 1977 and processes 40 to 50 witnesses each day. The newest center is proving to be as successful as its model.

The Victim/Witness Pamphlet

The victim/witness pamphlet attempts to inform witnesses and victims regarding their rights and about what will occur in the court system. Conceived and prepared by the commission's staff, the pamphlet is currently being distributed by the Chicago Police Department to victims and witnesses of crime who are asked to come to court.

Criminal Identification System for Cook County

The commission has established a simple, fast, cost-effective criminal identification system in the five suburban court districts. Directly linked to the Bureau of Identification in Joliet, Ill., the system provides suspect identification through fingerprint comparison within 2 to 4 hours of inquiry. Suspects with criminal records or fugitives using aliases are now identified at the rate of four to six a week in each district. Prior to the system's installation, fugitives could not be identified until well after bond hearings had occurred, allowing

them ample time to flee. Judges are now able to fix bail based on the suspect's prior record.

Criminal Identification System

This system, the first of its kind, provides a direct link between the suburban districts and the FBI's Identification Division. The program's success is evidenced by its adoption as a statewide program in Illinois and an intensive study by the FBI for possible nationwide implementation.

Suburban Crime Analysis System

The commission has begun a highly innovative and concentrated effort to help the 126 suburban law enforcement agencies coordinate with each other in order to reduce the suburban crime rate. Current focus is on developing a centralized criminal modus operandi file that will integrate incident reports originating in the suburbs, thus developing the capability to identify intersuburban crime patterns.

Sentencing

Commission studies demonstrated that to facilitate case processing, many judges base sentences on plea bargaining. As a result, the sentence neither fits the crime nor rehabilitates the criminal. Inappropriate sentences perpetuate the 75-percent recidivism rate. Many of the commission's proposed changes in sentence procedure were incorporated into the "class X" revision of the Illinois criminal code.

Witness Notification and Assistance

The commission notifies all complaining witnesses in felony cases (1,000 per month) of their initial pending court date. This is often the only notification the witness receives.

The commission also offers support to all complaining witnesses, answers questions for them, helps them with problems that may arise, and if necessary, facilitates cooperation between witnesses and justice agencies. Every year, approximately 1,000 victims and prosecution witnesses seek direct service from the commission.

Community Resource Program

The commission acts as a resource to community groups, such as block clubs and neighborhood associations. It provides them with information on crime in their neighborhoods, helps coordinate groups and assists them in developing self-help programs, such as "court watchers," "crime watch," etc.

Operation Crime Call—A 24-Hour Service

Citizens reluctant to report criminal activities to the authorities can report them to the commission via the operation crime call. The commission refers information of substance to the authorities and makes inquiries into system problems that are reported.

The Business Advisory Service

By using this service, businessmen can check on the possible syndicate connection of potential loan applicants, employees, clients, vendors, or business associates. The commission staff handles over 5,000 inquiries a year from businesses located throughout the United States. This service has enabled companies and banks to avoid doing millions of dollars of business with the syndicate.

"Chicagoland Law Enforcement Week"

"Chicagoland Law Enforcement Week" is an annual public event sponsored by the commission to honor law enforcement officials and to inform the public on ways they can help law enforcement agencies in their community. In 1977, the commission initiated a campaign to secure public support for crime prevention, using the slogan "Crime Hits Everybody—Everybody Oughta Hit Back." The campaign has received national, as well as local, coverage.

Clipping Morgue on Criminal Justice Subjects

Through over 60 years of data collection, the commission has amassed a library of information on organized crime that is considered to be among the most extensive and authoritative sources of information on the syndicate in the United States.

The commission is accessed daily by law enforcement agencies—both local and Federal—seeking information on organized crime. It was used extensively by the Kefauver and McClellan Committees in the 1950's. More recently, the U.S. House of Representatives Select Committee on Assassinations made extensive use of the commission's file during their investigation into the Kennedy and King assassinations.

The commission also uses its data base to provide an ongoing information service to the community. Among those who use this service are:

- 1) Nationally known publications, such as *Time*, *Newsweek*, and *Reader's Digest*;
- 2) Local publications, such as the Chicago newspapers and *Chicago Magazine*;

3) Investigative reporters, locally and nationally;

4) Community groups, such as the League of Women Voters and the Junior League of Chicago;

5) Universities and colleges;

6) Other crime commissions and communities wishing to develop crime commissions; and

7) National and local law enforcement agencies.

In addition, the commission periodically issues reports or publications on criminal justice.

The litany of services and programs undertaken is testimony to the civic dedication of the commission's board, committees, and membership, whose motto is "shall do." From its inception, the commission has taken fierce pride in being nonpolitical and independent. Its existence is dependent solely on corporate and individual dues and donations, allowing the commission complete freedom to comment and/or criticize anything or anyone. The lack of Federal or State funds has, however, limited its growth. To the commission members and the business community, this is a small price to pay.

The Chicagoland business community has been supportive in its efforts to make the commission succeed over the years and has pledged to continue to expand these efforts. The board of directors and commission members are presently making plans to evaluate all existing programs and services to see if there are any ways to expand its resources. The Chicago Crime Commission will meet the challenge of the 1980's. Other cities should seriously consider forming a crime commission—no better investment could be made.

FBI

The use of VIDEO TAPE in Law Enforcement Training

By SGT. WILLIAM B. McDONALD

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No one considers the programs appearing on a television screen to be the result of a magical sequence of events, but only a few of the millions of TV viewers have any idea as to how the image is produced. The same holds true for the American motorist. How many people who operate motor vehicles in the United States are familiar with, or even care, how their massive four-wheel steel machine functions? The point being, for most of us, it really doesn't matter. If it runs, we'll use it! So why not video?

This article is not intended to be a "how to" guide for the use of video, but a determined effort to project the concept equipollent to the cries of modern day law enforcement administrators desiring professional recognition in their field.

Yet, how many police administrations still lack adequate inservice training for departmental personnel? Or, for those who believe they are meeting necessary training requirements, are they paying vast sums of money for overtime, both for instructors and students?

In any situation requiring recurrent training, there is little that can be done to prevent spending funds for that purpose. The question is, "What is the most productive form of training for the

least amount of dollars?" Wrong! It's not video!¹ However, the proper use of video equipment can be extremely valuable in training, as well as other areas of law enforcement—crime scenes, voluntary confessions, and surveillance being just a few.

If one is willing, video training in law enforcement can be useful. However, its usefulness will be determined for the most part on the innovative qualities of the training director, the support of the police administrator, and the acceptance by the rank and file. Perhaps, Machiavelli in his work *The Prince* outlines the potential hazards:

"There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things, because the innovator has for enemies all those who may do well under the old conditions, and lukewarm defenders in those who may do well under the new."

Typically, inservice training of law enforcement personnel is accomplished by a lecture-oriented presentation. This may be combined with films, slide presentations, or other suitable

teaching aides. As this has been the primary teaching method used for centuries, it is difficult to criticize. And certainly, we cannot question the method with regard to its ability to transfer knowledge. However, certain subjects lend themselves to a video-oriented training concept that would actually intensify the learning process by presenting the same information given by a lecturer in a shorter period of time with greater comprehension. An example might be the correlation between a good novel and an excellent film portrayal. Many hours of reading are normally required to complete the book. In most cases it takes the reader a certain amount of time to become sufficiently engrossed in the dialog to reach a point in which he's psychologically living within the confines of the story line. In a film portrayal (using the hypothetical case whereby the film is as good as the book), the viewer may even be overcome by the aura of the opening titles. In under 2 hours, a story can be told with enough detail to stimulate the psyche of the viewer for days. Within the last few years, we've seen television movies that produce the same result in a much shorter period of time when commercials are taken into consideration.

Although some may believe that "commercial movies do not pretend, or convey the notion, that they are out to teach anybody or anything or . . . perform a service of any kind beyond that of entertainment,"² it should be obvious that "a picture is worth a thousand words."

Lt. John Fakler, commanding officer, AV/R Unit, Suffolk County, N.Y., Police Department, believes that a seven-to-one ratio exists between good roleplayed video training and lectures. It's a difficult theory to dispute since their recent production, "USE OF FORCE." This tape accurately teaches the entire concept of the New York State Penal Law, Section 35, which specifies the authorized use of force by law enforcement officers in any given situation. Their program, a three-part series, can be administered in under 1 hour and 10 minutes, including examinations. Correspondingly, I have observed an excellent lecture of the same material which took all of 8 hours to present accurately.

To take this point another step, consider a lecturer attempting to discuss the use of force allowable in the apprehension of a burglary suspect. What is the student visualizing when an instructor says, "If a perpetrator breaks into a home during the day . . ."? To be sure, each student is mentally envisioning a different house, a different floor, and a still different view of the method of actual entry (jimmying the door, breaking the window, etc.). Not that the different mental visualizations could cause a problem in defining the case, but the instructor may very often find himself doing a "one-on-one" with several students who might not relate to the instance.

In the tape, "USE OF FORCE," the student will see a white male exiting the 2-story frame building, carrying a television set as police officers prepare to confront the perpetrator in the driveway. The narration during the scene simply says, "In burglaries of a residence during the day. . . ." There will be little, if any, room for doubt in the mind of the student in depicting the particular scene. Therefore, the instructional objectives may be met with little conflict.

Equipment Selection

Until a few years ago, the Law Enforcement Assistance Administration (LEAA) was a good source of funds for hardware expenditures. Specifically, police agencies could receive funds for physical devices used to upgrade the law enforcement arts.

In contrast, LEAA has now greatly restricted its cash flow to specific projects that may result in material beneficial to many law enforcement agencies as a result of research. Perhaps this is a more realistic approach to funding practices, but it certainly impedes the acquisition of needed equipment by small police agencies with extremely limited budgets. And unless an agency is willing to spend several thousand dollars, the present state of the art does not dictate the availability of quality production studio equipment.

As indicated previously, video training can be a financially viable approach to the budget crunch experienced by many agencies, if the concept of video training is properly administered. Quite possibly, many agencies interested in video training may have previously purchased equipment during the period LEAA was funding such individual ventures. The type of equipment available many years ago, however, may not be compatible with modern video equipment of today. This can effectively limit, and in some cases actually prohibit, the agency from using currently available tapes.

Many of the pre-1970 video players/recorders failed to follow industry standards in playback techniques. As a result, the user's machine was needed to play back tapes created on that machine, or perhaps limited use to a specific brand name. This happens even today with the new home video recorders!

Tape Recorder/Player

There are three basic categories of tapes used today by law enforcement agencies: 1/2-inch reel-to-reel, 3/4-inch U-Matic cassette, and 1/2-inch cassette, with the latter falling into the home video classification. As a matter



Sergeant McDonald



*Donald L. Singer
Chief of Police*

of preference, $\frac{3}{4}$ -U, as it is commonly known, appears to provide the user with a greater source of prerecorded tapes, as well as the potential for electronic editing. For this reason, the $\frac{3}{4}$ -U format should be given the greatest consideration.

The recorder/player selection should be of primary consideration. Selecting a camera and monitor is fairly standard, in that neither rarely fails to function with the recorder/player choice. For all practical purposes, the recorder/player is the "heart" of the system. You can't do without it, yet it can "stand alone" and provide a playback-only capability if there are budget limitations.

There are many commercial sources for tapes; however, Federal, State, and municipal agencies who make their tapes available to other agencies, usually free of charge, should not be overlooked. It is, therefore, quite practical to consider purchasing a $\frac{3}{4}$ -U player with no recording ability, which will still provide a viable video-oriented training program. The obvious disadvantage in selecting a player rather than a player/recorder is that the future ability of creating tapes, should the budget permit, does not exist.

Color vs. Black & White

All modern $\frac{3}{4}$ -U and $\frac{1}{2}$ -inch cassette equipment have color capability. Color capability simply means that a video tape produced with a color camera will play back in color, if a color monitor is used. Conversely, a tape created with a black & white camera will play back in black & white, regardless of the monitor used.

It is suggested that a good black & white camera be purchased initially, if a department has had little or no experience in video. Besides the simplicity of operation, the black & white camera will provide more latitude for errors, and just as important, it will cost thousands of dollars less than a suitable color camera.

With black & white, only light and focus controls are of concern. Handling a black & white television camera is comparable to handling a 35mm

camera, and eventually, a black & white camera will find its place in the equipment inventory, since there are many occasions in which the color camera would be too difficult to use.

Monitor

For the new user on a limited budget, nearly any television receiver will suffice. Obviously, if color tapes are to be used, a color television is needed.

Usually, a monitor option is available on the TV camera selected, which will permit you to see what you're taping in the field. For all practical purposes, the monitor used for training should have a screen size directly proportional to the number of viewers and the size of the room.

At the risk of becoming overly technical, the new user should be aware of some of the basic terminology and equipment connections to assist him when selecting equipment.

As mentioned, there are three basic pieces of equipment necessary to tape and view—television camera, video recorder/player, and monitor. Questions which must be asked and answered prior to the selection of the equipment can be critical.

The first consideration should be power. All three of the basic necessities may be powered by battery, household current, or a combination of both. Obviously, if taping will be done in the field, serious consideration should be given to a battery-operated camera and recorder, with AC current adapters for inside use. One of the serious drawbacks of this selection, however, is that the state of the art has yet to develop a battery-operated $\frac{3}{4}$ -U recorder capable of handling the large 1-hour video cassettes.³ Therefore, you may be faced with a decision of either purchasing a portable recorder and a larger player for indoors or limiting training to those tapes you produce.⁴

To simplify the following, let's assume that the camera may *generate* two specific signals, the recorder/player may *receive* and *generate* those two signals, and the television/monitor may receive the two signals: RF (radio frequency) signal and video signal.

Looking at it in reverse, a television receiver normally has the capability of using only the RF signal to produce an image on the screen. The television antenna "captures" a transmitted signal, which is in the radio frequency spectrum, and converts it to the image seen. Therefore, if a television receiver is used for viewing tapes, the recorder/player (or the player, if that's all that was purchased) must be capable of generating an RF signal. Conversely, a television monitor is capable of receiving a video signal, not necessarily an RF signal. A monitor usually lacks a "tuner," that being the channel selector, and therefore, cannot be used for viewing commercial broadcasts. Obviously, the saving grace will then be to purchase either a television monitor/receiver or a recorder/player which generates the compatible signal.

On the other hand, a camera may have only one "output" capability, either RF or video signals. Once again, in the selection of the recorder/player, it is necessary to ensure that it has the capability of receiving the signal your camera will generate or select a camera capable of generating both signals.

Production Considerations

It was mentioned previously that the lecture vs. roleplaying video presentations could literally cut the time required to present a given topic. With this in mind, it must be remembered that the same basic trap can be fallen into with video.

Several large departments, as well as at least one leading Federal law enforcement agency, engage in a frowned-upon practice of concentrating their productions on "talking head." Simply put, talking head is a relatively stationary camera video taping an oral presentation of a lecturer.

If Lieutenant Fakler's concept of a seven-to-one ratio is accepted, little or no talking head should be used in video, as nothing is accomplished in the effort to reduce the presentation time of a subject. Furthermore, there is the risk of falling short of instructional objectives, because the lecturer may fail to touch on every point of a topic.

Don't forget, he'll probably not be around to answer the students' questions. (After all, that was your purpose for video taping his lecture, wasn't it?)

If there is an occasion to tape a knowledgeable individual, one whose schedule prohibits several appearances to many groups, the value of the individual's knowledge should be weighed against the requirements of your personnel and available funds for providing the learning. If, like in most law enforcement agencies, the same training program is offered to all department personnel within a given period of time, it may be better financially to "roleplay" the subject matter rather than to attempt the other option of paying high overtime rates to off-duty personnel to attend the lecture. This concept is based on the well-known, but little accepted, theory that full-time employees will be paid for their presence regardless of the duties they happen to be performing at the time, whereas payment of overtime has to be justified (and training is not usually as attractive to fiscal officers as crime solving). Therefore, if 200 man-hours are devoted to the production of a 20-minute roleplaying video tape, chances are that the funds expended for the actual production would not be over and above what would be paid in salaries.

The New User

The new user can include the police department which has the financial ability to purchase new video equipment, the department which has dusted off old equipment which is still usable, or the agency which has access to the necessary equipment (public schools, another branch of municipal government, etc.).

Regardless of the agency's size, certain internal structural changes may be necessary to assign an adequate number of men capable of providing the desired result. This may require expanding the training unit or at least redefining the goals of the men currently assigned. However, the time involved in their "first creation" must be understood and accepted by administrative supervisors.

Previously, a suggestion of 200 man-hours may be required for the production of a 20-minute tape. This figure, although not a rule, could very well be the case—and perhaps an optimistic estimate. Before anything is actually done, a decision must be made as to what type of video training is to be implemented. For example, many agencies have developed the "unscheduled training" approach.

The unscheduled training approach permits all department personnel to attend a video tape training session during any tour of duty, with as few as one man being taken off the street at a time. This is usually accomplished by placing the burden of the training schedule on the tour commander, requiring that all personnel under his command view the tape within a given period of time. Customarily, the tour commander is given more than one shift or basic scheduling period to accomplish this. In many instances, it may be impossible for him to lose even one man during high-crime hours, and he should have the option of training his men during early morning hours, if necessary.

One of the unique benefits of this approach is that the unscheduled training concept does not prohibit the trainee from being called out of his training session if needed on the street. He can always return later and usually pick up where he left off on the tape.

Many agencies using this technique have the video player and monitor set up in the room in which rollcall and assignments are also handled. In this manner a short tape, usually running under 3 minutes, is played to the men before they turn out for duty. These daily information tapes contain such items of interest as major criminal activity over the past 24 hours, wanted persons, special information from other department units, etc. The rollcall tape is probably one of the only exceptions to the unacceptable "talking head."

The Good, The Bad, and The Ugly

In almost 4 decades, television has progressed from the experimental and developmental stage to a highly competitive market. Less than 20 years ago, when color television was introduced in earnest to the consumer, only the wealthy, the foolish, or brave would invest close to \$1,000 to see the few and far between television productions in "living color" (which barely would pass muster using today's standards). Today, at least one color television in a home is the rule rather than the exception.

If a professional image for law enforcement is to be built, then it is important to take a good hard look at priorities, with the suggestion that training stand out front. And, if we're to accomplish the training goals expected of us by society, then no agency should be "penny wise and pound foolish" in its approach to training. If we are to be subjected to the scrutiny of the press during the day, shown at our worst on the evening news, and then evaluated by the public for weeks to come, it is essential to band together in an effort to upgrade the professional image of law enforcement through training.

The Good

The first step has been taken with the general willingness to experiment with new ideas, one of which is video training. Men and women who have joined the police ranks believing they would fight crime on the streets have, with their departments' blessings, begun to produce some excellent video tapes that unquestionably have assisted their fellow officers. Commercial houses can't be expected to provide the tapes necessary for specific individual needs. We must continue to "roll our own," so to speak.

The Bad

Don't assume that any approach to the video concept is the best, even if it might be! Seek out the talents of others, and certainly don't quit! If subordinates and/or peers aren't impressed with individual efforts, then

consider seeking their help with the production. Few, if any, of the departments involved in "roleplaying" have had any trouble recruiting volunteers from their ranks as actors and technicians. Cops love to play the "bad guy."

The Ugly

Once a department has incorporated video into its training programs and has achieved relative success, it should share its knowledge and expertise with other agencies. Suffolk County's AV/R Unit is noted for its efforts in this area. With literally vast amounts of money invested in sophisticated video equipment, they never fail to show their willingness to assist those in need. More importantly, they repeatedly state that they learn through cooperation with even the smallest agency.

Cooperation is the key to mutual success. Helping the small agency lacking video tape equipment to create its own law enforcement productions could be mutually beneficial in the end to both the large and small agencies. Assistance and cooperation will enhance the relationship between the two agencies, as well as provide satisfactory training material.

FBI

Footnotes

¹ The most productive form of training will be determined by the subject, not the method of presentation. Firearms training, for example, may be supplemented with some video, but certainly cannot be used exclusively. Additionally, many other subjects will require a "hands on" approach, which could exclude video altogether.

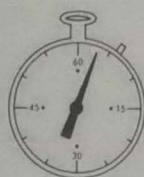
² John A. Niemi, ed. *Mass Media and Adult Education*, "What Should Mass Communications be Doing?" p. 15.

³ ½-U video cassettes are available in two physical sizes—KCA & KCS. KCA is the larger, designed to fit the larger nonportable recorder/players. Generally, they have tape lengths from 10 minutes to 1 hour. KCS tapes are in a physically smaller package, with tape lengths of up to 20 minutes.

⁴ Normally, the KCS cassettes will fit into the larger nonportable machines. Therefore, tapes can be produced on small portable recorders and played back on a larger machine.

Crime Statistics

CRIME CLOCK 1979



one
CRIME INDEX OFFENSE
every 3 seconds

one
VIOLENT CRIME
every 27 seconds

one
PROPERTY CRIME
every 3 seconds

one
MURDER
every 24 minutes

one
FORCIBLE RAPE
every 7 minutes

one
ROBBERY
every 68 seconds

one
AGGRAVATED ASSAULT
every 51 seconds

one
BURGLARY
every 10 seconds

one
LARCENY-THEFT
every 5 seconds

one
MOTOR VEHICLE THEFT
every 29 seconds

The crime clock should be viewed with care. Being the most aggregate representation of UCR data, it is designed to convey the annual reported crime experience by showing the relative frequency of occurrence of the Index Offenses. This mode of display should not be taken to imply a regularity in the commission of the Part I Offenses; rather, it represents the annual ratio of crime to fixed time intervals.

Crime in the United States 1979

According to figures released in the FBI Uniform Crime Reports' publication "Crime in the United States," which reports yearly the fluctuations of crime in the Nation, all Crime Index offenses escalated in volume during 1979. Totalling over 12 million offenses, or an average of 5,522 crimes per 100,000 U.S. inhabitants, the Index showed an overall 9-percent volume increase from 1978, while the estimated population of the United States rose by only 1 percent.

Violent crimes as a whole were up 11 percent: Murder and aggravated assault each jumped 10 percent; robbery, 12 percent; and forcible rape, 13 percent. Among the property crimes, which collectively rose 9 percent and accounted for 90 percent of the Index's volume, burglary increased 6 percent; larceny-theft, 10 percent; and motor vehicle theft, 11 percent. Although the collection of arson statistics began in 1979, this newly established Index offense is not included in these national trend figures. Complete annual figures are not available for this property crime,

since not all contributing agencies were able to furnish arson reports for the entire year.

In 1979, the law enforcement community cleared 20 percent of the reported Index crimes. The clearance rate for the violent crimes was 44 percent—73 percent of murders, 59 percent of aggravated assaults, 48 percent of forcible rapes, and 25 percent of robberies. With respect to property crimes, a 17-percent clearance rate was recorded—19 percent of larceny-thefts, 15 percent of burglaries, and 14 percent of motor vehicle thefts. Persons under 18 years of age were involved in 27 percent of the Crime Index (excluding arson) clearances, 12 percent of violent crime clearances, and 31 percent of property crime clearances.

Nationally, an estimated 10.2 million arrests, 1 percent more than in 1978, were recorded for all criminal infractions other than traffic violations, while arrests for the eight Crime Index offenses alone rose 3 percent. Of those arrested for all crimes, 23 percent were under 18 years of age, 40 percent were under 21, and 57 percent were under 25. Arrests of males outnumbered those of females by 5 to 1 and accounted for 84 percent of all arrests and 81 percent of arrests for Index crimes.

Violent Crimes

Among regions and areas, the only decrease in murder offenses (2 percent) was reported in rural areas. For every 100,000 inhabitants, there was an average of 10 murder victims, and 1 of every 5 victims was related to his assailant. Sixty-three percent of the murders were committed with firearms. Concerning arrestees for murder, 44 percent were under 25 years of age and 25 percent were in the 18- to 22-year age group.

In 1979, 67 of every 100,000 females were rape victims, a 12-percent rate increase from 1978, while arrests for forcible rape increased 9 percent. Males under the age of 25 accounted for 57 percent of those arrested and 30 percent were in the 18- to 22-year age group.

For every 100,000 people in the United States, there were 212 robberies, an 11-percent rise from the 1978 rate. Primarily a large-city crime, 7 out of 10 robberies occurred in cities with populations of 100,000 or more, with a rate of 561 per 100,000 inhabitants. The average loss per robbery was \$532, for a total reported loss of \$248 million. Forty percent of the robberies were committed with firearms; 38 percent were strong-arm robberies. The remainder were committed with either knives or other cutting instruments or other dangerous weapons. Arrests for robbery were up 3 percent. Seventy-four percent of the arrestees were under 25 years of age, and females were arrested in 7 out of 100 robberies, an increase of 6 percent over 1978 arrests.

An average of 279 per 100,000 persons were aggravated assault victims in 1979, a rise of 9 percent over the 1978 rate. Twenty-three percent of aggravated assaults were perpetrated with firearms; 22 percent with knives or other cutting instruments; 28 percent with other dangerous weapons; and 27 percent with personal weapons such as hands, fists, and feet.

Property Crimes

Burglaries resulted in losses totaling \$2.1 billion to victims, with an average loss of \$644 per incident. For every 100,000 persons there were 1,499 burglaries reported, an increase of 5 percent. Seventy-three percent were forcible entries; 20 percent were unlawful entries (without force); and the remainder were forcible entry attempts. Adult arrests for burglary were up 6 percent from 1978, while arrests of persons under 18 years of age were down 6 percent. Persons under 25 years of age were the offenders in 83 percent of the burglary arrests, and those under 18 years of age in 49 percent. Six of every 100 arrestees were female.

A national rate of 2,988 larceny-thefts per 100,000 inhabitants, an increase of 9 percent over 1978 totals, was recorded in 1979. The average value loss was \$256, for a total loss to victims of \$1.7 billion nationally. Arrests for this offense increased 4 percent. Comprising the largest portion of Crime Index offenses, the larceny-theft category also accounted for 51 percent of the total arrests for Index crimes. Forty percent of the arrestees were under 18 years of age and 30 percent were females, who were arrested for this crime more often than any other.

An estimated average of 1 of every 145 registered motor vehicles was stolen nationally in 1979. For every 100,000 inhabitants, there were 498 offenses of motor vehicle theft, an increase of 10 percent. Total arrests for motor vehicle theft were down 1 percent from 1978. Sixty-nine percent of the arrestees were persons under 21 years of age and 49 percent were under the age of 18.

Police Officers Killed

During 1979, 106 law enforcement officers were feloniously killed in the line of duty, and an average of 17 of every 100 officers nationwide were assaulted. Assaults resulted in approximately 22,000 personal injuries to officers, for a rate of 6 per 100 officers. Personal weapons were employed in 82 percent of the assaults, while firearms, knives or other cutting instruments, and other dangerous weapons were used in the remainder. Of assaults resulting in personal injury, broken down by type of weapon used, 21 percent were caused by firearms, 34 percent by knives or other cutting instruments, 38 percent by personal weapons, and 41 percent by other dangerous weapons. Nearly one-half of the assaults against officers occurred during the hours of 8 p.m. to 2 a.m. Thirty-two percent of the assaults occurred while law enforcement officers were responding to disturbance calls, and vehicle patrol officers were victims in 80 percent of all assaults.

FBI

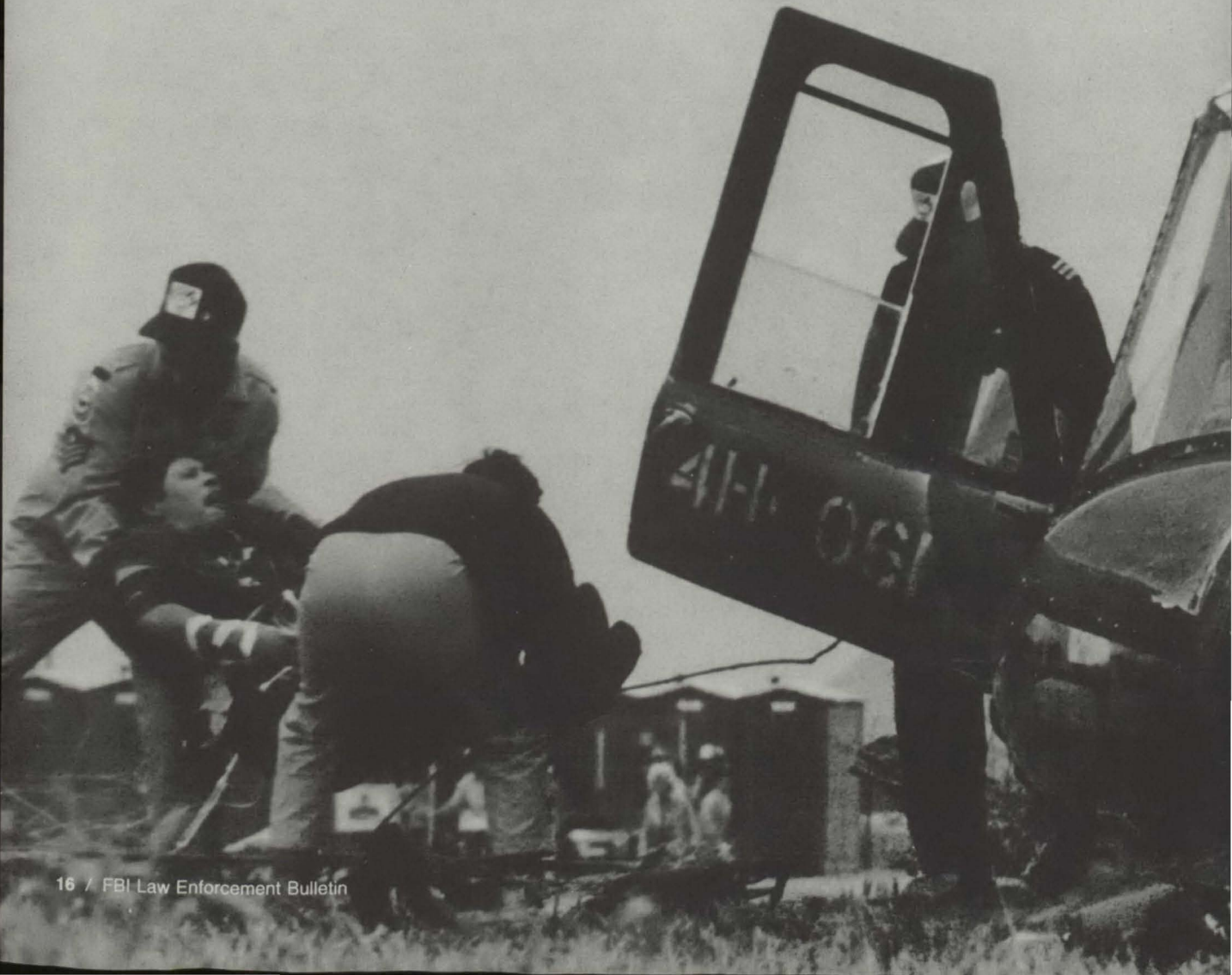
“That Others May Live”

By CAPT. JERALD L.
FOLKERTS


*1550th Aircrew Training and Test Wing
Kirtland Air Force Base, N.M.*

It was a winter day in the Rockies when the search began for a missing aircraft that was long overdue at its destination. Two days into the search, a New Mexico Civil Air Patrol aircraft crashed into a 12,500-foot, snow-covered ledge, 30 miles east of Taos, N.M. Both crewmembers were severely injured. Almost immediately, rescue aircraft were launched from Kirtland Air Force Base in Albuquerque. The commander of the helicopter realized that in order to hover at the high altitude of

the crash site, he would have to keep his helicopter weight as low as possible. Working with a fixed wing rescue airplane, he was able to aerial refuel just prior to arriving at the crash site, talking on only enough fuel for one recovery attempt. After establishing hover at the site, two pararescuemen (PJ) were lowered by a hoist cable from the helicopter to assist the survivors. Working on the cold snow-covered ledge, the PJ's prepared the



survivors for a litter pickup. The pilot then maneuvered his helicopter over the ledge, while the flight engineer hoisted the survivors into the helicopter. A second aerial refueling was then accomplished, permitting safe return to Albuquerque and medical assistance for the two survivors. This article is about the 1550th Aircrew Training and Test Wing (ATTW), an organization dedicated so "THAT OTHERS MAY LIVE."



Pararescuemen attend to victims at a simulated crash site.

The 1550th ATTW is part of the Aerospace Rescue and Recovery Service (ARRS) established in 1946 as part of the Air Transport Command. Since its formation, ARRS personnel have saved the lives of over 19,000 persons who found themselves in dangerous situations and would not have survived without assistance.

The mission of the Aerospace Rescue and Recovery Service is multifaceted, ranging from combat rescue missions to weather reconnaissance and atmospheric sampling operations. A corollary mission is to provide assistance to civilians in distress. This support covers a broad spectrum from land and sea search and rescue (SAR) missions to transporting food, clothing, and medical supplies to victims of floods and earthquakes. Lost hunters, civilian pilots, wandering children, and injured mountain climbers are frequent subjects of search and rescue missions. In addition, coastal units are often used to recover critically ill seamen from ships located hundreds of miles out to sea.

The Air Force Rescue Coordination Center (AFRCC) located at Scott Air Force Base, Ill., coordinates all inland search and rescue operations, using assets from ARRS, the Civil Air Patrol, other military units, and a variety of volunteer organizations. The AFRCC also cooperates and works closely with State and local agencies in coordinating the services of police and sheriff department personnel, as well as local volunteer rescue teams to aid persons in distress.

The Civil Air Patrol (CAP), an official auxiliary of the Air Force, flies 80 percent of the air search hours flown on all inland search and rescue missions. CAP pilots volunteer their time and aircraft on very short notice, often for days at a time, and are reimbursed only for fuel, oil, and communications.

Military Assistance to Safety and Traffic (MAST) was adopted by the U.S. Government as a program in which military equipment and personnel are used to assist traffic accident

victims and other civilians in medical emergencies. Although rescue units do not compete with civilian agencies capable of performing the required medical evacuation, many ARRS units participate in MAST missions on a regular basis. Since this test program proved extremely successful, MAST programs have been implemented at six ARRS light lift helicopter units in the United States and have assisted in saving 800 lives.

It is the responsibility of the 1550th Aircrew Training and Test Wing, Kirtland Air Force Base, to train crewmembers for worldwide combat rescue operations and to test new equipment for rescue use. The 1550th ATTW includes the consolidated Air Force helicopter school, the specialized aircrew training school, and the advanced pararescue training school. The school teaches 33 different courses of instruction for four different types of helicopters and one primary fixed wing rescue aircraft.

The 1550th Flight Training Squadron conducts flight training in two different aircraft designated as light lift helicopters. These helicopters are primarily utility transport helicopters and are used for a variety of missions, including combat rescue, survival school support, firing range support, and MAST.

The squadron also operates two heavy lift helicopters, one of which is the Air Force's largest, fastest, and most powerful helicopter. Since both are equipped with a retractable probe for aerial refueling and an external rescue hoist, they are used for search and recovery of personnel and equipment.

The primary fixed wing rescue aircraft is designed for long-range search, location, and recovery of personnel or hardware. A wide range of communications gear is used for the aircraft's primary role as airborne command post for long-range search operations. The aircraft also contains an overhead delivery system for the air drop of supplies or equipment to survivors on the ground or in the water. Two models have the capability to aerial refuel helicopters from their own wing tanks and extra internal fuel tanks.



Col. Bruce M. Purvine,
Commander,
1550th Aircrew Training and Test Wing



Captain Folkerts



A burn victim is treated by an Army and Air Force team of medical technicians enroute to a burn treatment center in Texas.

Training crewmembers is the primary mission of the 1550th ATTW, of which the Air Force Pararescue School is part. The pararescueman is known throughout the Air Force and the world for heroism and knowledge of many diverse and challenging fields. He is a parachutist, a scuba diver, a mountain climber, and most important, a highly trained medical technician.

The 1550th is the finishing school for the PJ who has already had extensive physical conditioning and medical training, basic jump school, scuba training, and survival training. But there is still a long way to go before winning the coveted maroon beret.

The 1550th's 8-week advanced program includes medical training, with

2 weeks of laboratory training and actual medical situations to simulate realistically almost any injury the PJ could encounter.

The PJ then moves on to the advanced jump training, including tree and water jumps and the particularly hazardous night jumps. The program includes three land jumps, three water jumps, and one tree jump. After the tree jump, the PJ must be able to lower himself to the ground to reach his victim and provide medical assistance.

In his fifth week of training, the PJ student is introduced to mountain rescue procedures and techniques. He must know how to come down the mountain with a survivor, as well as how to get there in the first place. Pararescuemen are used in teams to reach difficult mountainous areas that are inaccessible by other means, and they must learn teamwork principles,

After rescuing two injured Civil Air Patrol pilots from a crash site, personnel from Kirtland's 1550th ATTW transport victims to hospital for treatment.



as well as the individual climbing techniques.

In operations training, students are taken to test sites on the mesas and mountains surrounding Albuquerque, where the training is done on land and water. After operations training, students learn search and rescue procedures and tactics.

Many advances in rescue techniques and operations have been recorded in recent years. One of the most important new techniques is also one of the most important facets of the 1550th's training program—aerial refueling. This is accomplished in flight with helicopters refueling behind fixed wing aircraft. Aerial refueling greatly extends the flying range of the helicopters and allows them to reach survivors faster, since they won't have to land to refuel. Without the air refueling team concept, many of the rescue missions successfully completed would not have been possible.

Although the 1550th ATTW is a training wing, it provides search and rescue coverage and has been called upon many times for assistance. During the week, aircraft can be diverted from training missions to participate in SAR operations and respond on a short-notice basis. On weekends, designated crews are kept on standby for any possible SAR activity. Since the wing moved to Kirtland in 1976, it has run 95 rescue missions and saved 64 lives.

Ask a local Catholic priest who crashed his plane west of Albuquerque in January. He suffered a compound fracture of the leg, internal injuries, and facial lacerations. In spite of heavy rain and 150-foot ceilings, he is alive today, thanks to a rescue team.

Or ask the pilot of a light aircraft who was having difficulty maintaining safe visual flight in the mountains east

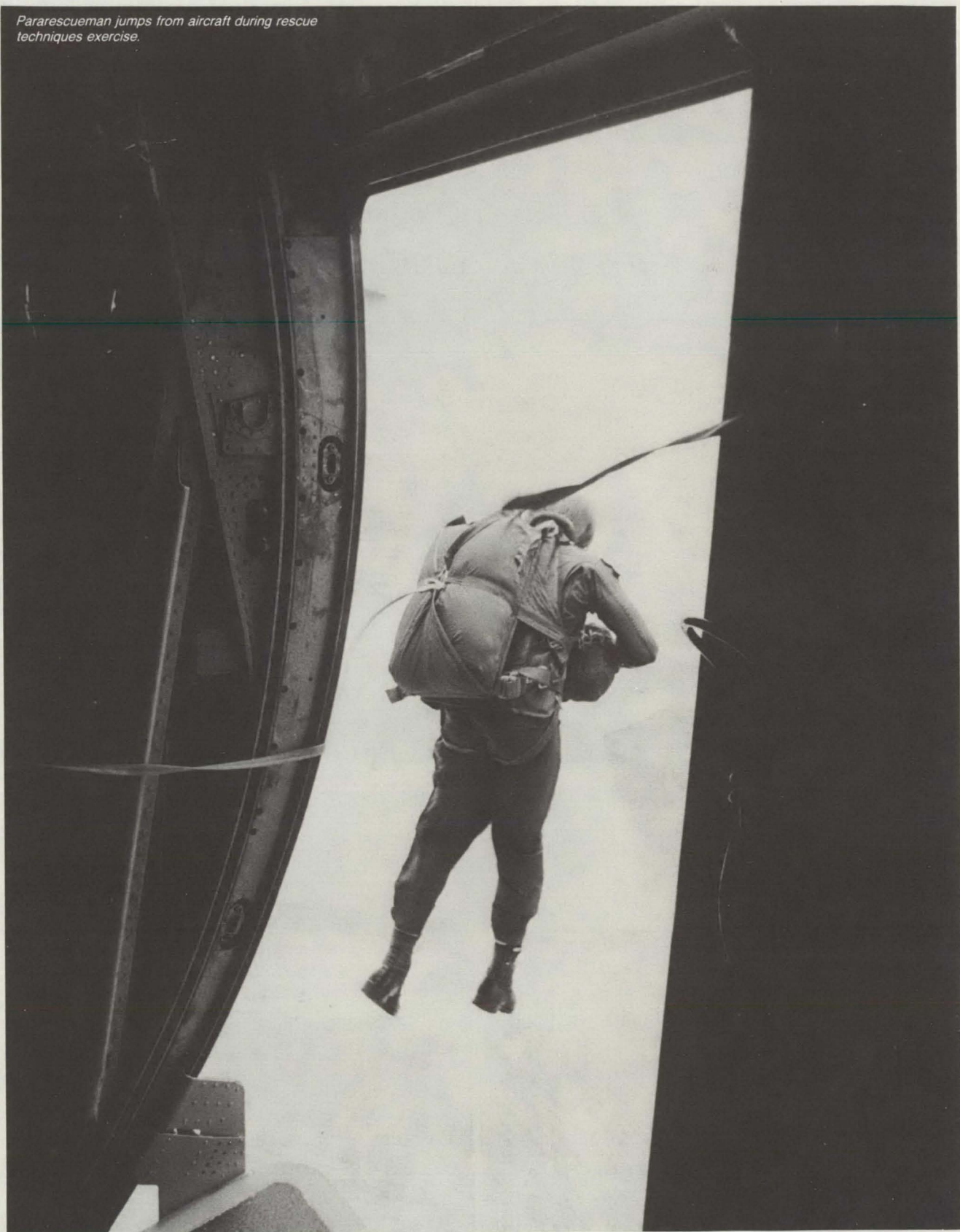
of Albuquerque. A 1550th ATTW pilot on a training mission established the light aircraft's position, talked the pilot out of climbing into cloud and moderate icing conditions (he was not instrument qualified), and directly contributed to the light aircraft's subsequent safe landing.

Ask the seriously burned 38-year-old electrician who was flown by helicopter to a burn team from the Brooke Army Medical Center.

Or ask the crew from the New Mexico Civil Air Patrol aircraft who were mentioned in the beginning of this article. They were able to attend a wing gathering and thank all personnel that they are alive today.

After all, that's what it is all about. The 1550th ATTW trains an elite cadre of Air Force personnel to carry out worldwide rescue missions. These men and women live by the motto "THESE THINGS WE DO, THAT OTHERS MAY LIVE." **FBI**

Pararescueman jumps from aircraft during rescue techniques exercise.



Warrantless Vehicle Searches:

The Impact of *Arkansas v. Sanders*

By JOHN C. HALL
*Special Agent
Legal Counsel Division
Federal Bureau of Investigation
Washington, D.C.*



John C. Hall

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.

On June 20, 1979, the U.S. Supreme Court decided *Arkansas v. Sanders*.¹ This article will examine the holding in that case in light of the development and state of the applicable law, and through examination of State and lower Federal court cases applying and interpreting that decision, measure its impact on the authority of law enforcement officers to conduct warrantless searches and seizures.

The Facts

On April 23, 1976, police officers in Little Rock, Ark., received information from an informant that Sanders would arrive at the Municipal Airport on that date, at a specific time and on a specific flight, carrying a green suitcase filled with marihuana. The same informant had provided information leading to the arrest and conviction of Sanders on a previous occasion for possession of marihuana. Acting on the information received, the officers set up a surveillance at the airport to await Sanders' arrival. Consistent with the informant's tip, Sanders appeared at the terminal carrying some handheld luggage, which he placed inside a taxi. As the officers watched, Sanders returned to the baggage claim area, met a companion, and retrieved a green suitcase matching that described by the informant. After placing the suitcase in the trunk of the waiting taxi, the

“... the courts have generally considered two factors: The *nature* of the container and its *condition* at the time of the search.”

two men entered the vehicle and were driven away. The officers pursued the vehicle, stopped it on the highway, and requested the taxi driver to open the trunk. The green suitcase was removed from the trunk by the police and opened immediately, revealing a large quantity of marihuana which was introduced at Sanders' trial for possession. Sanders' conviction was appealed to the Arkansas Supreme Court which reversed, holding that even though there was ample probable cause to believe that contraband was located in the suitcase, there were no exigent circumstances justifying a warrantless search.² From that ruling, the State appealed to the U.S. Supreme Court, contending that the warrantless search of the suitcase was proper as part of an automobile search, lawfully conducted under the “automobile exception” to the warrant requirement of the fourth amendment.³

The Issue

The question presented to the U.S. Supreme Court was, therefore, “whether, in the absence of exigent circumstances, police are required to obtain a warrant before searching luggage taken from an automobile properly stopped and searched for contraband.”⁴

To understand properly the Court's response to the question posed, it is essential to review briefly the development and general state of that portion of the law governing warrantless automobile searches on which the State relied in framing its appeal to the Supreme Court.

The Background

In its interpretation of the fourth amendment to the U.S. Constitution, the Supreme Court has long held and frequently restated the basic proposition that searches conducted without warrants “are *per se* unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions.”⁵

One such exception is the “automobile exception.” Commonly referred to as the “Carroll Rule” (from the name of the case in which the Court first articulated it, *Carroll v. United States*⁶), this exception to the warrant requirement was, from its inception, based on two factors: 1) *probable cause* to believe that an automobile or other mobile vehicle contains evidence or contraband,⁷ and 2) the *mobility* of the vehicle which may make it impracticable to secure a warrant “because the vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be sought.”⁸ The “automobile exception” is distinct from, although frequently confused with, another exception to the warrant requirement, the search incident to an arrest. In *Carroll*, the Court pointed out that “the right to search and the validity of the seizure are not dependent on the right to arrest. They are dependent on the reasonable cause the seizing officer has for belief that the contents of the automobile offend against the law.”⁹ It is noted that Carroll was arrested only *after* his automobile was stopped and searched and contraband found inside.

Since its *Carroll* decision, the Supreme Court has frequently reasserted the vitality of the exception thus created.¹⁰ It may even be fairly said that in recent years the Court has exhibited a

willingness to apply a rather broad interpretation to the “mobility” requirement of the rule, upholding the warrantless searches of cars under circumstances where the actual risk that the vehicle would be removed from the jurisdiction was virtually nonexistent.¹¹

However, despite its apparent willingness to take a rather “broad” view in allowing warrantless searches of mobile vehicles based on probable cause, the Court has not been as willing to extend that same authority to other items of personal property, however movable they might be. For example, in *United States v. Chadwick*,¹² the Court ruled unconstitutional the warrantless search of a 200-pound, double-locked footlocker by Federal narcotics agents. The Government contended that there was probable cause to believe the footlocker contained contraband and that factor, coupled with the movability of the footlocker itself, made the search analogous to the warrantless search of an automobile under the “automobile exception.”

While conceding that such items as personal luggage are movable, and recognizing that one of the underlying justifications for the “automobile exception” is the “inherent mobility, which often makes obtaining a judicial warrant impracticable,”¹³ the Court pointed out that an important distinction between the two is the “diminished expectation of privacy which surrounds the automobile.” The Court stated:

“Unlike an automobile, whose primary function is transportation, luggage is intended as a repository of personal effects. In sum, a person's expectations of privacy in personal luggage are substantially greater than in an automobile.”¹⁴

“... the container can be lawfully seized pending receipt of a search warrant, and so presumably can any suspect whom the police have probable cause to believe is the possessor of the evidence or contraband being sought.”

Thus, while the Court continued to recognize the validity of the “automobile exception” to justify the warrantless search of vehicles, it declined to extend that same rationale to allow warrantless search of personal containers, such as luggage, wherein, despite the movability of such containers, the “expectation of privacy” is considered to be greater.¹⁵

Chadwick did not purport to decide whether the warrantless search of an automobile under the “automobile exception” could extend to personal containers (such as luggage) located within the automobile. Nor had the Court previously considered that question. It is clear, however, that prior to *Chadwick*, the lower Federal courts made little, if any, distinction between the automobile and containers located inside. In fact, the “automobile exception” was generally interpreted to permit the warrantless search of the automobile and any containers located therein which could conceivably conceal the evidence or contraband being sought. In a typical pre-*Chadwick* case, *United States v. Soriano*,¹⁶ a Federal appeals court upheld the warrantless search of suitcases removed from the trunk of an automobile. The court stated:

“The officers . . . indisputably had probable cause to believe that the vehicle contained contraband, a circumstance justifying the initial incursion into the trunk. Under established law in this circuit and elsewhere, this justification encompassed the search of containers in the vehicle which could reasonably be employed in the illicit carriage of the contraband.”¹⁷

Following *Chadwick*, this “established law” became less established, and a divergence of views began to develop in the lower courts. In *United States v. Stevie*,¹⁸ for example, one Federal appeals court suppressed marihuana found during a warrantless search of a suitcase which had been removed from an automobile. The court held that although *Chadwick* did not circumscribe the “automobile exception,” a person’s “expectation of privacy in the contents of luggage . . . is entitled to the protection of the Fourth Amendment whether the luggage is located inside or outside an automobile.”¹⁹ On the other hand, in *United States v. Finnegan*,²⁰ a different Federal court upheld the warrantless search of a suitcase located in an automobile under similar circumstances. The court read *Chadwick* as merely declining to create a new exception to the warrant requirement, but in no way affecting the scope of the already existing “automobile exception.” Accordingly, the court found that there was probable cause to believe contraband was in the suitcase and “exigent circumstances were present here because the automobile containing the luggage could be moved.”²¹ The court noted that to rule otherwise would produce the “inconsistent and contradictory” result that “a police officer could search and seize a brick of marijuana lying inside the trunk of a car but not a brick of marijuana lying inside a suitcase in the trunk of a car.”²²

And so it was against this backdrop—the evolution of the “automobile exception,” the question implicitly raised by *Chadwick* regarding the proper scope of that exception, and the conflicting responses to the problem among the lower courts—that *Arkansas v. Sanders* was decided.

The Decision

Considering for the first time the constitutionality of a warrantless search of luggage taken from a lawfully stopped automobile, the Supreme Court held:

“[T]he warrant requirement of the Fourth Amendment applies to personal luggage taken from an automobile to the same degree it applies to such luggage in other locations. Thus, insofar as the police are entitled to search such luggage without a warrant, their actions must be justified under some exception to the warrant requirement other than that applicable to automobiles stopped on the highway.”²³

The Rationale

In explaining the basis for its ruling in *Sanders*, the Court stated:

“There are essentially two reasons for the distinction between automobiles and other private property. First . . . the inherent mobility of automobiles often makes it impracticable to obtain a warrant. . . . In addition, the configuration, use and regulation of automobiles often may dilute the reasonable expectation of privacy that exists with respect to differently situated property. . . . One is not less inclined to place private, personal possessions in a suitcase merely because the suitcase is to be carried in an automobile rather than transported by other means or temporarily checked or stored. Indeed, the very purpose of a suitcase is to serve as a repository for personal items when one wishes to transport them.”²⁴

Although the actual holding in *Sanders* is narrowly confined to "personal luggage," the Court recognized that the underlying rationale for that holding—greater privacy expectation in personal luggage than in automobiles—could apply to other types of containers as well. In a footnote to its decision, the Court stated:

"There will be difficulties in determining which parcels taken from an automobile require a warrant for their search and which do not. Our decision in this case means only that a warrant generally is required before personal luggage can be searched and that the extent to which the Fourth Amendment applies to containers and other parcels depends not at all upon whether they are seized from an automobile." ²⁵

What it does depend on is a case-by-case determination of privacy expectation in each particular type of container encountered during the course of a warrantless automobile search.

The Impact

The dissenting opinion in *Sanders* complained that the decision "... undermines the automobile exception ... creates ... greater difficulties for law-enforcement officers, for prosecutors, for those suspected of criminal activity, and of course, for the courts themselves," and predicted that "soon to be litigated are the briefcase, the wallet, the package, the paper bag, and every other kind of container." ²⁶

In the aftermath of *Sanders*, State and lower Federal courts have indeed considered a wide variety of cases dealing with containers located in properly searched automobiles and have determined that a search warrant is required for most of them, including a briefcase,²⁷ a wallet,²⁸ a leather pouch,²⁹ a guitar case,³⁰ a backpack,³¹ a satchel,³² a purse,³³ a cardboard box,³⁴ a portfolio,³⁵ a leather box,³⁶ a small metal box,³⁷ a locked tool box,³⁸ an athletic bag,³⁹ a camera case,⁴⁰ a shaving kit,⁴¹ a cloth whiskey bag,⁴² and jacket pockets.⁴³

In most of these cases, the courts did not find a lack of probable cause to support the warrantless search of the automobiles involved, but rather concluded that there was a greater expectation of privacy with respect to the particular container found inside the car. Typical is *United States v. Dien*,⁴⁴ wherein the court determined that there was probable cause to support the warrantless search of a van, as well as the warrantless seizure of three large, partially taped, cardboard boxes found inside the van. However, the court suppressed marihuana found inside the boxes as the result of a warrantless search and stated:

"By placing the marijuana inside a plain cardboard box, sealing it with tape, and placing it inside a van the windows of which had been painted over and in which plywood had been placed behind the driver's seat, [defendants] manifested an expectation that the contents would remain free from public examination." ⁴⁵

While it may be tempting to conclude from the foregoing that surely every conceivable container falls within

the *Sanders* rule and requires a warrant for its search, in reality some courts have concluded that certain containers are not deserving of the same high expectation of privacy as luggage and can therefore be searched without a warrant. In fact, a footnote to the Supreme Court's decision in *Sanders* explained:

"Not all containers and packages found by police during the course of a search will deserve the full protection of the Fourth Amendment." ⁴⁶

In distinguishing those containers which are deserving of the "full protection of the Fourth Amendment" from those which are not, the courts have generally considered two factors: The nature of the container and its condition at the time of the search.

In *Flynn v. State*,⁴⁷ the court upheld the warrantless search of a large plastic garbage bag inside a truck when the officer who had just arrested the driver smelled the strong odor of marihuana. The court concluded, "Placing items in a black plastic garbage bag fails to manifest an expectation of privacy." ⁴⁸ Similarly, in *Webb v. State*,⁴⁹ the court noted that there is an "arguable difference between the reasonable expectation of privacy one might attach to a paper bag as opposed to a briefcase or luggage of some type."⁵⁰ A similar approach was taken in other cases to sustain the warrantless search of a knapsack⁵¹ and a paper cup.⁵²

In *State v. Kahlon*,⁵³ the court upheld the warrantless search of a cardboard box located in an automobile, primarily because of the box's condition at the time of the search. A police officer who had stopped the

vehicle on the highway for a traffic violation smelled burning marihuana, which the driver admitted he had been smoking, inside the vehicle. The officer then searched the car, including a cardboard box located in the trunk, and found the contraband. The court found the search of the automobile to be valid under the "automobile exception." With respect to the search of the cardboard box, the court said:

"Unlike the luggage in *Arkansas v. Sanders* . . . the flaps of the box did not completely cover it, the opening at the top of the box plainly showed a green plastic bag from which the odor could be detected and there were tear holes in the plastic bag. . . . In these circumstances it cannot be said that defendant had any reasonable expectation of privacy in the contents of the box. . . ." ⁵⁴

Conclusion

The foregoing cases illustrate the difficulty confronting a law enforcement officer who attempts to determine which containers found in a lawfully searched vehicle can be searched immediately without a warrant and which cannot. The myriad of factors which courts may consider in making such determinations undoubtedly suggests the wisdom of seeking a search warrant in all but those instances where, due to the nature or condition of the particular container, it appears that little, if any, expectation of privacy exists.

Once the determination has been made that a warrant is necessary to search such a container, the language of the court in *Sanders* provides a possible course of action to safeguard the container, as well as any suspects—if necessary—until a search warrant can be obtained. In discussing the alternatives available to the police, the Court stated the question as follows:

" . . . whether the police, rather than immediately searching the suitcase without a warrant, should have

taken it, *along with respondent*, to the police station and there obtained a warrant for the search." ⁵⁵

Inasmuch as the Court's decision emphatically rejected the first alternative, it would seem to have implicitly approved the second. Thus it is clear that the container can be lawfully seized pending receipt of a search warrant, and so presumably can any suspect whom the police have probable cause to believe is the possessor of the evidence or contraband being sought. In many cases arrests will have occurred before the search of the vehicle is conducted. But in others, such as *Sanders*, that may not be the case. In the event that the officers do not desire to make a formal arrest of a suspect, the existence of probable cause would appear to be sufficient to support a detention until the warrant can be obtained. The precise course of action to follow will obviously depend on the circumstances of each case and may also be affected by local rules and departmental policy.

As a final note, it must be emphasized that the court did not rule out the warrantless search of personal containers—such as luggage—under all circumstances. For example, the court recognized that there might be "special exigencies" justifying the warrantless search of a suitcase. ⁵⁶ Nor did the court in *Sanders* consider the extent to which other exceptions to the warrant requirement—e.g., consent search, search incident to arrest, or inventory—might apply to the search of personal containers. The court simply held that warrantless searches of such containers, if undertaken, "must be justified under some exception to the warrant requirement other than that applicable to automobiles stopped on the highway." ⁵⁷

FBI

Footnotes

- ¹ 422 U.S. 753 (1979).
- ² 559 S.W.2d 704 (1977).
- ³ *Supra* note 1, at 761.
- ⁴ *Id.* at 754.
- ⁵ See, e.g., *Katz v. United States*, 389 U.S. 347, 357 (1967).
- ⁶ 267 U.S. 132 (1925).
- ⁷ *Id.* at 158 and 159.
- ⁸ *Id.* at 153.
- ⁹ *Supra* note 6, at 159.

- ¹⁰ See, e.g., *Husty v. United States*, 282 U.S. 694 (1931); *Scher v. United States*, 305 U.S. 251 (1938); *Brinegar v. United States*, 338 U.S. 160 (1949); *Chambers v. Maroney*, 399 U.S. 42 (1970); *Texas v. White*, 423 U.S. 67 (1975); *United States v. Ortiz*, 422 U.S. 891 (1975); and *United States v. Martinez-Fuerte*, 428 U.S. 543 (1976).
- ¹¹ *Id.* *Chambers v. Maroney* and *Texas v. White*.
- ¹² 433 U.S. 1 (1977).
- ¹³ *Id.* at 12.
- ¹⁴ *Id.* at 13.
- ¹⁵ For a fuller discussion of *Chadwick*, see "Search Incident To Arrest—New Restrictions On An Old Doctrine?" by SA Larry E. Rissler, *FBI Law Enforcement Bulletin*, September 1978, pp. 27-32.
- ¹⁶ 497 F.2d 147 (5th Cir. 1974).
- ¹⁷ *Id.* at 149. See also, *United States v. Tramunti*, 513 F.2d 1087 (2d Cir. 1975), cert. denied, 423 U.S. 832 (1975); *United States v. Milhollan*, 599 F.2d 526 (3d Cir. 1979); *United States v. Aviles*, 535 F.2d 658 (5th Cir. 1976), cert. denied, 433 U.S. 911 (1977); *United States v. Giles*, 536 F.2d 136 (6th Cir. 1976); *United States v. Issod*, 508 F.2d 990 (7th Cir. 1974), cert. denied, 421 U.S. 916 (1975); *United States v. Matlock*, 558 F.2d 1331 (8th Cir. 1977); and *United States v. Friesen*, 545 F.2d 672 (9th Cir. 1977), cert. denied, 433 U.S. 911 (1977).
- ¹⁸ 582 F.2d 1175 (8th Cir. 1978), cert. denied, 443 U.S. 911 (1977).
- ¹⁹ *Id.* at 1178.
- ²⁰ 568 U.S. 637 (9th Cir. 1977).
- ²¹ *Id.* at 641.
- ²² *Id.*
- ²³ *Supra* note 1, at 766.
- ²⁴ *Id.* at 761 and 762.
- ²⁵ *Id.* footnote 13.
- ²⁶ *Id.* at 768.
- ²⁷ *United States v. Gooch*, 603 F.2d 122 (10th Cir. 1979); see also, *Araj v. State*, 592 S.W.2d 603 (Tex. App., 1979).
- ²⁸ *Commonwealth v. Moon*, 394 N.E. 2d 984 (Mass. App., 1979).
- ²⁹ *United States v. Ross*, 27 Cr.L. 2169, (D.C.Cir. 1980).
- ³⁰ *United States v. Bella*, 605 F.2d 160 (5th Cir. 1979).
- ³¹ *United States v. Meier*, 602 F.2d 253 (10th Cir. 1979).
- ³² *Liles v. State*, 375 So.2d 1094 (Fla. App., 1979).
- ³³ *Ulesky v. State*, 379 So.2d 121 (Fla. App., 1979).
- ³⁴ *People v. Rinaldo*, 399 N.E.2d 1027 (Ill., 1980).
- ³⁵ *United States v. Miller*, 608 F.2d 1089 (5th Cir. 1979).
- ³⁶ *People v. Dalton*, 598 P.2d 467 (Cal., 1979), cert. denied, 63 L.Ed.2d 781 (1980).
- ³⁷ *Id.*
- ³⁸ *Id.*
- ³⁹ *State v. Marcum*, 601 P.2d 975 (Wash. App. 1979); see also, *State v. Hassapelis*, 404 A.2d 232 (Me., 1979).
- ⁴⁰ *State v. Delong*, 602 P.2d 665 (Or. App., 1979).
- ⁴¹ *Moore v. State*, 594 S.W.2d 245 (Ark., 1980).
- ⁴² *People v. Bayles*, 395 N.E.2d 663 (Ill., 1979).
- ⁴³ *State v. Cole*, 265 S.E.2d 507 (N.C. App. 1980); see also, *People v. Belton*, 407 N.E.2d 420 (N.Y., 1980).
- ⁴⁴ 609 F.2d 1038 (2d Cir. 1979), rehearing, 615 F.2d 10 (1980).
- ⁴⁵ *Id.* first citation, at 1045.
- ⁴⁶ *Supra* note 1, footnote 13.
- ⁴⁷ 374 So.2d 1041 (Fla. App., 1979).
- ⁴⁸ *Id.* at 1042, see also *United States v. Gooch*, *supra* note 27, and *Cobb v. State*, 378 So.2d 82 (Fla. App., 1980).
- ⁴⁹ 373 So.2d 400 (Fla. App., 1979).
- ⁵⁰ *Id.* at 403; see also *United States v. Ross*, *supra* note 29.
- ⁵¹ *State v. Schrier*, 283 N.W.2d 338 (Iowa, 1979).
- ⁵² *People v. Diaz*, 26 Cr.L. 2510 (Cal. App., 1980).
- ⁵³ 411 A.2d 1178 (N.J., 1980).
- ⁵⁴ *Id.* at 1183.
- ⁵⁵ *Supra* note 1, at 761.
- ⁵⁶ *Id.* see footnote 11.
- ⁵⁷ *Id.* at 766.

1980 Index

ADMINISTRATION

- "The Administration of the Small Police Department," Sgt. Raymond E. Arthurs, April 1980, p. 23.
- "Crowd Control and the Small Police Department," Chief Joseph A. Sandora and Ronald C. Petersen, December 1980, p. 2.
- "Sweden: State Police, Not Police State," Dep. Chief John R. Kleberg, June 1980, p. 14.

ARSON

- "The Firesetter: A Psychological Profile," Special Agent Anthony Olen Rider, (Part 1) June 1980, p. 6; (Part 2) July 1980, p. 6; (Conclusion) August 1980, p. 5.

COOPERATION

- "Aloha Means Cooperation: The Navy's Legal Liaison Program in Hawaii," Lt. Comdr. Peter R. Wubbenhorst and James Hodges, October 1980, p. 1.
- "Neighborhood Involvement," Sgt. John G. Rye, February 1980, p. 1.
- "Police and Social Worker Cooperation: A Key in Child Sexual Assault Cases," Jon R. Conte, Ph.D., Lucy Berliner, and Sgt. Donna Nolan, March 1980, p. 7.
- "Spokane's Robbery Education Program," John D. Moore, November 1980, p. 1.
- "That Others May Live," Lt. Jerald L. Folkerts, December 1980, p. 16.

CRIME PROBLEMS

- "Agricultural Crime: Its Extent, Prevention and Control," Charles R. Swanson, Jr., and Leonard Territo, May 1980, p. 8.
- "Automobile Theft: An Increasing Crime Problem," Commissioner Samuel J. Rozzi and Det. Sgt. Richard Mueller, January 1980, p. 9.
- "Boat Theft," Special Agent George J. Lyford, October 1980, p. 10.
- "The Firesetter: A Psychological Profile," Special Agent Anthony Olen Rider, (Part 1) June 1980, p. 6; (Part 2) July 1980, p. 6; (Conclusion) August 1980, p. 5.
- "The Lust Murderer," Special Agents Robert R. Hazelwood and John E. Douglas, April 1980, p. 18.
- "Security in the Operation of a Bank Card System," John J. Buckley, March 1980, p. 2.

CRIME RESISTANCE

- "Agricultural Crime: Its Extent, Prevention and Control," Charles R. Swanson, Jr., and Leonard Territo, May 1980, p. 8.
- "Neighborhood Involvement," Sgt. John G. Rye, February 1980, p. 1.

CRIME STATISTICS

- "Crime in the United States—1979," December 1980, p. 14.
- "The Uniform Crime Reporting Program: 50 Years of Progress," Special Agent Paul A. Zolbe, September 1980, p. 2.

CROWD CONTROL

- "Crowd Control and the Small Police Department," Chief Joseph A. Sandora and Ronald C. Petersen, December 1980, p. 2.
- "Stadium Security: A Modern Day Approach to Crowd Control," Joe Shirley, August 1980, p. 22.
- "The U.S. Park Police Horse Mounted Unit," May 1980, p. 16.

EDUCATION

- "The Canadian Police College," Special Agent Charles W. Steinmetz, January 1980, p. 14.
- "Higher Education for Police Officers," Thomas A. Reppetto, Ph.D., January 1980, p. 19.
- "Spokane's Robbery Education Program," John D. Moore, November 1980, p. 1.
- "The Use of Video Tape in Law Enforcement Training," Sgt. William B. McDonald, December 1980, p. 10.

EQUIPMENT

- "Computers Monitor Vehicle Costs," Col. Jack B. Walsh, September 1980, p. 8.
- "The Polygraph Technique: Past and Present," Special Agent James K. Murphy, June 1980, p. 1.
- "Speedometer Examination: An Aid in Accident Investigation," Trooper Dale Stoner and Dr. Ilya Zeldes, March 1980, p. 11.
- "The Use of Video Tape in Law Enforcement Training," Sgt. William B. McDonald, December 1980, p. 10.

EVIDENCE

- "Obtaining Saliva Samples from Bitemark Evidence," Roger E. Mittleman, M.D., Willard Carl Stuver, and Richard Souviron, D.D.S., November 1980, p. 16.
- "Speedometer Examination: An Aid in Accident Investigation," Trooper Dale Stoner and Dr. Ilya Zeldes, March 1980, p. 11.

FACILITIES

- "The Canadian Police College," Special Agent Charles W. Steinmetz, January 1980, p. 14.
- "Problems of Today—Solutions for Tomorrow: Cities within Cities," Sheriff Gene Barksdale and Lt. W. Lee Forbes, November 1980, p. 10.
- "Training Wheels for Police," Robert Clark Stone, April 1980, p. 1.

FIREARMS AND FIREARMS TRAINING

- "Police Use of Deadly Force," James Q. Wilson, Ph.D., August 1980, p. 16.
- "Shoot—Don't Shoot: A Realistic Firearms Course," Dep. Chief Charles F. Hinman and Kathryn Lea Washburn, July 1980, p. 1.

FORENSIC SCIENCE

- "Speaker Identification (Part 1) Three Methods—Listening, Machine, and Aural-Visual," Special Agent Bruce E. Koenig, January 1980, p. 1; (Part 2) "Results of the National Academy of Sciences' Study," February 1980, p. 20.
- "Obtaining Saliva Samples from Bitemark Evidence," Roger E. Mittleman, M.D., Willard Carl Stuver, and Richard Souviron, D.D.S., November 1980, p. 16.

INVESTIGATION

- "Hypnosis: The FBI's Team Approach," Special Agent Richard L. Ault, Jr., January 1980, p. 5.
- "Motivations of Criminal Informants," Special Agent James T. Reese, May 1980, p. 23.
- "Nonverbal Communications in Interrogations," Merlin S. Kuhlman, November 1980, p. 6.
- "Offender Profiles: A Multidisciplinary Approach," September 1980, p. 16.
- "The Polygraph Technique: Past and Present," Special Agent James K. Murphy, June 1980, p. 1.

"A Psychological Assessment of Crime: Profiling," Special Agents Richard L. Ault, Jr., and James T. Reese, March 1980, p. 22.

"Speedometer Examination: An Aid in Accident Investigation," Trooper Dale Stoner and Dr. Ilya Zeldes, March 1980, p. 11.

LAW ENFORCEMENT

"The Canadian Police College," Special Agent Charles W. Steinmetz, January 1980, p. 14.

"The Chicago Crime Commission," Patrick F. Healy, December 1980, p. 6.

"Effects of Organizational Design on Communication Between Patrol and Investigative Functions," Lt. Col. Joseph J. Staft, (Part 1) May 1980, p. 1; (Conclusion) June 1980, p. 20.

"Higher Education for Police Officers," Thomas A. Reppetto, Ph. D., January 1980, p. 19.

"Law Enforcement Accreditation: Meeting Tomorrow's Challenges Today," Exec. Ass't Dir. Kenneth E. Joseph, October 1980, p. 6.

"Sweden: State Police, Not Police State," Dep. Chief John R. Kleberg, June 1980, p. 14.

"The U.S. Park Police Horse Mounted Unit," May 1980, p. 16.

THE LEGAL DIGEST

"The Announcement Requirement in Entry of Residential Premises," Special Agent W. Philip Jones, October 1980, p. 25.

"The Constitutionality of Routine License Check Stops—A Review of *Delaware v. Prouse*," Special Agent Daniel L. Schofield, January 1980, p. 25.

"Documentary Search Warrants—A Problem of Particularity," Special Agent Larry E. Rissler, July 1980, p. 27.

"Entering Premises to Arrest—An Analysis of the Warrant Requirement," Special Agents Daniel L. Schofield and Joseph R. Davis, (Part 1) August 1980, p. 26; (Conclusion) September 1980, p. 24.

"Interview of Public Employees Regarding Criminal Misconduct Allegations—Constitutional Considerations," Special Agent Joseph R. Davis, (Part 1) March 1980, p. 26; (Conclusion) April 1980, p. 27.

"Probable Cause to Search: Use of Inferences," Special Agent Robert L. McGuiness, November 1980, p. 26.

"The Role of Defense Counsel at Lineups," Special Agent Larry E. Rissler, February 1980, p. 23.

"Search of Motor Vehicles Incident to Arrest," Special Agent John C. Hall, (Part 1) May 1980, p. 29; (Conclusion) June 1980, p. 27.

"Warrantless Vehicle Searches: The Impact of *Arkansas v. Sanders*," Special Agent John C. Hall, December 1980, p. 22.

MANAGEMENT

"The Administration of the Small Police Department," Sgt. Raymond E. Arthurs, April 1980, p. 23.

"The Assessment Center: Is It the Answer?" Dep. Chief Carroll D. Buracker, February 1980, p. 12.

"Management Control Through Motivation," Special Agent Donald C. Witham, February 1980, p. 6.

"Occupational Stress and Compensation in Law Enforcement," John A. Leonard and G. Patrick Tully, July 1980, p. 22.

"Police Cynicism: A Cancer in Law Enforcement?" Chief Kenneth R. Behrend, August 1980, p. 1.

"Police Use of Deadly Force," James Q. Wilson, Ph. D., August 1980, p. 16.

"Retirement: Is It the End or the Beginning?" Capt. Thomas R. Ammann and Officer Paul G. Meyer, October 1980, p. 22.

"Tactical Crisis Management: The Challenge of the 80's," Ass't. Chief W. Ronald Olin, November 1980, p. 20.

OPERATIONS

"The Administration of the Small Police Department," Sgt. Raymond E. Arthurs, April 1980, p. 23.

"Aloha Means Cooperation: The Navy's Legal Liaison Program In Hawaii," Lt. Comdr. Peter R. Wubbenhorst and James Hodges, October 1980, p. 1.

"Computers Monitor Vehicle Costs," Col. Jack B. Walsh, September 1980, p. 8.

"Crowd Control and the Small Police Department," Chief Joseph A. Sandora and Ronald C. Petersen, December 1980, p. 2.

"Effects of Organizational Design on Communication Between Patrol and Investigative Functions," Lt. Col. Joseph J. Staft, (Part 1) May 1980, p. 1; (Conclusion) June 1980, p. 20.

"Evaluating Recruit Performance Through Roleplaying," Sgt. Timothy N. Oettmeier, October 1980, p. 16.

"Everett's 12-Hour Shift," Capt. Gil Davis and James J. Tracy, Ph. D., April 1980, p. 7.

"A Procedural Model for Processing Citizen Complaints," Lt. Dorothy D. Knox, April 1980, p. 10.

"Spokane's Robbery Education Program," John D. Moore, November 1980, p. 1.

"Stadium Security: A Modern Day Approach to Crowd Control," Joe Shirley, August 1980, p. 22.

"'THAT OTHERS MAY LIVE,'" Lt. Jerald L. Folkerts, December 1980, p. 16.

"The Uniform Crime Reporting Program: 50 Years of Progress," Special Agent Paul A. Zolbe, September 1980, p. 2.

"The U.S. Park Police Horse Mounted Unit," May 1980, p. 16.

ORGANIZATION

"Effects of Organizational Design on Communication Between Patrol and Investigative Functions," Lt. Col. Joseph J. Staft, (Part 1) May 1980, p. 1; (Conclusion) June 1980, p. 20.

"Sweden: State Police, Not Police State," Dep. Chief John R. Kleberg, June 1980, p. 14.

"Tactical Crisis Management: The Challenge of the 80's," Ass't. Chief W. Ronald Olin, November 1980, p. 20.

PERSONNEL

"Age vs. Fat: Effect on Physical Performance of Police Officers," Paul O. Davis, Ph. D., and Albert R. Starck, September 1980, p. 10.

"The Assessment Center: Is It the Answer?" Dep. Chief Carroll D. Buracker, February 1980, p. 12.

"Effects of Organizational Design on Communication Between Patrol and Investigative Functions," Lt. Col. Joseph J. Staft, (Part 1) May 1980, p. 1; (Conclusion) June 1980, p. 20.

"Occupational Stress and Compensation in Law Enforcement," John A. Leonard and G. Patrick Tully, July 1980, p. 22.

"Police Cynicism: A Cancer in Law Enforcement?" Chief Kenneth R. Behrend, August 1980, p. 1.

"Retirement: Is It the End or the Beginning?" Capt. Thomas R. Ammann and Officer Paul G. Meyer, October 1980, p. 22.

Author Index

PHYSICAL FITNESS

- "Age vs. Fat: Effect on Physical Performance of Police Officers," Paul O. Davis, Ph. D., and Albert R. Starck, September 1980, p. 10.

POINT OF VIEW

- "Higher Education for Police Officers," Thomas A. Reppetto, Ph. D., January 1980, p. 19.

POLICE-COMMUNITY RELATIONS

- "Citizen Involvement in Criminal Justice—A Crumbling Cornerstone," Sheriff Walter C. Heinrich and Capt. Stephen W. Appel, Sr., February 1980, p. 17.
- "The Junior Security Patrol and the Military Installation," SSgt. Mary F. Baker, April 1980, p. 14.
- "Neighborhood Involvement," Sgt. John G. Rye, February 1980, p. 1.
- "Police and You': A Public Relations Program," Officer Jorune Jonikas, July 1980, p. 18.
- "Spokane's Robbery Education Program," John D. Moore, November 1980, p. 1.

POLICE CONDUCT

- "Police Use of Deadly Force," James Q. Wilson, Ph. D., August 1980, p. 16.
- "A Procedural Model for Processing Citizen Complaints," Lt. Dorothy D. Knox, April 1980, p. 10.

RECORDS

- "Avoiding Jargon in Police Reports," John L. Waltman, Ph. D., August 1980, p. 12.
- "The Uniform Crime Reporting Program: 50 Years of Progress," Special Agent Paul A. Zolbe, September 1980, p. 2.

TERRORISM

- "Tactical Crisis Management: The Challenge of the 80's," Ass't. Chief W. Ronald Olin, November 1980, p. 20.

THEFT

- "Agricultural Crime: Its Extent, Prevention and Control," Charles R. Swanson, Jr., and Leonard Territo, May 1980, p. 8.
- "Automobile Theft: An Increasing Crime Problem," Commissioner Samuel J. Rozzi and Det. Sgt. Richard Mueller, January 1980, p. 9.
- "Boat Theft," Special Agent George J. Lyford, October 1980, p. 10.

TRAINING

- "Evaluating Recruit Performance Through Roleplaying," Sgt. Timothy N. Oettmeier, October 1980, p. 16.
- "EXICUTE: A System for Police Training," Lt. Ron Berman, September 1980, p. 21.
- "Phase Approach to Training," Capt. Daniel E. Wood, May 1980, p. 13.
- "Shoot—Don't Shoot': A Realistic Firearms Course," Dep. Chief Charles F. Hinman and Kathryn Lea Washburn, July 1980, p. 1.
- "Training Wheels' for Police," Robert Clark Stone, April 1980, p. 1.
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YOUTHFUL CRIMINALITY

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WANTED BY THE FBI



Photograph left taken 1959, center taken 1968, and right taken 1970.

WANTED BY THE FBI

Donald Robert Waskey

Donald Robert Waskey, also known as Ulysses S. Grant, Ulysses Simpson Grant, Donald Ronald Jensen, and J. C. Vulcan.

Wanted For:

Interstate Flight—Murder

The Crime

On December 1, 1970, Waskey reportedly shot and killed two men after he was allegedly involved in a dispute over home furnishings with other commune members in Placitas, N.M.

A Federal warrant was issued for his arrest on August 30, 1971, at Albuquerque, N. M.

Description

Age42, born December 28, 1937, Baltimore, Md. (not supported by birth records).

Height5'10".

Weight195 pounds.

BuildHeavy.

HairBrown (receding hairline).

EyesHazel.

ComplexionMedium.

RaceWhite.

NationalityAmerican.

OccupationsMechanic, mechanical drawing instructor, salesman, sculptor, teacher, water-color artist, and welder.

Remarks.....May be cleanshaven and hair may be worn short.

Social Security

No. Used218-32-7464.

FBI No.762 219 C.

Caution

Waskey allegedly shot two men with a rifle. He should be considered armed and dangerous.

Notify the FBI

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

Classification Data:

NCIC Classification:

195204CI1506AAAA1415

Fingerprint Classification:

19 L 9 R 15

S 1 Aa



Right ring fingerprint.

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

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Title _____

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City _____

State _____

Zip _____

Modified Shotgun

Recently recovered by officers of the Columbus, Miss., Police Department, this 410-gage shotgun was modified to resemble a "grease gun." A grip was

added to the stock of the weapon and the barrel shortened, enabling the user to conceal it by strapping it to his shoulder under his coat.



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Interesting Pattern

This pattern at first glance appears to be a central pocket loop-type whorl. A closer inspection, however, reveals the lack of a recurve in front of the inner delta. This pattern is classified as a loop with 19 ridge counts. However, a reference search would be conducted as a central pocket loop-type whorl with an outer tracing.



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