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Acoustic Gunshot Analysis

The Kennedy Assassination and Beyond

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Acoustic Gunshot Analysis

The Kennedy Assassination and Beyond

(Conclusion)

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FBI Review

On November 19, 1980, the Technical Services Division of the FBI released a written review that was very skeptical of the acoustical reports prepared for the House Select Committee on Assassinations (HSCA). The review was limited to the written and oral reports prepared by Bolt Beranek and Newman (BBN) and Weiss and Aschkenasy for the HSCA, and no direct examinations of the Dallas Police Department (DPD) recordings were conducted. The findings of the FBI questioned the analyses of the acoustical evidence by BBN and Weiss and Aschkenasy, revealing that they did not prove scientifically that another person fired a gunshot from the grassy knoll in Dealey Plaza or that the recording of DPD's channel 1 contains gunshot sounds or any other sounds originating in Dealey Plaza during the assassination. The FBI's review stated that the HSCA's findings that "scientific acoustical evidence established a high probability that two gunmen fired at President John F. Kennedy" is invalid.[16]

The FBI's conclusion was based on a thorough review of the written findings and oral testimony of BBN and Weiss and Aschkenasy. For the HSCA's acoustical reports to be accurate, the FBI determined that two basic underlying premises would have to be correct:

1) The specified impulsive information recorded on channel 1 must have originated in or very

Special Agent Koenig

near Dealey Plaza. If this is not true, the information analyzed could not have been generated within Dealey Plaza, invalidating the findings concerning the gunshots fired during the Presidential assassination.

2) The four specified impulsive patterns identified by BBN on the DPD recording are gunshot blasts and not other sounds or electrical impulses produced internally by the DPD radio system. The third designated impulse pattern was the only one used by Weiss and Aschkenasy. If this premise is not true, the information analyzed did not represent gunshots, also invalidating the findings concerning possible gunshots fired during the Presidential assassination.[17]

There are at least three known methods that could determine whether the four specified impulsive patterns on the DPD recording originated from Dealey Plaza. If it can be shown acoustically that the other information on the DPD recording just before, during, and just after the pertinent time period was exclusively from Dealey Plaza, there is a very high probability that the four impulsive patterns also represent sounds produced in Dealey Plaza. It can also be acoustically proven that the patterns represent sounds from Dealey Plaza if the information being analyzed is unique to Dealey Plaza, to the exclusion of all other locations within the range of the DPD radio system. The third method requires proof from eyewitness testimony.

The first method cannot be used to validate the designated impulsive information originated in Dealey Plaza, since other sounds during the pertinent portion either did not originate from Dealey Plaza or their origin is unknown. The two reports to the HSCA reflect that a carillon bell is heard approximately 7 seconds after the last gunshot (no known carillon bells have been located in the vicinity of Dealey Plaza) and that there are voice signals from other police transmitters outside Dealey Plaza. These signals are sometimes too faint to be understood, sometimes the voices are loud but distorted, and sometimes they are quite understandable. No sounds are heard on the recording that would reflect that the specific information originated in Dealey Plaza, such as crowds cheering, recognizable voices, etc. This method does not show that the designated patterns originated from Dealey Plaza, and in fact, reflects information to the contrary.

The second method using the alleged uniqueness of the designated sounds, as applied by Weiss and Aschkenasy, also cannot validate that the impulsive information is from Dealey Plaza. Weiss and Aschkenasy stated that "if we now assume that the sound source [the gun] and the listener are located in a typical urban environment, with a number of randomly spaced echo-producing structures, it is possible to see that the pattern of sounds a listener will hear will be complex and unique for any given pair of gun and listener locations."[18] Other than explaining this statement in more detail, they do not provide any empirical or theoretical data to prove this uniqueness.

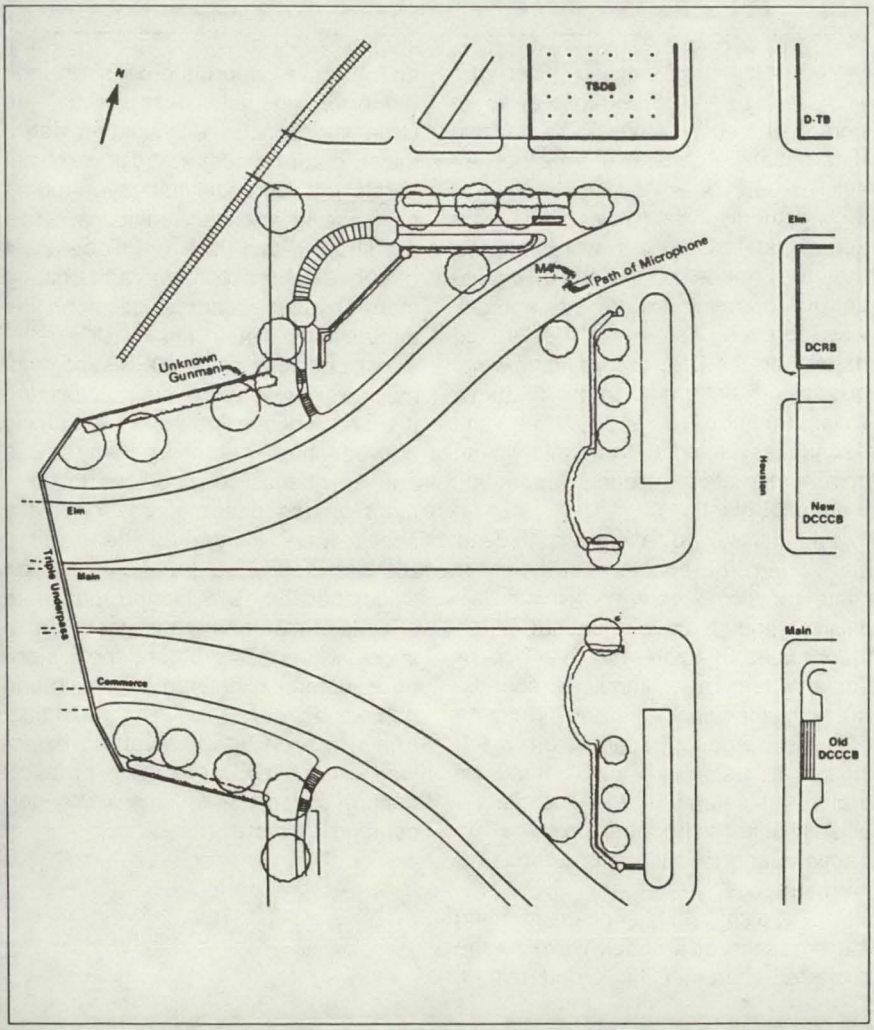
"The analysis in the Greensboro investigation clearly disproves the uniqueness assumption, as applied by BBN and Weiss and Aschkenasy, to show that the impulsive patterns originated in Dealey Plaza."

By locating the sound source in the general vicinity of the grassy knoll and the listener in the approximate location of the motorcycles in the Presidential motorcade, Weiss and Aschkenasy computed the expected delay times for different echo paths using string on the topographical survey map of Dealey Plaza. The echo delay times occur because it takes a longer period of time for a sound to travel from the sound source to a reflecting surface and to the listener than to go directly from the sound source to the listener. By shifting the sound source and listener locations slightly, they computed the best match with the impulsive pattern on the DPD recording by using a statistical technique.

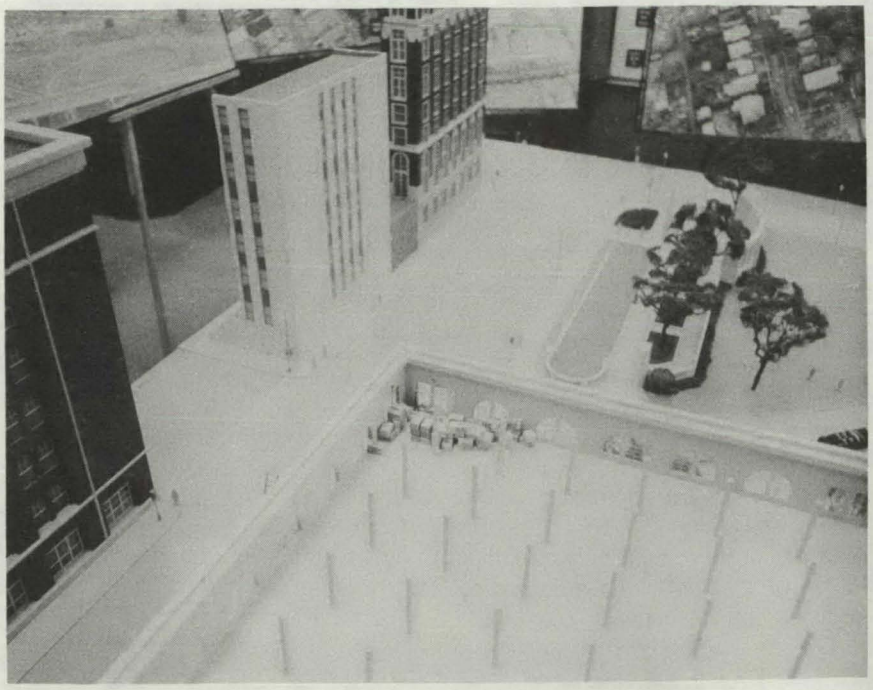
In November 1979, a violent confrontation occurred between members of the Ku Klux Klan, the Nazi Party, and the Communist Workers Party in a residential area of Greensboro, N.C., in which five people were killed. Using professional equipment, local TV personnel on the scene filmed and video taped the events as they happened, including known gunshots and other impulsive sounds that were not gunshots. One of the known gunshots in this matter was compared by FBI acoustical experts to the alleged grassy knoll shot, using the same statistical technique used by Weiss and Aschkenasy. The comparison found a very close match between the gunshots; however, the statistical significance could not be accurately determined.

Aschkenasy stated in his oral testimony that if another sound pattern was found that matched the designated pattern on the DPD recording, he ". . . would expect to find . . . a replica of Dealey Plaza at that location. That's the only way that it can come out." [19] Dealey Plaza is an urban area with small parks, tall buildings, and a number of intersecting wide streets; the residential area in Greensboro has two narrow streets meeting in a "T" intersection, one- and two-story buildings, and small residential lots with fences. The residential area in Greensboro, N.C., is definitely not a replica of Dealey Plaza.

The analysis in the Greensboro investigation clearly disproves the uniqueness assumption, as applied by BBN and Weiss and Aschkenasy, to show that the impulsive patterns originated in Dealey Plaza. The unplanned occurrence of a gunshot in a residential section of Greensboro, N.C., 16 years after the Kennedy assassination produces a close match with the designated pattern on the DPD recording that is allegedly the gunshot from the grassy knoll. It is probable then to



Dealey Plaza



expect that many of the urban areas within range of the DPD recording system could produce numerous sets of sound sources and microphone locations that would have a very high correlation when compared with the patterns on the DPD recording.

The third method to determine that the information came from Dealey Plaza is by eyewitnesses who can testify that a DPD motorcycle microphone was stuck open in Dealey Plaza on channel 1 and that the information from this particular microphone was being received and exclusively recorded at DPD Headquarters. No conclusive testimony to support this eyewitness method was presented to the HSCA.

According to the FBI review, "BBN, Weiss and Aschkenasy did not prove that the information on the DPD recording during the Presidential assassination on November 22, 1963, originated in or very near Dealey Plaza, Dallas, Texas." [20]

The second basic premise requires proof that the impulsive patterns analyzed actually represent gunshot sounds. To prove that a particular sound is a gunshot blast, some unique characteristics must be found that differentiate a gunshot blast from other sounds, especially ones that are impulsive. Weiss and Aschkenasy stated in their written report that "the most effective and most reliable" characteristic to determine if a sound is a gunshot and not some other like sound is the pattern of the muzzle blast echoes. Contradicting the written report, Weiss in oral testimony before the HSCA on December 29, 1978, stated that ". . . not so much the echo pattern as the evidence of a [supersonic] shock waves . . ." would differentiate a gunshot from other impulsive sounds.[21] And again contradicting themselves, Weiss and Aschkenasy stated in their written report that they made no serious examination to determine if there was a shock wave present before the designated pattern on the DPD recording. It is not possible to determine from the above which method, if any, Weiss and Aschkenasy used to determine if an impulsive pattern uniquely represents a gunshot blast.

If Weiss and Aschkenasy used the pattern of echoes as the best characteristic to determine if any impulsive sound is a gunshot, their theory fails. Everyone has had experiences where other impulsive sounds, like vehicular backfires and firecrackers, also produce echoes off buildings, vehicles, hills, etc. Scientific literature also states that all sounds, especially impulsive ones, produce diffractions and reflections or echoes off hard surfaces.

If Weiss and Aschkenasy used the presence of a shock wave as the preferred characteristic to determine if an impulsive sound is a gunshot, their theory again fails. Analysis in the Greensboro, N.C., examination determined that to detect a shock wave accurately is very difficult, even under high quality forensic conditions, since the shock wave itself produces a set of echoes which combine and change many of the characteristics of the muzzle blast sound signal. Under the poor conditions of the DPD recording, making any statements concerning the shock wave would be extremely questionable. This may be why Weiss and Aschkenasy decided not to comment on the possible presence of a shock wave in their written report. BBN testimony before the HSCA on December 29, 1978, stated that there is a 75- to 80-percent chance that a shock wave exists before the distorted waveform examined by Weiss and Aschkenasy on the DPD recording. Again, the distorted waveform examined on the DPD recording probably cannot support even this lower percentage estimate.

Left: Model showing position of alleged assassin in the Texas School Book Depository.

Below: The re-enactment.

According to the FBI's review, there is no conclusive proof provided by BBN or Weiss and Aschkenasy that the four patterns on the DPD recording represent gunshot blasts and not some other sounds or electrical impulses produced internally by the DPD radio system, that the impulsive sounds originated in or very near Dealey Plaza, or that the sounds represent gunshot blasts involved in the assassination of President Kennedy. Therefore, the HSCA's finding that "scientific acoustical evidence establishes a high probability that two gunmen fired at President John F. Kennedy" must be considered invalid.[22]

The FBI's review found numerous other problem areas and inconsistencies in the reports of BBN and Weiss and Aschkenasy.

First of all, in their written report, Weiss and Aschkenasy state that "impulse peaks that are less than 1 millisecond (1/1000 of a second) apart are considered to be part of the same impulse."[23] However, in the same report, they list separate impulses at 19.3 and 20.1 milliseconds, which are only 0.8 millisecond apart.

Second, the report of BBN visually shows the considerable changes that occur to the sound of a gunshot blast transmitted and recorded by a police radio system similar to the one used by the DPD in 1963. This considerable change in the recorded sound pattern is such that accurate analysis of any impulsive sounds through this system would be very difficult. Also, no known microscopic examination of the original DPD Dictabelt had been conducted to determine if any of the patterns analyzed may have been caused by surface imperfections and then distorted by the equipment's poor amplification system.

BBN eliminated a number of possibly useful impulsive patterns because they presupposed that gunshots originating on the grassy knoll and in the TSBD were aimed at President Kennedy and that these gunshot sounds were transmitted by a DPD motorcycle microphone located in the Presidential motorcade. One pattern was not further analyzed because it would represent a gunshot ". . . fired in a direction opposite to that of the logical target."[24] Another pattern was eliminated because it occurred only 1.05 second later than an earlier alleged gunshot impulse and Oswald's rifle could not be fired that rapidly. BBN did not consider whether a second gunman could have been at the TSBD location. Four impulsive patterns were eliminated because the specified motorcycle would probably be traveling too fast to be in the motorcade. However, the impulse could have been received by another motorcycle in the motorcade with an open microphone or in another part of the city. In other words, six other gunshots may have occurred in Dealey Plaza, according to the BBN analysis, though not necessarily aimed at President Kennedy or received by the microphone on the specified motorcycle.

And finally, Weiss and Aschkenasy, after determining that the error range for temperature and recorder speed variations was −3.0 percent to −7.0 percent, stated that a −4.3-percent correction gave the best match. Rigorous scientific research would not allow adjusting the error factor to make the best fit with the presupposed positions of a sound source and a listener.

" '. . . reliable acoustic data do not support a conclusion that there was a second gunman.' "

National Research Council Report

On May 14, 1982, the Committee on Ballistic Acoustics, Commission on Physical Sciences, Mathematics, and Resources, National Research Council (NRC), Washington, D.C., released their comprehensive report agreeing with the findings of the FBI review and also invalidating the HSCA conclusion.[25] According to the NCR:

> "The acoustic analyses [of BBN and Weiss and Aschkenasy] do not demonstrate that there was a grassy knoll shot, and in particular there is no acoustic basis for the claim of 95% probability of such a shot.
>
> "The acoustic impulses attributed to gunshots were recorded about one minute after the President had been shot and the motorcade had been instructed to go to the hospital.
>
> "Therefore, reliable acoustic data do not support a conclusion that there was a second gunman." [26]

The NRC determined that an analysis of the DPD channel 1 recording presents serious problems. The ambient noise level is high, the location of the open microphone is unknown, some background sounds are difficult to interpret, absence of certain expected sounds is difficult to explain, and the transmitting and recording systems altered the acoustical signals. Also, the HSCA studies were limited by funds and fixed deadlines, resulting in the omission of a number of important tests to verify the analysis procedures and the interpretations.

The NRC stated that since the recorded acoustic impulses are similar to radio static, attempts to represent them as gunshot sounds depended on echo analyses. However, because desirable control tests were omitted, the analyses were made using a subjective selection of impulse peaks. This leads to serious errors being made in statistical calculations, faulty statistical conclusions, and analysis methods that were untested at high levels of background noise. Therefore, for these and other reasons, the NRC concluded that the acoustic analyses of BBN and Weiss and Aschkenasy do not show that there was a grassy knoll gunshot. This decision by the NRC was reached prior to other more conclusive evidence reflecting that the alleged grassy knoll impulses were recorded on channel 1 approximately 1 minute after the actual assassination.[27]

According to BBN, there was a 50-percent probability of a gunshot being fired from the grassy knoll. However, even this statement was based on questionable assumptions and incorrect computations which were later used to justify the more detailed analysis of Weiss and Aschkenasy. The echo technique used by Weiss and Aschkenasy would at first appear to increase the credibility of the grassy knoll gunshot hypothesis; however, the NRC stated that the impulses identified by BBN were completely different from those analyzed by Weiss and Aschkenasy by more than 200 milliseconds (or more than 200 feet on the Dealey Plaza map).[28] Thus, there is a very serious problem in that the BBN analysis missed the pattern that Weiss and Aschkenasy used for their conclusion.

For its analysis BBN did not always select the strongest impulses. For unknown reasons, large impulses were ignored while impulses near the noise level were retained. There are considerably more impulses that are omitted by the BBN classification than there are ones analyzed as probable gunshot echoes. Since the results of statistical analysis are highly dependent on the impulse selection, it is critical that the technique used to distinguish noise from gunshot impulses be set forth in detail. However, this is not done in the HSCA reports. Furthermore, weak impulses on channel 1 are often selected to correspond to strong impulses in the test patterns and vice versa.

Although the results of the BBN analysis are supported by some "interpretations of photographic evidence as being consistent with a motorcycle in the procession at approximately the position indicated by their analysis, it is by no means certain that this was the motorcycle with the open microphone, that its radio was improperly tuned to Channel 1, that the open

microphone was even in Dealey Plaza, or that the relative times of the four sets of impulses studied by [BBN and Weiss and Aschkenasy] were consistent with the three known actual shots. There is important evidence to the contrary on all four of these points that should not be ignored." [29]

In his paper on the assassination of President Kennedy, Capt. James Bowles, Radio Dispatcher Supervisor of the DPD in 1963, states that the motorcycle with the open microphone was not part of the Presidential motorcade in Dealey Plaza, but was at the police command post near the Trade Mart during the assassination.[30] He relies on a subjective review of the motorcycle engine sounds (both before and after the assassination shots), the lack of crowd noises on DPD channel 1 (which are clearly heard on channel 2), the incorrect timing of the siren sounds after the assassination, voice transmissions, interviews with police officers, and the fact that all motorcycles in the motorcade were to be tuned to channel 2, not channel 1. Because of the questions posed by Bowles and others, serious doubts were raised about whether the motorcycle with the open microphone was in Dealey Plaza, an absolutely necessary requirement for the BBN conclusion.

> "No siren sounds are heard on Channel I at a time when they should have been heard by an open microphone in the motorcade; sirens are not heard for approximately two minutes after the impulses attributed by [BBN and Weiss and Aschkenasy] to assassination shots, following which clear and unambiguous sounds from a group of sirens occur on Channel I. The sirens seem to come from a group of at least 3 vehicles with the intensity of the sound first increasing and then decreasing. This is consistent with sirens heard at a stationary point if the presidential motorcade had passed close by. It is not the siren sound expected if a motorcycle with a stuck button had been part of the presidential motorcade. In the first quarter mile of the trip to the hospital, the presidential motorcade encountered a complex pattern of underpasses, roads and ramps. . . . But there is no trace of a siren sound in Channel I during this interval of time. This initial long absence of any indication of siren sounds, followed by the pattern of loud and clear sounds of several sirens passing by, suggests that the radio transmitter with the stuck button was not part of the presidential motorcade. This radio transmitter may have been on a motorcycle parked somewhere, perhaps, as suggested by James Bowles, at the Police Command Post near the Trade Mart, where it would be natural for there to be adjacent police radios tuned to different channels. . . ." [31]

The NRC also found the statistical method used to obtain the 95-percent or better probability of a grassy knoll gunshot to be completely invalid, due to misinterpretations of probability theory by BBN and Weiss and Aschkenasy. ". . . no member of the [NRC] Committee on Ballistic Acoustics was convinced . . . that there was a grassy knoll shot. The members of the Committee reached their initial negative conclusion *prior to* the availability of the sound spectrograms and event timing. . . ." [32]

Steve Barber of Mansfield, Ohio, wrote to the NRC committee that there are clear examples in which voice information recorded on channel 2 were heard on channel 1 as well. This can be explained by having the motorcycle with the open microphone near another radio receiving a transmission on channel 2. In addition, there are transmissions by the police

"Analysis of recorded gunshot sounds . . . is a complex process requiring specialized laboratory equipment, a practical and theoretical knowledge of ballistics, and a commonsense approach.

radio dispatcher simultaneously on channels 1 and 2. Both kinds of so-called "crosstalk" are often clearly understandable. Identical portions of speech on both channels 1 and 2 permit precise time synchronizations between specific portions of the two channels. However, time synchronizations would not apply to the complete recordings, because channel 1 ran continuously during the assassination while channel 2 was operated intermittently. Thus, matching transmissions could be used to determine the relative timing between many of the same events on channels 1 and 2.[33]

Matching sections on both channels were identified by Barber. Although four of the matching sections are distinct, they occur several minutes after the assassination and are of communications that were connected with the followup of the shooting. They do, however, clearly reveal crosstalk between the two channels.

To fix the time of the tape section analyzed by BBN and Weiss and Aschkenasy, two events are decisive. The first is a 4-second portion of the tape overlapping the presumed third and fourth BBN shots on channel 1; the second is a transmission occurring several minutes after the assassination which is clearly recognizable on both channels.

With regard to the first crucial event, the 4-second fragment, Barber identifies a phrase beginning "hold everything" as being identical to a statement clearly recorded on channel 2, which was "'. . . hold everything secure until the homicide and other investigators get here. . . .'" [34] "The significance of this proposed match is that the section on Channel I is concurrent with the last two of the conjectured [BBN] shots, whereas on Channel II that communication is part of a clear sequence of emergency communications that followed the shooting and occurred approximately one minute after the assassination. It is, in fact, part of Sheriff Decker's instructions to his men in response to the assassination." [35] If this time synchronization is correct, the shots postulated by BBN and Weiss and Aschkenasy could be proven to be unrelated to the gunshot sounds of the assassination, since the section of the channel 1 recording analyzed would correspond to a time period after the assassination.

"You want me . . . Stemmons" is the second transmission providing a common reference point for timing events on both channels. It was used to determine whether the recording of the selected conjectured shots occurred before or after the motorcade was instructed to go to the hospital.[36]

Under the supervision of the NCR committee members, spectrograms (voiceprints) of the tape recordings were prepared, since portions were badly garbled and of poor audio quality. This was done to diminish the power of suggestion or cueing effect that often affects listeners, convincing them to hear what they have been coached to hear. ". . . a sound spectrogram with a similar pattern for the '. . . hold everything . . .' phrase on Channel I was also made from a tape supplied by [BBN] . . .; later sound spectrograms were also made from new high quality magnetic tape copies of the original Channel I Dictabelt and Channel II Audiograph disc." [37]

The NRC then visually compared sound spectrograms of the "You want me . . . Stemmons" transmissions occurring several minutes after the assassination. "The match is clear, and establishes unambiguously that identical portions of speech can be identified on both channels." [38] Comparison of the spectrograms of the "hold everything" sections also resulted in an excellent match, which is very striking when it is realized that only the first second of the "hold everything" phrase can be heard clearly on channel 1, yet the spectrograms have numerous identical features for the entire 3.5-second transmission. It is apparent from the text of the transmissions and from their amplitudes that a signal from channel 2 was duplicated onto channel 1 and not the reverse.

"The sound spectrograms present much more convincing evidence in the present case than in their application to speaker identification. There, words spoken at different times, supposedly by the same speaker, are compared and a trained interpreter is often required to explain why the subjective match is significant. In the present case, the need is to identify two *identical* messages extending over a three and a half second interval. Not only must individual parts of the two sound spectra be alike but they must occur at exactly correct time intervals and with exactly matching frequencies. The existence of these required time and frequency correlations between the two channels imposes rigid constraints on the messages to be matched." [39]

The NRC committee used three techniques in addition to the visual inspection to determine whether the sound spectrograms of channels 1 and 2 contained the same radio transmissions. The first method compared 27 features between the spectrograms to verify that the timing sequence is correct; the second technique used discrete frequencies to compare recording speed; and the third used a sophisticated computer statistical comparison.

The results of this analysis revealed "overwhelming evidence that the 'hold everything' sections of the two recordings are traceable back to a single acoustic signal from Channel II." [40] Therefore, the match of information between these two recordings is "conclusive evidence that the events analyzed by [BBN and Weiss and Aschkenasy] were not the assassination shots, since we know from Channel II that the 'hold everything' transmission was made at least 50 seconds after the [Police] Chief instructed the motorcade to 'Go to the hospital.' " [41]

Conclusion

Analysis of recorded gunshot sounds, or of alleged gunshot sounds, is a complex process requiring specialized laboratory equipment, a practical and theoretical knowledge of ballistics, and a commonsense approach. The HSCA analyses performed in the Kennedy assassination illustrates that highly technical examinations performed without a review of all available information are often incorrect, or at least, misleading. The FBI's limited review and the NRC committee's analysis in the assassination reflect, however, that accurate identifications of gunshot sounds are possible in certain situations. The FBI has developed the techniques to perform state-of-the-art examinations of impulsive sounds, like gunshots, but only if forensic conditions allow.

FBI

Footnotes

[16] *Review Requested by the Department of Justice of the Acoustical Reports Published by the House Select Committee on Assassinations,* Technical Services Division, Federal Bureau of Investigation, November 19, 1980, p. 2.

[17] FBI *Review,* p. 13.

[18] FBI *Review,* p. 14.

[19] FBI *Review,* p. 15.

[20] FBI *Review,* p. 16.

[21] FBI *Review,* p. 17.

[22] FBI *Review,* p. 19.

[23] FBI *Review,* p. 20.

[24] FBI *Review,* p. 20.

[25] The National Research Council was established by the National Academy of Sciences in 1916 to associate the broad community of science and technology with the academy's purposes of furthering knowledge and of advising the Federal Government. The council operates in accordance with general policies determined by the academy under the authority of its congressional charter of 1863, which establishes the academy as a private, nonprofit, self-governing agency of both the National Academy of Sciences and the National Academy of Engineering in the conduct of their services to the Government, the public, and the scientific and engineering communities. It is administered jointly by both academies and the Institute of Medicine. The National Academy of Engineering and the Institute of Medicine were established in 1964 and 1970, respectively, under the charter of the National Academy of Sciences. The members of the committee were Norman F. Ramsey—Chairman (Harvard University), Louis W. Alvarez (University of California), Herman Chernoff (Massachusetts Institute of Technology), Robert H. Dicke (Princeton University), Jerome I. Elkind (Xerox Palo Alto Research Center), John C. Feggeler (Bell Telephone Laboratories), Richard L. Garwin (IBM Corporation), Paul Horowitz (Harvard University), Alfred Johnson (Bureau of Alcohol, Tobacco and Firearms), Robert A. Phinney (Princeton University), Charles Rader (Massachusetts Institute of Technology), and F. Williams Sarles (Trisolar Corporation).

[26] *Report of the Committee on Ballistic Acoustics,* Commission on Physical Sciences, Mathematics, and Resources, National Research Council, National Academy Press, Washington, D.C., 1982, p. 2.

[27] *Report of the Committee on Ballistic Acoustics,* p. 1.

[28] *Report of the Committee on Ballistic Acoustics,* p. 13.

[29] *Report of the Committee on Ballistic Acoustics,* pp. 13–14.

[30] James C. Bowles, *The Kennedy Assassination Tapes, A Rebuttal to the Acoustical Evidence* (copyrighted and unpublished).

[31] *Report of the Committee on Ballistic Acoustics,* pp. 14–15.

[32] *Report of the Committee on Ballistic Acoustics,* p. 17.

[33] *Report of the Committee on Ballistic Acoustics,* p. 18.

[34] *Report of the Committee on Ballistic Acoustics,* pp. 18–19.

[35] *Report of the Committee on Ballistic Acoustics,* p. 19.

[36] *Report of the Committee on Ballistic Acoustics,* p. 19.

[37] *Report of the Committee on Ballistic Acoustics,* p. 20; for further information on sound spectrograms see Bruce E. Koenig, "Speaker identification," FBI Law Enforcement Bulletin, January and February 1980.

[38] *Report of the Committee on Ballistic Acoustics,* p. 20.

[39] *Report of the Committee on Ballistic Acoustics,* p. 21.

[40] *Report of the Committee on Ballistic Acoustics,* p. 25.

[41] *Report of the committee on Ballistic Acoustics,* p. 25.

"The selection of officers may be one of the most critical factors in determining the overall effectiveness of a police department."

Officer Selection: An Important Process for Small Departments

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The selection of officers may be one of the most critical factors in determining the overall effectiveness of a police department. It is the officer on the street who interacts with the public and becomes the police department in the eyes of the citizens. If the officer makes a positive public impression, the department can expect public support. However, if the impression is not positive, the result can be criticism and reduced community backing. Similarly, the bottom line for all other aspects of departmental operations depends on the quality of the individuals wearing the uniform. Therefore, officer selection becomes a key factor in determining overall departmental effectiveness, especially in smaller police departments.

Many small departments have not fully capitalized on the recent development of more effective officer selection procedures. This may be the result of thinking a more comprehensive selection process is not necessary for a small department; however, the demands on officers in small departments are in some ways even greater than those for the men and women in larger organizations. Officers in small departments must perform a very wide range of duties with few opportunities for specialization. All officers must be able to work together since a small department's organization does not provide the means to limit contact between individual officers. Individual officers and police departments are often highly scrutinized by citizens of smaller communities. Since community acceptance and support are extremely important for small departments to be successful, a comprehensive selection process may be even more critical than for larger organizations that provide more opportunity for specialization, separation of work groups, and individual anonymity.

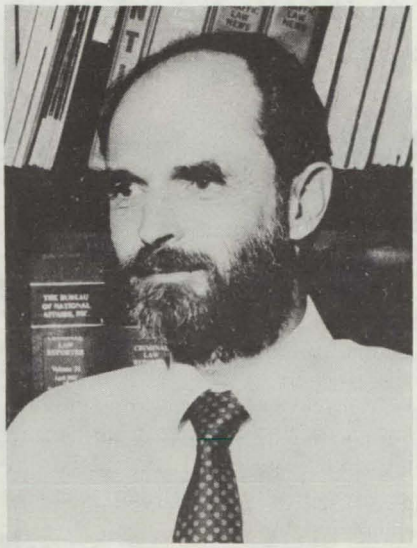
The Selection Process

Although the process of officer selection is critical to the effectiveness of the department, there is no ideal procedure to use in that decisionmaking process. Professional practice, not to mention Federal law, requires objective selection criteria with proven validity. Yet, we do not have the knowledge or tools to measure completely the complex role of a police officer. Therefore, officer selection often entails a process to seek individuals with specific, desirable personal and professional qualities that would make a positive contribution to the department.

However, a number of proactive elements can be built into the selection process that directly relate to different aspects of the officer's role. These include measures of general ability, knowledge about police science, psychological screening to determine stability and ability to handle stress, background checks, and interviews by department command staff, officers, and citizen advisory groups.

General Ability

A measure of general ability can be very helpful in evaluating the suitability of police officer candidates. A number of well-validated instruments to measure ability are available with a variety of norm groups so that an individual candidate's results can be compared to others with the level of training and education needed by the department. An absolute cutoff score is not practical except in the very low range because general ability must be considered in perspective with the rest of the information about the candidate. However, the police profession is demanding, and decisions must be made quickly. Many of these decisions may have far-reaching effects in the department, both for the individual officer and for the community. A reasonable level of intelligence is required to make decisions quickly while



Dr. Schowengerdt

Dr. Robinson

taking into account all of the elements of a unique situation.

It is important to note that an individual can be too intelligent to perform some tasks well over a long period of time. A relatively bright person may not be able to tolerate routine tasks indefinitely, and unless individuals are provided intellectual stimulation appropriate to their level of ability, the results can be boredom, depression, hostility, and of course, resignation. Therefore, ability level becomes not only data for selection but information necessary for effective personnel management once an officer is hired.

Professional Knowledge

Tests of specific information areas can also be useful. A test to determine knowledge about police science may be a very appropriate screening device for applicants above entry-level positions. A measure of interest in and potential for learning police science may be better for applicants at entry-level positions in departments that expect to provide extensive training for new employees. This is especially true for many small departments as they come to accept their role as a training ground for beginning professionals.

Psychological Screening

Psychological stability and the ability to handle stress are critical factors not only for effectiveness but for survival in law enforcement. There is no ideal psychological profile of a police officer because of the multifaceted nature of the job and the many combinations of ability, knowledge, and personality that can be effective for personal and professional success. However, psychological screening can provide useful information about a candidate's psychological strengths and areas of potential vulnerability. Additionally, stress tolerance and coping skills are often indicated in psychological test results and interviews. This can be useful information for both the candidate and the management team of the police department where he will be employed. Since stress and interpersonal difficulties are often the reasons officers resign or are terminated, preemployment psychological screening becomes an important tool for increasing the effectiveness of the selection process. Also, psychological screenings are often a deterrent for many inappropriate police officer applicants, thus saving the cost of evaluating these candidates and reducing the risk of hiring a person with emotional problems.

Background Investigation

A background check is an expensive, yet necessary, aspect of officer selection. The reasons an individual seeks a position in law enforcement are sometimes not evident from the information obtained in other parts of the selection process. One's lifestyle, attitudes, self-perceptions, and reputation provide important information about an individual's potential as a member of the police department. Greater objectivity and consistency can be achieved if a standard format is developed by the department for the background check and report. However, the format should not be so rigid that it prevents the officer conducting the check from following his own professional inclinations. A background check is not unlike any other investigation where the most valuable information may be obtained by chance or as a result of an officer's professional intuition.

"Few decisions have the far-reaching implications for a chief as those leading to the selection of the men and women who will represent the department, the community, and the profession."

Interviews

Interviews by command staff are an important part of the officer selection process. In addition to being the most experienced members of the police department, they are also leaders who will supervise and train the new officers. A resource for officer candidate evaluation that is often ignored or underused is the officer currently on the force. These are persons with whom a new officer must work, with whom a feeling of trust must be developed, and whose lives may depend on the hiring decision. A feeling of acceptance of a new officer can be initiated if he has "passed" an interview by the officers with whom he will be working. In addition, the officers develop a greater feeling of participation in the selection process and their own destinies if they are given an actual role in the selection of new personnel.

Interviews by a citizen advisory group may be an effective political and public relations technique but may not produce consistent professional recommendations. Unless the individuals involved have had a great deal of exposure to law enforcement and the police officer's work routine, they may not be able to interpret even specifically written job descriptions and departmental philosophy statements as they relate to an individual candidate. Therefore, citizen advisory groups must be trained in their legal obligations, interviewing techniques, and the professional needs of the department before they can be expected to fulfill a significant role in the selection process.

Although interviews by command staff, officers of the department, and citizen advisory groups can provide valuable information and build department and community morale, it must be remembered that interviews by untrained individuals are noted for producing inconsistent employment decisions. In addition, the threat of legal action as the result of poor interviewing techniques becomes very real with the Federal employment legislation passed in the past 10 years. For the interview to be an effective part of the selection process, the interviewers must be knowledgeable of the task at hand. The interviewers must be aware of their legal obligations and must be provided with objective methods of evaluating candidates.

Job Description

A job description can provide an excellent foundation from which questions and/or rating scales can be developed for evaluating applicants. A statement about the mission and philosophy of the police department and command staff is as important, if not more important, than job descriptions for individual police officers. The officer must function as part of a department within the community. Many of the qualities that determine the effectiveness of an individual officer are reflections of the community and the department. However, policy statements and job descriptions are often written in such general terms that they do not provide specific reference points for the objective evaluation of applicants. Statements like "serve the public interest" do not provide measurable objective criteria or even much of a basis for the subjective evaluation of an officer candidate. What is necessary is the identification of specific skills, abilities, and personal attributes that enable a person to fulfill the job requirements and function effectively within the parameters of departmental policy.

Conclusion

The process of personnel selection is far from being perfected. Few decisions have the far-reaching implications for a chief as those leading to the selection of the men and women who will represent the department, the community, and the profession. Since absolute selection criteria do not exist, the only alternatives are to collect as much relevant information as possible, develop objective procedures, and in the end, realize the decision must be made with less than perfect knowledge. However, the whole process builds upon itself. Through training, experience, and literature, a chief can begin to determine what information is relevant, how the relevant information can be obtained, which elements can be dealt with objectively, and which elements must be evaluated by professional judgment. Some of the components of the selection process described may be new and seem too costly to chiefs of small departments. However, certain things, such as psychological screenings and ability testing, can be contracted with private psychologists and community mental health centers. The cost of this type of consulting can be a good investment when it reduces interpersonal conflict within the department, limits the rate of officer turnover, and improves community support. No chief can expect to develop a perfect selection record, if for no other reason than the limitations in our knowledge and the fact that individuals change. Yet, in building a strong department and profession, the selection process becomes the foundation for the rest of the structure.

FBI

After completing a search of a room or area it is classified as "cleared." Here tactical operations officers are securing a "cleared" area through the use of plastic cuffs and rubber door wedges. Regular police uniforms, as opposed to SWAT fatigues, are normally worn to ensure their true identity is known to the occupants. Shiny metal accoutrements may be removed if necessary.

High-risk Warrant Executions—A Systematic Approach

By
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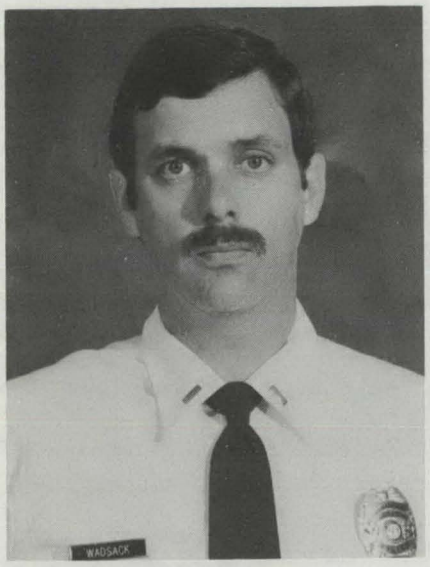
The task of planning an effective approach and entry into a building in order to execute an arrest or a search warrant is an issue that has long taxed the minds of even the most experienced and knowledgeable police officers. Each year, police officers are injured and killed as they attempt to execute search warrants or make arrests.

In the morning hours of December 1, 1981, a deputy with the Chickasaw County, Miss., Sheriff's Department was shot and killed while attempting to execute an arrest warrant at the home of an individual wanted for assault. As the deputy was standing in the front yard, the suspect fired a .30-06 semiautomatic rifle, striking the victim five times in the head, chest, and back.[1] In Tampa, Fla., on July 24, 1982, a detective was slain during a narcotics raid at a local residence.[2]

Twenty-three percent of assaults on police officers and 42 percent of the police officers killed during 1981 occurred while officers were attempting arrests.[3] These figures showed no improvement from the preceding year when the figures were 22 and 46 percent, respectively.[4]

The issue of warrant executions received local attention in January 1983, when on a quiet Saturday afternoon in an urban suburb of St. Louis County, a group of police officers from the Pine Lawn, Mo., Police Department served a search warrant at a residence for illegal drug activity. There was a tragic outcome—a veteran police sergeant was shot in the temple and killed as he burst in the front door. His assailants were later arrested and are currently awaiting capital murder charges.[5]

Because of the danger inherent in high-risk warrant executions, police agencies should assign this task to one department unit or to a group of well-trained police officers who are prepared to handle it successfully.



Lieutenant Wadsack

Col. G.H. Kleinknecht
Police Superintendent

In the St. Louis County Police Department, it was proposed that the responsibility for executing high-risk arrest and search warrants be assumed by the Bureau of Tactical Operations. Their primary mission has been the handling of special weapons and tactics (SWAT) assignments. Tactical personnel perform other duties, such as dignitary protection, crowd control at special events, multiple arrest techniques, intensive patrol of high-crime areas, and assistance during natural disasters. The unit is staffed by a lieutenant and two squads, each with nine police officers and a sergeant. The squads function as a group on a daily basis and are never decentralized among various elements of the department, as is done in some jurisdictions.

Assuming this new function provides tactical personnel with an opportunity to perform many of the same building entry and clearing techniques used during an actual SWAT assault. Also, many of the special equipment items typically needed during a high-risk warrant execution are already issued and are immediately available to tactical personnel. Finally, when a barricaded person situation does develop, a tactical team is already present for immediate containment and possesses advance information concerning the suspect, building, etc., which proves invaluable to other responding tactical officers. Based on the safety advantage to uniform patrol/detective personnel, as well as the training benefit to tactical personnel, it was decided to authorize this additional function for the Tactical Operations Bureau on a case-by-case basis, upon request of other units.

When a high-risk arrest or search warrant is being executed, an assembly area is designated. This area should be a safe distance from the target location and out of public view. While other team members are preparing necessary equipment and weapons, the tactical sergeant and the team leader should contact a supervisor from the unit that made the request. When possible, the warrant should be in the possession of the officers making the entry and conducting the search. If this is not possible, the fact that the warrant has been issued and is outstanding should be confirmed. Initial intelligence information should be exchanged, and the two tactical operations officers should accompany the requesting supervisor to the targeted building for a firsthand view. They should be driven in an unmarked car as close as practical to the site where, through conversation and personal observation, attempts should be made to gather additional pertinent data.

Many times, the area does not lend itself to close scrutiny, and extensive questioning of the requesting officers becomes crucial. They may possess valuable information concerning the house or its occupants but not be aware of its relative importance. There are several significant aspects to consider when planning a warrant execution where forcible entry may be necessary:

1) A complete description of the suspects involved in the situation or individuals who may possibly occupy the targeted residence;

Each team member is given a specific assignment to facilitate an organized, safe approach to the target location. Providing "cover" for each officer is always stressed.

2) A description of any weapons believed to be in the residence/ building;
3) Complete criminal history and current "wanted" status on the occupants;
4) Type and extent of locking mechanism used on the doors and windows, which direction the doors open, and whether there are any bars or padlocks on the windows;
5) An accurate description of the interior of the house as well as the location of all entry and exit points, including the most likely escape routes;
6) Automobiles in the driveway and their registration information in order to determine others who may be present in the residence, or in the event it becomes necessary to render a vehicle temporarily inoperable, to prevent a means of escape;
7) Information on neighboring homes for determining their potential for police ambush, as well as their possible use as cover sites for approaching officers;
8) The location of physical obstacles in the yard, such as fences, swimming pools, swing sets, pets, etc.; and
9) The best location to park police vehicles during the actual approach, with particular attention being given to providing cover to the initial officer selected to render cover for the other team members as they exit their autos.

It is imperative that the tactical team members be given exclusive authority to function as a team and execute the warrant without interference. Many times, the police officer who originally obtained the warrant may wish to assist during the actual entry. This should not be permitted. These officers can perform a more valuable function by establishing and maintaining a strict middle perimeter at the point the actual warrant execution commences. This would prevent sightseers, neighbors, news media, and local vehicle traffic from entering the inner perimeter area of the targeted building during the most critical time period.

Immediately prior to the warrant execution, team members should be briefed on detailed information gathered by the sergeant and team leader.

One of the entry methods used by the St. Louis County Police to avoid the "fatal funnel" effect. The prone officer must determine the safety level of the area immediately inside the doorway and visually signal the team leader. If safe, the team leader then initiates the entry. If unsafe, other team members must provide cover for the prone officer who rolls to safety.

Special emphasis should be placed on finding a team member who may, because of past experience, be familiar with the general interior structure or design of the buildings in the neighborhood. Many times, adjoining or neighboring homes may have identical floor plans. A rough sketch of the house should be drawn and all windows and doors should be clearly marked.

A specific plan should then be developed by the sergeant and team leader who must ensure each police officer clearly understands his role, as well as how his actions relate to the overall team effort. The plan must include such details as weapon selection, equipment to be carried, and tools needed in the event forced entry is required. To reduce the approach time to the building, seat position and vehicle selection for each team member should also be addressed. Information concerning route of travel and specific parking locations for each automobile should be provided. Additionally, individual members must be given key fixed-post assignments to ensure strict containment is maintained as the entry team begins its approach toward the door.[6]

The role of the tactical team should be limited to gaining entry and neutralizing the occupants of the building. Once the interior is rendered safe, the scene should immediately be relinquished to the original supervisor requesting assistance. Tactical personnel should never initiate a physical search or interview of persons in the residence. Observations of the entry team which could be of value to the investigating officers should, of course, be retained for later inclusion in the official police report. Once control of the scene has been transferred to the original officers, tactical operations personnel should return to the original assembly area. If time permits, the tactics used should be critiqued. Many improvements can be made by discussing tactical strategies and alternative methods that may be employed in future encounters.

There is always the potential of conflict between the primary objectives of the police officers who obtained the warrant and those of the tactical team members serving it. This problem is most likely to surface in cases involving drugs or other easily destructible evidence. Traditional police methods in narcotics-related search warrant executions usually dictate entering and hurrying to the restroom to prevent the destruction of evidence. This type of entry—referred to by police officers as "kick and run"—enhances the "fatal funnel" effect and increases the likelihood of death or injury to the first officer through the door.[7] The other option is the methodical, planned tactical entry where safety is foremost in the minds of those involved.

Police officers should be aware of the hazards involved in entering totally unfamiliar residences/buildings. The advantage is always with the occupant, since he knows both the interior layout of the building and his own intentions. Because of this, the tactical operations unit has adopted the following six-step approach to warrant execution entries;

1) Observe/view the target building, recording as much detail as possible;
2) Systematically and carefully approach and enter each area—stick to your plan;
3) "Clear" each area and neutralize any danger to police/bystanders;
4) Secure each area;
5) Move to the next area; and
6) If an area is "unsafe," take proper cover or safely retreat, if necessary.

Individual agencies should consider the relative importance of a large evidence seizure, and in certain cases, be willing to sacrifice total contraband recovery rather than jeopardize the safety of police personnel.

The St. Louis County Police Department has found that by using the Tactical Operations Bureau to execute "high-risk" warrants, a twofold advantage is realized. The warrant is served with a total emphasis on officer safety by an element of the department best equipped and trained to function as a team when every minute counts, and tactical personnel are provided with additional opportunities to develop, plan, and execute precision team strategies.

FBI

Footnotes

[1] U.S. Department of Justice, Federal Bureau of Investigation, *Law Enforcement Officers Killed,* 1981 pp. 32-33.

[2] Ibid., p.28.

[3] U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States*—1981 (Washington, D.C.: U.S. Government Printing Office, 1982), pp. 305-309.

[4] U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States*—1980 (Washington, D.C.: U.S. Government Printing Office, 1981), pp. 331-336.

[5] St. Louis Globe-Democrat, January 10, 1983, p. 1A.

[6] While announcement is generally required, no such step is necessary where compliance would place the searching officers in jeopardy.

[7] Ronald J. Adams, Thomas M. McTernan, and Charles Remsberg, *Street Survival* (Northrock, Ill.: Calibre Press Inc., 1980), p. 61.

ENTRAPMENT, INDUCEMENT, AND THE USE OF UNWITTING MIDDLEMEN (Part I)

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

The U.S. Supreme Court first recognized the defense of entrapment in the 1932 case of *Sorrells* v. *United States.*[1] Two distinct approaches to the entrapment concept emerged from this case. The majority opinion recognized the right of a defendant to offer evidence that his commission of the offense charged was the product of Government inducement. It made equally clear that when the defense is raised, the Government is permitted to offer proof that the defendant was predisposed to commit the offense. The majority view has come to be called the "subjective view" because its focus is on the defendant's state of mind and whether he was predisposed to commit the offense charged. Predisposition can be defined as a defendant's pre-existing willingness to commit a crime whenever an opportunity is presented to him.

The concurring Justices believed that the defense should focus upon the conduct of the Government and whether that conduct falls below judicially acceptable standards. This view of entrapment has come to be called the "objective view" because it concentrates exclusively upon the conduct of the police. Under this view, predisposition of the defendant is irrelevant.

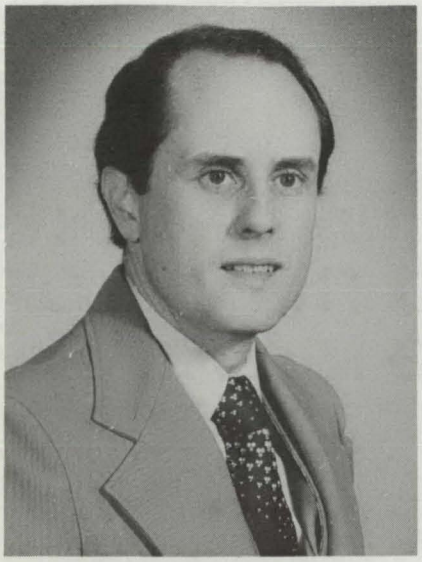
These diverse views of entrapment have competed for dominance over the years. The subjective view has emerged as the clear winner in the courts and has been adopted by the U.S. Supreme Court for the Federal system.[2] Moreover, the subjective view has been accepted by an overwhelming majority of the States.[3] By contrast, only a handful of States follow the objective view.[4]

This article analyzes one significant aspect of the subjective view, namely, the concept of inducement. Several aspects of the inducement concept are examined: (1) Whether the entrapment defense is available to a person induced by a private party to commit a crime; (2) the meaning of Government inducement; and (3) the issue of whether a person can claim entrapment when induced by an unsuspecting middleman.

Assertion of Entrapment

Federal appellate courts differ on the meaning of Government inducement in entrapment cases. In order to comprehend its meaning and function in the entrapment context, it is essential to understand the procedure by which the defense is asserted.

Entrapment is an affirmative defense which must be raised by the defendant.[5] The defendant bears the initial burden of producing evidence to show that the Government initiated, suggested, or proposed the crime. Moreover, he must produce evidence that he was not predisposed to commit it.[6] The initial objective of the defense is to obtain a ruling by the judge that entrapment clearly occurred as a matter of law and thus achieve dismissal of the case.[7] Alternatively, the defendant seeks to raise a factual question as to whether entrapment occurred, thus gaining a jury instruction on the issue. In the latter case, the jury would be instructed by the judge to acquit the defendant unless the prosecution produces evidence during trial which demonstrates beyond a reasonable doubt the defendant's predisposition to commit the offense.[8] If the court does not find entrapment as a matter of law and refuses to refer the question to the jury,



Special Agent Callahan

it has effectively suppressed the entrapment defense. What all this means is that at least on the entrapment issue, the defendant wins when the court finds entrapment as a matter of law, he stands a chance of winning (or losing) when the question is sent to a jury, and he loses when the court takes neither of these steps.

If the defendant meets the initial burden and the Government is unable to produce meaningful evidence of predisposition, there is no factual issue for submission to the jury and the judge should rule as a matter of law that entrapment occurred. For example, in *Sherman* v. *United States,*[9] a Government informant made repeated requests that Sherman provide him with heroin. Sherman continually rejected these overtures until he was reminded of the horrors of heroin addiction withdrawal, which the informant was suffering. The Government's predisposition evidence consisted primarily of two prior narcotics convictions within the past 9 years. The trial judge submitted the entrapment issue to the jury, and a conviction ensued. A Federal appellate court affirmed. The U.S. Supreme Court reversed and held that the trial judge erred in submitting the case to the jury. The Court observed that the Government's proof of predisposition was so deficient that the judge should have ruled that entrapment existed as a matter of law.

Private Inducement

The U.S. Supreme Court has never directly addressed the issue of whether for purposes of the entrapment defense, inducement of a defendant to commit a crime can be generated by a non-Government agent. However, Justice Hughes, writing for the majority in *Sorrells,* observed:

> "We are unable to conclude that it was the intention of the Congress in enacting this statute that its processes of detection and enforcement should be abused *by the instigation by government officials* of an act on the part of persons otherwise innocent in order to lure them to its commission and to punish them."[10] (emphasis added)

This language seems to limit availability of the entrapment defense to persons who have been induced by Government officers or their agents.

Several Federal appellate decisions have addressed this issue. For example, in *United States* v. *Perl,*[11] the defendant, a member of the Jewish Defense League, was approached by Lev-tov, a former member of the elite special forces of the Israeli Navy. According to his trial testimony, Lev-tov became upset with alleged acts of terrorism perpetrated in the name of various Jewish causes. He conceived a plan to induce a leading Jewish figure to join him in committing a violent act. Before commission of the act, however, it was his intention to alert the authorities. Lev-tov proposed to Perl that they shoot out the windows in the homes of two Soviet officials. Perl agreed and obtained a rifle and ammunition. Prior to the date agreed upon for the shooting, Lev-tov alerted the Israeli Embas-

"In order for the defendant to receive a jury instruction on entrapment, evidence of Government involvement must be produced."

sy to the plan and embassy officials notified the FBI. Subsequent meetings between Perl and Lev-tov were monitored by the FBI with Lev-tov's consent. Finally, the planned shooting was carried out with a weapon and blanks provided by the FBI. Perl was indicted, and at trial, requested the judge to furnish an entrapment instruction to the jury. This request was denied and Perl was convicted. A Federal appellate court reversed on other grounds but approved the trial court's refusal to instruct the jury on entrapment. Perl argued that no showing of Government involvement in the scheme to entrap need be made when a person is induced for the sole purpose of handing him over to Government authorities. The court rejected this argument and held that entrapment cannot result from the inducements of a private citizen. In order for the defendant to receive a jury instruction on entrapment, evidence of Government involvement must be produced.

Another illustration is found in *United States* v. *Garcia.*[12] Here, although the Government's involvement was arguably more significant, the defendant's entrapment argument was futile. Garcia was introduced to an undercover agent of the Drug Enforcement Administration (DEA) by Bobby Villareal, an informant. Shortly thereafter, Garcia sold heroin to the agent. He was subsequently indicted for distribution of heroin. At trial, he requested a jury instruction on entrapment. This request was denied and a conviction ensued. The conviction was affirmed by a Federal appellate court. On appeal, Garcia claimed that 8 weeks prior to the sale of heroin to DEA, the informant's brother, Bernardo Villareal, began to pressure him to sell heroin to the agent. Garcia alleged that after repeated refusals, he finally agreed to make the sale. The court noted that Garcia's entrapment claim was based upon the alleged inducements by Bernardo Villareal and not those of the admitted informant Bobby Villareal. Garcia pointed to evidence in the trial record that a week before the sale occurred, DEA agents met with both Villareal brothers and discussed how they could help them in drug investigations. The court discounted this testimony by crediting further DEA testimony that Bernardo was specifically told that his assistance was not being sought since he was on Federal parole. Moreover, the court observed that this meeting occurred several weeks after Bernardo allegedly began to pressure Garcia into selling narcotics. The court held that even if Bernardo did pressure Garcia into selling heroin, there was no indication that Bernardo ever entered into an explicit or implied agreement to assist the Government to make a case against Garcia. Because there was no evidence of Government inducement, the entrapment defense could not be raised.

By contrast, if a defendant can establish that a private citizen induced him to commit a crime and the citizen had a prior informant relationship with the Government, the result may be different. This point is illustrated in *Sherman* v. *United States.*[13] Kalchinian, an active Government informant, met the defendant in a doctor's office where both were being treated for drug addiction. Kalchinian, without authorization or knowledge of Federal drug agents, made repeated requests to Sherman that he provide him with narcotics. Only after the informant appealed to Sherman's sympathy, based upon his knowledge of addiction withdrawal, did the defendant acquiesce. After several unmonitored sales occurred, the informant alerted Federal agents. They subsequently observed the later sales for which Sherman was indicted. Sherman claimed entrapment at his trial and a conviction ensued. A Federal court of appeals affirmed. On appeal to the Supreme Court, Sherman argued that entrapment had been established as a matter of law and the trial judge erred in allowing the jury to consider the issue. The Government argued that since the trial record contained evidence of predisposition, the trial judge properly allowed the jury to consider the entrapment issue. To support this argument, the Government pointed to several sales made by Sherman to Kalchinian before he alerted the drug agents. The Supreme Court rejected this argument and reversed. The Court observed:

> "It makes no difference that the sales for which petitioner was convicted occurred after a series of sales. They were not independent acts . . . but part of a course of conduct which was the product of the inducement."[14]

Government Inducement

One of the early Federal appellate decisions which explored the meaning of Government inducement was written by Judge Learned Hand.[15] He suggested that when entrapment is asserted, two questions of fact

". . . proof of solicitation by law enforcement to commit a crime, standing alone, is not sufficient to trigger a jury instruction on entrapment. The defendant must also point to some evidence of lack of predisposition."

arise:

> "(1) did the agent *induce* the accused . . . . (2) if so, was the accused ready and willing without persuasion and . . . awaiting any propitious opportunity to commit the offense. On the first question the *accused has the burden;* on the second the prosecution has it." [16] (emphasis added)

Judge Hand believed that inducement is established by a defense showing that Government agents solicited, suggested, proposed, or initiated the commission of the crime. By implication, defense proof of inducement triggers a jury instruction on entrapment. He did not believe that a defendant has to produce evidence of nonpredisposition in order to receive an entrapment instruction.

A survey of Federal entrapment cases suggests that Federal appellate courts have not adopted Judge Hand's formula. Some Federal circuits have accepted his definition of inducement, but also have required defense production of some evidence of nonpredisposition before granting a jury instruction on entrapment.[17] Other circuits define inducement to mean more than mere Government solicitation. These circuits require defense production of some evidence demonstrating Government persuasion or defendant nonpredisposition before an entrapment instruction is given.[18] At least one circuit has abandoned the term "inducement" altogether. This circuit requires the defendant to show more than mere solicitation and this showing must include evidence tending to show unreadiness.[19] Although there is disagreement among the circuits on the meaning of inducement, all agree that a jury instruction on entrapment will not lie in the absence of defense evidence of nonpredisposition.

Jury Instruction Denied

The following cases are illustrative of defendants' failure to receive a jury instruction on entrapment because of their inability to produce some evidence of nonpredisposition.

In *United States* v. *Licursi,*[20] a Government informant initiated contact with Licursi and asked if he had cocaine. Licursi responded that he did not. Later, a second request was made, and Licursi replied that a friend had cocaine. During the second contact, arrangements were made for a meeting to consummate a sale. Eventually, Licursi was indicted for aiding and abetting a sale of cocaine. During trial, the Government offered substantial evidence of Licursi's predisposition to commit the crime. The trial judge refused to instruct the jury on entrapment, and a conviction ensued. The Federal appellate court affirmed. The court observed that although it was clear that the Government solicited Licursi to commit the crime, his failure to produce some evidence of lack of predisposition was fatal. At trial, Licursi testified that he had never before been involved in a narcotics sale. On appeal, he argued that this was sufficient to meet his burden of showing some evidence of nonpredisposition. The court rejected this evidence as inadequate.

United States v. *Jackson*[21] provides another example. A Government informant introduced an undercover agent to defendant Jackson. Jackson told the agent that he wanted to purchase cocaine. Later, they met at a motel and agreed on a plan to consummate the deal. During this meeting, defendant Hicks appeared and furnished the agent an envelope which contained $60,000 in cash. Hicks was later indicted for conspiracy to possess cocaine with intent to distribute. At trial, the judge refused to instruct the jury on entrapment, and a guilty verdict followed. A Federal appellate court affirmed and held that Hicks was not entitled to an entrapment instruction because he failed to show some evidence of lack of predisposition. The court observed that the prosecution produced evidence of predisposition at trial. Hicks testified at trial that he had a reputation in the community of being a successful businessman with no record of past illegal conduct. He argued that this testimony was sufficient to suggest nonpredisposition. The court rejected this evidence as insufficient.

Pierce v. *United States*[22] is also instructive. An undercover Secret Service agent was introduced to Pierce by an informant. The agent initiated the contact and requested that Pierce provide him with counterfeit money. Pierce indicated a willingness but later reported that he was having difficulty with the manufacturer. Later, during another meeting, Pierce told the agent that his source of supply suspected him (the agent) of being an FBI Agent. Eventually, an illegal sale was consummated and Pierce was arrested. At trial, the judge refused to charge the jury on entrapment and Pierce was convicted. On appeal,

Pierce argued that his reluctance to consummate the deal because he suspected the agent was an FBI man was sufficient to show his lack of predisposition. The court of appeals rejected this contention and affirmed the conviction. The court explained that fear of detection does not constitute lack of predisposition.

Jury Instruction Granted

The Supreme Court's decision in *Sorrells* examined the issue of whether the trial judge erred in refusing to give an entrapment instruction to the jury. During trial, Sorrells testified that he was visited at home by an undercover agent. The agent made several requests for contraband liquor. Sorrells responded that he had no whiskey. Finally, after conversation disclosed that both men had been members of the same division in World War I, Sorrells left and returned with whiskey. A sale was completed. Sorrells was charged with possession and sale of illegal whiskey. At trial, a defense witness who was present at the time of the offense corroborated Sorrells' story. The witness testified that Sorrells' initial response to the agent's importuning was that he did not fool with whiskey. The trial judge ruled as a matter of law that entrapment was not present. A conviction followed and the Federal appellate court affirmed. The Court reversed, observing that the trial evidence was sufficient to warrant a jury instruction on entrapment.

In *United States* v. *Riley,*[23] the defendant was convicted of participating in a narcotics transaction. At trial, a Federal agent testified that he met the defendant through an informant. The agent told Riley that he wanted to purchase drugs and they negotiated a sale of heroin. The sale was consummated and an indictment followed. Riley testified at trial that the informant was a close friend and that they often used drugs together. He claimed that the agent purported to be a friend of the informant. Moreover, the agent told Riley that he and his wife were in urgent need of heroin. Riley responded that he was not a seller of narcotics. The inference that Riley hoped the trial judge would draw is that he was not disposed to sell narcotics but did so because of his close friendship with the informant and his knowledge of the agony of narcotics addiction withdrawal. The trial judge refused to instruct the jury on entrapment, and the conviction followed. The court of appeals reversed and held that Riley's testimony at trial was sufficient to raise a jury issue regarding predisposition. Since the Government initiated the transaction and the defendant produced some evidence of unreadiness, he was entitled to a jury instruction on entrapment.

United States v. *Burkley*[24] is also instructive. Burkley was indicted for selling heroin to an undercover officer. The trial record disclosed that the officer initiated contact with Burkley and inquired about the possibility of purchasing heroin. During cross-examination, the officer admitted making comments to Burkley which the trial judge decided were sufficient to constitute some evidence of lack of predisposition. These comments consisted of the following:

> "I thought you were going to be able to do this thing for me. I am disappointed that you were unable to do so."[25]

Since the Government initiated contact with Burkley and the trial record disclosed some evidence of nonpredisposition, Burkley received a jury instruction on entrapment. Burkley was convicted. The conviction was affirmed on appeal.

The court was not faced with the issue of whether the jury should have received an entrapment instruction on these facts since one was given. Nevertheless, the court agreed that an instruction was required. The court observed that proof of solicitation by law enforcement to commit a crime, standing alone, is not sufficient to trigger a jury instruction on entrapment. The defendant must also point to some evidence of lack of predisposition. The testimony elicited on cross-examination was sufficient for that purpose.

Inducement Through Unsuspecting Middlemen

Proof of inducement by a private person who has no relationship with the Government will not support a claim of entrapment. Conversely, if a Government agent or informant solicits a person to commit a crime, the defense of entrapment may be available. In recent years, it has become common for law enforcement to use unsuspecting middlemen in an effort to insure success of undercover operations.[26] Middlemen are not law enforcement officers or informants. They are private, unwitting individuals who are being used by the Government to

"Proof of inducement by a private person who has no relationship with the Government will not support a claim of entrapment."

further the goals of an undercover operation. Middlemen are willing criminals who fully expect monetary rewards for their efforts. Government agents or informants have, at times, encouraged them to involve others in illegal activity. Since middlemen are unaware of their law enforcement role, there is a question as to whether a person induced by them can claim entrapment.

The U.S. Supreme Court has never addressed this problem. Although the issue has been considered in both Federal and State appellate courts, the response has not been uniform. This part of the article will categorize the diverse approaches that courts have taken in this matter. Moreover, it will examine the analytical soundness of the principal approaches. Finally, it will suggest the best approach for courts to take.

It already has been pointed out that the several Federal appellate courts have construed the term "inducement" differently. Some interpret it to mean Government solicitation alone. Others have defined it to mean Government solicitation plus lack of defendant predisposition. For purposes of analysis, whenever the term "inducement" appears in this section of the article, it means solicitation to commit a crime.

Inducement Through Middleman Impossible

At least one Federal circuit appears to have rejected the idea that a person can be entrapped by means of an unsuspecting middleman. In the ninth circuit decision of *United States* v. *Shapiro,*[27] an undercover DEA agent met with Shapiro, who agreed to sell him cocaine. At the time of sale, defendant Howard suddenly appeared and conversed with Shapiro. She left and returned shortly thereafter with cocaine. Howard was drawn into the case by Shapiro. At trial, the judge refused to instruct the jury on Howard's entrapment claim. A conviction followed and Howard appealed. The appeals court affirmed and held that a defendant must offer proof that inducement came from a Government agent before a jury instruction on entrapment is possible.

Middleman Not Induced

B, a middleman, initiates contact with A, an undercover agent, and offers to sell A cocaine. A agrees to purchase cocaine. B, without A's knowledge, induces C to enter the deal. C participates in the sale and is arrested. Is the entrapment defense available to C?

United States v. *Lee*[28] provides an answer. Lee initiated a chain of events which led to negotiations with undercover agents for a sale of cocaine. Lee, on his own, brought Grimrod into the picture. Grimrod met the agents and showed them how to smuggle cocaine into the country. Negotiations eventually collapsed, and Lee and Grimrod were indicted for conspiracy. Grimrod was convicted and a Federal appellate court affirmed. He argued on appeal that the trial judge erred in refusing to instruct the jury on entrapment. The court observed that Grimrod was not induced by the Government to join the conspiracy. The court noted that if he was induced at all, it was Lee who induced him. The court explained that the Government could not be held responsible for this inducement:

> "[Lee] was neither an agent of the government officials, nor an unsuspecting third party passing on an inducement upon Grimrod by government officials. Such inducement as may have been made upon Grimrod originated with Lee . . . . However, Lee was not induced and had no entrapment defense."[29]

The result in this case is correct. The Government did nothing to involve Grimrod. Lee initiated the crime and was not induced by the Government to commit it. Entrapment is a defense to Government conduct which is designed to lure innocent persons into the commission of a crime. Since the Government did nothing to lure Grimrod, the defense should be unavailable to him.

Transmitted Inducement

A, an undercover officer, induces B, a middleman, to sell cocaine. A does not instruct B to communicate the inducement to any third party. B nonetheless transmits A's inducement to C. C becomes involved in the sale. Is the entrapment defense available to C?

In *United States* v. *Valencia,*[30] Olga and William Valencia were indicted for selling cocaine to undercover DEA agents. At trial, Olga testified that a Government informant told her that they could make money selling cocaine. She claimed that the informant pushed her for 4 months to become involved and supplied her with a small amount of cocaine. William Valencia subsequently participated with his wife in sale of cocaine to a

DEA agent. William requested an entrapment instruction at trial. This request was denied and he was convicted. A Federal appellate court reversed and observed that when a person is brought into a criminal scheme by a non-Government agent, the entrapment defense may nevertheless be available to him. The court explained that when an informant induces an unwitting party to commit a crime and that party transmits the inducement to another, the third party should be able to assert entrapment. The court stated that the entrapment defense can be presented to a jury only where the third party can show that the agent's inducement was directly communicated to him by a middleman. The case was remanded for a ruling on whether there was sufficient evidence to show that Olga transmitted the informant's inducement to William.

On remand, the trial court ruled that there was no evidence which showed that Olga communicated the informant's inducement to William. William filed a second appeal and the appellate court affirmed.[31] William argued that the marital relationship suggested an inference that the informant's inducement was transmitted to him by his wife. The court rejected this contention.

The first appellate decision in *Valencia* is incorrect. The entrapment defense was intended to keep the Government from enticing innocent people to commit a criminal act. The Government never intended to entice William Valencia into a drug sale. The informant's inducement went only to Olga Valencia. She was not instructed to bring anyone else into the scheme. The Government had no control over her conduct and did not direct her to involve any third party in the transaction. Moreover, making the defense available to persons in this context invites perjury from the defendant. He can testify that the middleman passed along the Government inducement to him. There is no way for the Government to refute this claim since it is not privy to the meeting between the middleman and the defendant. Refutation of the defendant's testimony by the middleman is unlikely since he will, in most cases, be a codefendant who would have a fifth amendment right against incriminating himself. In one recent case, the trial judge granted the middleman "defense immunity" in order to allow him to testify on behalf of the defendant.[32] This procedure is very suspect. It invites perjury and collusion between the middleman and the third party. The case against the middleman is often very strong, and he is likely to be a friend of the third party. This procedure would allow them to create testimony which would make it appear that the third party definitively resisted a substantial inducement from the middleman. This testimony would be difficult to rebut since no one else was present at the meeting. The middleman might be willing to involve himself in this fraud upon the court out of friendship for the codefendant and because his own chance of acquittal is minimal. Judge Van Graafeiland, dissenting in the initial *Valencia* decision, makes the point most effectively:

> ". . . while arguably the lofty purpose of deterring improper police conduct . . . may be served by acquitting defendants entrapped by Government agents, the same purpose would not be served by setting guilty men free who were never even in the agents' gunsights." [33]

Middleman Initiated Inducement

A, an informant, induces B, a middleman, to commit a crime. B, on his own, brings C into the picture. B does not transmit A's inducement to C but initiates his own inducement to C, who participates in the crime. Is the entrapment defense available to C?

United States v. *Fischel*[34] offers some guidance. Marlin, a DEA informant, approached Ludwig about a purchase of cocaine. Marlin offered to introduce Ludwig to a potential buyer and arranged a meeting. The buyer was an undercover DEA agent. Ludwig arrived at the meeting with Fischel. Fischel's presence was not expected by the agents. He took an active role in the sale and was later indicted. He was convicted and argued on appeal that the trial judge erred in refusing to instruct the jury on entrapment. The Federal appellate court affirmed and rejected the entrapment claim. Fischel argued that the Government induced Ludwig to commit a crime and Ludwig, an unwitting Government pawn, induced him to participate. Therefore, the entrapment defense should be available. The court observed that even if Ludwig was an unwitting pawn whose conduct is attributable to the Government, his entreaties to Fischel fell far

"Inducement created by a middleman and offered to a third party without the knowledge, participation, or consent of a Government agent should not permit an entrapment claim by the third party."

short of inducement. The court noted that all Ludwig did was to tell Fischel that he needed a ride to take drugs to a friend. The court did not believe that this request for a ride amounted to inducement. By finding no inducement from Ludwig to Fischel, the court fails to reach the question raised in the hypothetical. At the same time, the decision suggests that if Ludwig's comments to Fischel amounted to inducement, the entrapment defense would have been available to him.

By contrast, another Federal appellate court appears to summarily reject the availability of the entrapment defense under similar circumstances. In *Crisp* v. *United States*,[35] a Government agent approached Warren and offered to purchase morphine from him. Warren made two sales to the agent. The agent requested that Warren make a third sale. The agent never asked Warren to introduce him to his source. Warren, nonetheless, introduced the agent to Crisp who sold morphine to him. At trial, Crisp testified that Warren owed her money but could not pay his debt. Warren allegedly told her that he knew a man who would pay her $30 dollars for morphine that cost her $1. The trial judge refused to submit the entrapment defense to the jury and Crisp was convicted. The court of appeals affirmed and observed that Warren was not a Government agent. Moreover, the Government did not direct him or suggest to him how he might obtain the narcotics. Thus, the entrapment defense was not available to Crisp.

The result in *Crisp* is correct. Inducement created by a middleman and offered to a third party without the knowledge, participation, or consent of a Government agent should not permit an entrapment claim by the third party. To allow the entrapment defense in this situation would be an invitation for both middleman and defendant to commit perjury. The potential for collusion among the parties and for a fraud to be perpetrated upon the court is significant. The Government would be faced with a very difficult proof problem in negating the defense because no Government agent was present at the time of the alleged inducement from the middleman to the third party. Even if the credibility of the parties was not in doubt, the defense should not lie. Permitting its use would make the Government responsible for inducements it never intended or approved.

The conclusion of this article will continue to examine the question of whether third parties can assert entrapment when their conduct is induced by unsuspecting middlemen. This analysis will include a discussion of inducement by middlemen when they are instructed by the Government to induce specific persons or persons within targeted groups. Finally, consideration will be given to the question of whether the Due Process Clause of the Constitution might be violated by Government use of middlemen to pass on inducements to third parties.

(To be continued)

Footnotes

[1] 287 U.S. 435 (1932). In *Sorrells*, all of the Justices except one agreed that the entrapment defense was a valid defense which may be asserted in Federal court. The Justices disagreed on the nature, content, and origin of the defense. This dichotomy is further explained in the text of this article.

[2] *Sorrells* v. *United States*, 287 U.S. 435 (1932); *Sherman* v. *United States*, 356 U.S. 369 (1958); *United States* v. *Russell*, 411 U.S. 423 (1973); *Hampton* v. *United States*, 425 U.S. 484 (1976).

[3] *See* Comment, Causation and Intention in the Entrapment Defense, 28 U.C.L.A. L. Rev. 859, at 860 n. 4.

[4] *Id.* at 862 n. 16. This note lists eight States which have adopted the objective view. They are identified as Alaska, California, Hawaii, Iowa, Michigan, New Hampshire, North Dakota, and Pennsylvania.

[5] 21 Am. Jur. 2d 461.

[6] *United States* v. *Watson*, 489 F. 2d 504 (3d Cir. 1973); *United States* v. *Riley*, 363 F. 2d 955 (2d Cir. 1966).

[7] *Sherman* v. *United States*, 356 U.S. 369 (1958).

[8] *See*, Park, The Entrapment Controversy, 60 Minn. L. Rev. 163, at 184.

[9] *Supra* note 7.

[10] *Supra* note 1, at 448.

[11] 584 F.2d 1316 (4th Cir. 1978).

[12] 546 F.2d 613 (5th Cir. 1977).

[13] *Supra* note 7.

[14] *Id.* at 374.

[15] *United States* v. *Sherman*, 200 F.2d 880 (2d. Cir. 1952).

[16] *Id.* at 882–883.

[17] *United States* v. *Licursi*, 525 F.2d 1164 (2d Cir. 1975); *United States* v. *Armocida*, 515 F.2d 49 (3d Cir. 1975).

[18] *United States* v. *Brandon*, 633 F.2d 778 (9th Cir. 1980); *United States* v. *Hill*, 626 F.2d 1301 (5th Cir. 1980); *United States* v. *Burkley*, 591 F.2d 903 (D.C. Cir. 1978); *United States* v. *Christopher*, 448 F.2d 849 (9th Cir. 1973); *United States* v. *Devore*, 423 F.2d 1069 (4th Cir. 1970).

[19] *Kadis* v. *United States*, 373 F.2d 370 (1st Cir. 1967).

[20] 525 F.2d 1164 (2d Cir. 1975).

[21] 700 F.2d 181 (5th Cir. 1983).

[22] 414 F.2d 163 (5th Cir. 1969).

[23] 363 F.2d 955 (2d Cir. 1966).

[24] 591 F.2d 903 (D.C. Cir. 1978).

[25] *Id.* at 909.

[26] *United States* v. *Myers*, 692 F.2d 823 (2d Cir. 1982); *United States* v. *Jannotti*, 673 F.2d 578 (3d Cir. 1982), *cert. denied*, 102 S.Ct. 2906 (1982).

[27] 669 F.2d 593 (9th Cir. 1982).

[28] 694 F.2d 649 (11th Cir. 1983), *cert. denied*, 103 S.Ct. 1779 (1983).

[29] *Id.* at 654.

[30] 645 F.2d 1158 (2d Cir. 1980).

[31] *United States* v. *Valencia*, 677 F.2d 191 (2d Cir. 1982).

[32] *United States* v. *Jannotti*, 673 F.2d 578 at 603 (3d Cir. 1982). At the close of the prosecution's case, the judge granted immunity to a nondefendant middleman to permit him to testify regarding conversations that he had with the defendant. The use of "defense immunity" is doubtless tied to the court's inherent authority to cause all relevant facts to be produced at trial.

[33] *Supra* note 30, at 1178.

[34] 686 F.2d 1082 (5th Cir. 1982).

[35] 262 F.2d 68 (4th Cir. 1958). *See also United States* v. *Dove*, 629 F.2d 325 (4th Cir. 1980).

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WANTED BY THE FBI

Retouched photographs taken 1979

Alphonse Carmine Persico

Alphonse Carmine Persico, also known as A. Perisco, Alphonse Persico, Alphonso Persico, Alley Boy Persico, Alley Boy, Allie Boy Persico, Allie Boy, Al, and Ally Boy

Wanted for:

Extortionate Credit Transactions—Bond Default

The Crime

Persico, a reputed underboss of an organized crime family in Brooklyn, N.Y., is being sought by the FBI for failure to appear for sentencing after being convicted on multicounts of violating the Extortionate Credit Transaction Law.

A Federal warrant was issued on June 23, 1980, in the Eastern District of New York, charging Persico with extortionate credit transactions and failure to appear.

Description

Age	53, born December 6, 1929, Brooklyn, N.Y.
Height	6′ to 6′2″.
Weight	215 pounds.
Build	Heavy.
Hair	Black/gray.
Eyes	Brown.
Complexion	Olive.
Race	White.
Nationality	American.
Scars and Marks	Burn scar on left cheek; tattoo: "AL" on right hand between thumb and forefinger.
Occupations	Carpetlayer, legal clerk, president of carpet installation firm, security consultant.
Remarks	Allegedly wears his hair short with a permanent and may be wearing full beard and mustache.
Social Security Number used	072-22-1415.
FBI No.	263 729 A.

Caution

Persico has previously been convicted of murder, assault, and contempt of court. He has been known to carry a weapon in the past and 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:

166313C005PI61141613

Fingerprint Classification:

16 M 13 R 000 Ref: 13
1 1 R 000 2

I.O. 4875

Right index fingerprint

Change of Address

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FBI LAW ENFORCEMENT BULLETIN

Complete this form and return to:

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

Name

Title

Address

City State Zip

Questionable Pattern

This pattern has the general appearance of a loop; however, a closer analysis discloses the lack of a sufficient recurve. This impression is classified as a tented arch. A reference search would be conducted in the group.

U.S. Department of Justice
Federal Bureau of Investigation

Official Business
Penalty for Private Use $300
Address Correction Requested

Postage and Fees Paid
Federal Bureau of Investigation
JUS–432

Second Class

Washington, D.C. 20535

The Bulletin Notes

that Officer Kim Haury of the Glendale, Ariz., Police Department is credited with saving the life of a citizen whose car caught fire while parked in the carport of his residence. While on patrol in the early morning hours of June 29, 1983, Officer Haury saw the fire and notified the dispatcher of the location. She then assisted the resident out of his house, which had filled with smoke. The Bulletin joins the mayor of Glendale and fire officials in recognizing Officer Haury's quick action in this emergency situation.

Officer Haury

693-27