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CONTENTS

MESSAGE FROM THE DIRECTOR

"A steadily rising volume of crime creates an atmosphere of fear haunting all levels of society." 1

MENTAL HEALTH WORKSHOPS FOR LAW ENFORCEMENT, by William M. Mohr and Joseph E. Steblein, Jr., Training Directors, Niagara County Law Enforcement Academy, Niagara County Community College, Sanborn, N.Y. 3

THE USE OF CHARTER AIRLINES IN EXTRADITION CASES, by Col. Robert O. Mathews, Chief, Howard County Police Department, Ellicott City, Md. 9

MIRANDA AND THE DERIVATIVE EVIDENCE RULE—BROWN V. ILLINOIS, by Donald J. McLaughlin, Special Agent, Federal Bureau of Investigation, Washington, D.C. 12

CUSTOMS-TAILORED ENFORCEMENT TECHNIQUES: TROUBLE FOR FEDERAL LAWBREAKERS, by Hon. Vernon D. Acree, U.S. Commissioner of Customs, Washington, D.C. 16

THE FBI ACADEMY INDOOR RANGE 21

THE POLICE BUDGET: A VALUABLE MANAGEMENT TOOL OR A STATUS QUO HANDCUFF? by Ralph E. Anderson, Vice President and Corporate Director of Security, United Virginia Bankshares, Inc., Richmond, Va. 26

CRIME DIGEST 30

SYMPOSIUM ON CRIME LABORATORY DEVELOPMENT 31

WANTED BY THE FBI 32

THE COVER

This month's cover photo depicts a typical police-victim scene following a street crime against a senior citizen. The unique problem of crime and the elderly is the subject of Mr. Kelley's Message, beginning on page 1 of this issue.



Message from the Director . . .



A STEADILY RISING VOLUME OF CRIME creates an atmosphere of fear haunting all levels of society. It is particularly alarming to those Americans who are most vulnerable—our senior citizens. Unfortunately, scant attention has been focused on this unique and challenging aspect of our crime problem.

In terms of numbers alone, older persons form a significant part of our society. Statistically, slightly over 10 percent of our population—approximately 22 million Americans—are 65 years of age or older. This age group comprises one of the fastest growing segments of our populace, its ranks increasing by about 1,000 persons daily.

Studies indicate that the threat of crime is a major fear for many of our older citizens. It causes a diminishment of their community involvement and a forfeiture of social activities beneficial to them. Fortunately, the most dreaded criminal acts—homicide and rape—are infrequently committed against persons in their age group.

Most offenses against elderly persons are crimes of opportunity, occurring at or near their residences. Often careless or thoughtless actions on their part make them easy prey to criminally inclined opportunists. Unfortunately, too, economic and social considerations have situated numerous older persons in crime-ridden urban neighborhoods where those most prone to vic-

timize them are prevalent—particularly young hoodlums. The elderly are seldom a match for these robust, fleet-of-foot bandits, and in such an environment, it is not unusual for an elderly person to be victimized repeatedly.

Street crimes such as purse snatchings, muggings, and armed holdups, together with home burglaries and confidence-type frauds, are offenses that most commonly strike the elderly. In the last category, they are victimized out of proportion to their numbers. Typically, of course, older persons are among those least able to afford the deprivations of crime. Limited financial resources, fixed incomes, and reduced employment opportunities make even a slight monetary loss a catastrophe. Also, physiological and psychological factors, attendant to aging, make the elderly more vulnerable and less resilient to the trauma and personal injury of criminal attack. Accordingly, crime leaves a deeper, more lasting mark, and injuries incurred may be more disabling and require a longer recovery period.

Traditionally, police have exhibited compassionate concern in dealing with older persons. Generally, however, little or no specialized training in this area has been afforded to officers. Law enforcement can substantially improve its capabilities and effectiveness in serving senior citizens. We must seek to advance through training our understanding of the elderly and their particular crime problems. We must sponsor and support programs for teaching the elderly simple, worthwhile, and inexpensive crime resistance

MESSAGE

measures they can undertake to protect themselves. Through such endeavors, valuable knowledge can be gained and exaggerated fears dispelled.

Reducing crimes against the elderly and the dread they have for lawlessness can spark a renewed sense of security in older persons and

improve the quality of their lives. In providing such assistance, law enforcement will be rendering a vital service while earning the gratitude and greater confidence of our senior citizens.

The wisdom of our elderly citizens is a precious national asset which must be protected from the ravages of crime.

JANUARY 1, 1976


CLARENCE M. KELLEY
Director

Mental Health Workshops for Law Enforcement



By

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On April 4, 1974, the Niagara County Law Enforcement Academy codirectors met with members of three mental health agencies to discuss the need for training police officers in areas of mental health. The agencies represented were the Community Mental Health Center, the Hotline & Insight Counseling Cen-

"The officers increased their knowledge of the vast number of resources available to them to provide alternatives not previously used [in mental health cases]."

ter, and the Beeman Child Guidance Clinic.

Of prime importance was the need for training in family-crisis intervention. Disturbance-type calls are, of course, recognized as one of the most dangerous to police officers, as indicated in the Uniform Crime Reports and other sources. Additionally, calls of this nature are very time consuming to the police, and because of the potential danger, extra manpower is assigned for backup purposes. This

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A role-playing situation is set up during the mental health workshop.

calls for other patrol units to overlap the areas temporarily unprotected.

Locally, recruit officers are given little or no training to prepare them for family-crisis intervention. The recruits learn to handle "domestics" by observing veteran officers in action. After a period of time, the recruit is considered capable of handling these situations by himself.

The codirectors agreed that in their experience the officers were effective in dealing with the immediate problem usually by persuasive conversation with the individuals involved or by threatening to lock up one or the other, normally the husband. In many cases, it is easy to persuade the husband to go for a walk around the block and cool off, or to have either of the individuals spend the night with other family members or friends. In any event, the solution is generally a temporary one. As with the bulk of an iceberg, the basis of the problem remains hidden. Consequently, the

police officers may well have to return during the same shift, an occurrence which often leads to the arrest of one of the parties. More time and manpower are expended and the problem continues to be unresolved.

"Another problem sensed by the codirectors was that few, if any, police officers were aware of referral services in the county."

Another problem sensed by the codirectors was that few, if any, police officers were aware of referral services in the county. A myriad of services are available to assist officers in their demanding profession. It is important to inform officers of agencies' functions and advise them in making contacts. For example, staff from the counseling center are available 24 hours a day, 7 days a week. These people, many of whom are volunteers, will respond to attempted suicides, family problems, drug/alco-

hol problems, etc. They can spend as much time as necessary with clients, thereby freeing the police so they may return to patrol or answer other calls for service. There are other agencies who will respond to alcohol problems, child abuse, etc.

Officers from the various departments were frustrated with the mental health center staff. The officers complained of bringing violent individuals to the center for admittance, as provided for under the mental health law, only to have them refused admittance because the individual no longer showed violent tendencies or was not seen as a threat to self or others. In addition, after the officers waited for the person to be evaluated, the reason for not admitting the individual was not made clear to them. Officers complained of risking their lives several times to save the same person from jumping over Niagara Falls, only to have that person refused admittance to the center. The lack of communication concerning

these issues was a major source of conflict between police and mental health agencies.

The codirectors proposed that a 1- to 3-day training program be prepared for implementation. They preferred to have the program held monthly over a period of 6 months. The purpose of handling the training in this manner was to enable the various police agencies in the area to send the maximum number of officers for training. The schedule was maintained in order to not reduce manpower at any one time and to provide opportunities for various shifts to participate.

Mental Health Agencies' Response

The codirectors received a description of the proposed program from the mental health center. Nine topics were selected to be presented over a 3-day format. The topics included were: (1) crime prevention role—officer safety and mental health concepts as crime prevention, (2) mental health law, (3) crisis intervention model, (4) facilitative communication, (5) family problems, (6) suicide, (7) drugs, (8) rape, and (9) hospitalization criteria, process, and staff relationships. Instructors provided would represent the Community Mental Health Center, the Niagara County Drug Abuse Program, and the Beeman Child Guidance Clinic.

Academy codirectors were responsible for program authorization through the academy directors, and secured their full cooperation and support for the training.

The training schedule began in January 1975 with four workshops following on a monthly basis.

Workshop Format

The first Mental Health Workshop was held on January 11, 12, and 13 at the academy site in the Niagara

County Community College. Fourteen police officers, from the rank of patrolman to captain, and two female youth workers were in attendance. The participants represented the Lockport, N.Y., Police Department, the New York State Parkway Police, the Niagara County, N.Y., Sheriff's Department, the Niagara Falls, N.Y., Police Department, and the North Tonawanda, N.Y., Police Department. The educational level of the group ranged from high school graduate to college graduate. Time in police service ranged from 1 year to over 20 years of service.

The instructors began by introducing the concepts behind the workshop,

“. . . presented were a description of a person whose balance is disturbed and a description of the characteristics of excess anxiety and excess depression.”

introducing the participating agencies, and giving an overview of the topics to be covered. This provided orientation to the purpose of the concepts and initiated a working communication between participants and instructors. The officers were encouraged to raise questions and objections during the presentation so the material could be clarified and adapted for practical use.

The first lecture on *prevention of crime* focused on the role of the law enforcement officer in the community. The lecturer advised that if the police officer used his time with the client wisely, he may prevent a crime or eliminate the need for a return call. The need for training the police in mental health areas was emphasized and suggestions were made for implementing the newly acquired information to assist the officers in dealing with clientele. The focus was not just on new skills available, but on long-

term effects when the skills are implemented.

The *crisis intervention model* was presented as a step-by-step procedure effective in dealing with individuals experiencing mental and/or emotional problems. Focus was on assisting a person to relieve the anxiety or depression he may feel by expressing his feelings. Also presented were a description of a person whose balance is disturbed and a description of the characteristics of excess anxiety and excess depression. These were described so the police officers could more readily identify a person experiencing a critical period.

Prior to lunch, a lecture on *facilitative communication* was presented. The communication levels at which a person may be identified were described so the police officer could determine the degree of verbalizing a person may engage in and assist him in expressing more. Emphasis was placed on accepting and understanding the person. The lecturer outlined the characteristics of helping relationships and discussed the need for this kind of relationship in order to accomplish what is necessary. Using a sample case, on an audio cassette, he discussed the importance of what is said and how it is said.

After lunch, the class was divided into three small discussion groups for the purpose of experiential training in facilitative communication. Sample client tapes were used to give the participants an opportunity to discriminate between responses; the officers discussed the effectiveness and ineffectiveness of several responses to each client. In addition, each officer was given the opportunity to generate his or her own response; this allowed for individual differences in handling a case and reactions from others. This was followed by role playing, using situations to which the police officers are frequently exposed.

A presentation on the *mental health law* was the final lecture for the day. Because the law was recently revised, the participants were given copies. The instructor focused on sections of the law which were pertinent to the police. He spoke on *criteria for hospitalization*, both voluntary and involuntary admissions. Various requirements of each admission status were described and an opportunity to discuss the criteria with emergency room staff provided additional clarification for the officers.

On the second day, the entire morning was spent on the topics of *family problems* and *child abuse*. Suggestions of helpful approaches for handling family disputes and aspects of

the family interaction which could lead to understanding of the family's dynamics were offered. It was emphasized that in these cases, when a police officer interacts with a person, he also encounters family dynamics, which often complicate the issue. Referrals to family agencies were suggested as likely approaches in dealing with these cases.

New York State's child abuse law was clarified to give the officers an understanding of their role and responsibility in this current issue. Agencies available to assist in these cases were discussed.

Cases involving rape were discussed. Again, the workshop participants were divided into small groups

to facilitate the discussion. The groups discussed attitudes and approaches to be used in dealing with rape victims. Points emphasized were sensitivity, gentleness, and consideration in the investigatory process.

The final presentation for the day concerned the topic of *drugs*. Focus was on drug abuse as a symptom of other problems. The instructors presented drug information pamphlets and the effects of drugs, as well as ways of dealing with the drug abuser. The law enforcement officers were offered available resources of the drug abuse and hotline programs to assist them in these and other similar cases.

The third morning began with a discussion on the *characteristics of*





mental problems. Traditional diagnostic terms were discussed and clarified for the class. Some of the traditional biases surrounding the mentally ill were examined to provide a more factual understanding. Also covered in this session was the philosophy of the mental health center toward reduced hospitalization for clients and the resulting effects for policemen interacting more frequently with these people. Police officers were encouraged to talk to hospital workers, offering and receiving information regarding the patient in a cooperative effort.

Characteristics of a suicidal client were explained in order to understand the seriousness of suicidal messages. The involvement of a helping person at the point of a suicide at-

tempt is important and steps can be followed to assist a person through this critical period. Role playing was facilitated by some staff members for the purpose of experiencing some of the techniques described.

The final presentation of the workshop described the steps which a client may use to receive treatment at the mental health center and its affiliates. The lecture was concluded with resources in the community which are available to the police. A list of major agencies and their services, along with telephone numbers, was distributed to the participants.

Evaluation

The instructional subject matter and techniques as well as the general

effectiveness of the 3-day training program were evaluated. The results of the evaluation were scored on the 5-point Likert scale, and a mean score was tabulated to evaluate each aspect of the training program and of the program as a whole. The mean score for general helpfulness and usefulness of the first day was rated by participants as 3.8 (the most favorable response category being 5; the least, 1); for the second day as 3.5, and for the third day as 3.7. The overall mean score, covering all areas responded to during the entire program, was 3.4.

The evaluations included additional comments which, with the ratings, provided the instructors data to implement appropriate changes for the coming workshops. It was appar-

ent that the 3-day workshop could be condensed to a 2-day program with sufficient time to cover the areas.

In redesigning the program, the instructors emphasized the technical aspects of their presentations in order to offer more practical knowledge to the law enforcement officers. It was considered important to present mental health concepts in terms police officers could best understand, using actual cases where possible. More emphasis was placed on family-crisis intervention and domestic disputes because the participants readily acknowledged this was an area of need. Included within the subject of drug abuse was a section on alcohol abuse. Films supplemented presentations on suicide and alcohol.

Conclusion

The law enforcement officers responded to the Mental Health Workshop with a great degree of involve-

"The ability of the officers to give job-related examples added value to the instruction and increased mental health workers' understanding of the police officer's job."

ment. They discussed mutual cases which led to better understanding between respective agencies. Some officers stated that they had developed a new outlook with regard to mental health and a better understanding of problems related to it. The ability of the officers to give job-related examples added value to the instruction and increased mental health workers' understanding of the police officer's job.

Throughout the workshop, a greater rapport developed between the police and the mental health center staff. More effective lines of communication were opened as each side listened, empathetically, to the other. The officers,

"There is now a rapport and an improved communications system between the police and the mental health agencies."

for example, expressed the difficulty they had with the mental health center when people in their custody under the mental health law were not admitted to the center and the police received no explanation. The center staff apologized for incidents and took steps to provide for some changes.

Since the first workshop, four more sessions have been held at the academy. Each session has been evaluated and changes have been made to keep the training program viable. There is now a rapport and an improved communications system between the police and the mental health agencies. All existing problems have not been eliminated by any means, but with the existing open lines of communication, there is a mechanism for problem solving.

Police officers are now aware of the mental health center's procedures for voluntary and involuntary admissions. They have met some of the staff from the emergency room and have an understanding of what to expect. The officers also increased their knowledge of the vast number of resources available to them to provide alternatives not previously used.

The academy codirectors are now working with the three agencies to provide a family-crisis intervention training program for 1976. Additionally, the mental health workshops will be continued in the 1976 training calendar. It should also be mentioned that, at the suggestion of workshop participants, this type of training will be implemented in the recruit school.

Although a comprehensive evaluation of the effectiveness of workshop graduates in the field is yet to be at-

tempted, some changes have readily been observed. The counseling center's calls have increased, and communication flows more easily between police officers and intake workers at the hospital. We are pleased with the evaluation results and the feedback we have received from the participants and their respective agencies. The workshops have provided a great benefit to our academy and to the many officers who participated in the programs. (FBI)

FINGERPRINTS

The largest collection of fingerprints in the world is maintained in the FBI Identification Division, with over 162 million sets on file at the close of fiscal year 1975. The FBI received a total of 5,797,145 new fingerprint cards during the fiscal year, with an average daily receipt of 23,005 cards.

Of the total fingerprint submissions in the fiscal year, 2,883,434 were criminal in nature.

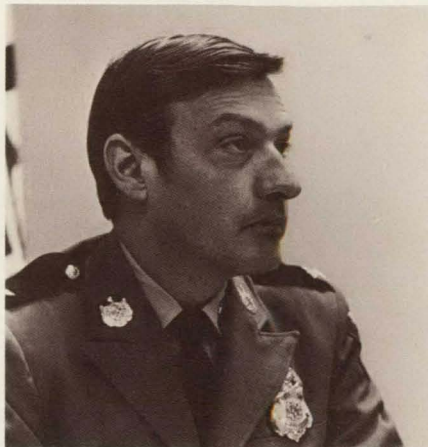
POLICE PATROLS

In 1974, 88 percent of the police patrol assignments utilized in cities were vehicle patrols, and 12 percent were foot patrols. Patrol distribution indicated that 35 percent of the patrol activity was during the day, 35 percent during the evening hours, and after midnight, 30 percent.

The distribution of 1- and 2-man vehicle patrol assignments for all cities indicated that 85 percent of the vehicle patrols during the day involved 1-man cars, 81 percent during the evening hours, and after midnight, 76 percent.

The Use of Charter Airlines in Extradition Cases

“... a rising crime rate and a changing community structure . . . has resulted in an increasing volume of extradition cases.”



By
COL. ROBERT O. MATHEWS
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The location of Howard County, Md., in the rapidly urbanizing Baltimore-Washington, D.C., corridor has meant a complex array of problems for local law enforcement here. In 1974, the Howard County Police Department, which employs approximately 150 sworn officers and 90 support personnel, handled over 30,000 calls for service.

As a result of the development of employment and residential centers, the population in Howard County doubled in the past several years. This influx of people brought about substantial changes in the previously rural community, and the crime rate began a rapid increase in this developing area. Also, since major roads and rail networks dissect the county, the

criminal element proved to be highly transient in nature.

The combination of these factors, a rising crime rate and a changing community structure, has resulted in an increasing volume of extradition cases. Although a majority of cases handled recently have been within the eastern seaboard area, a few involved returning suspects apprehended in the

CHART I

	Commercial Flight	Motor Vehicle	Charter Flight
Mileage one way (between same point of origin and destination)	250 miles to destination (no commercial airport) plus 50 miles of road travel.	425 miles	280 miles (landing site at destination).
Salary costs (for 2 officers)	\$270 ¹	\$180 ²	\$90 ³
Transportation	\$302 (includes car rental)	\$102	\$226
Lodging, food, miscellaneous expenses	\$154	\$101	\$20
Total cost	\$726	\$383	\$336

¹ Only one morning flight a day available. Therefore, considering arrival, driving time, and judicial hearing, trip would take 3 days.

² Trip would take 2 days minimum.

³ Trip would take less than 1 day.

Rocky Mountain Region, and it soon became evident that the extradition process can be both expensive and time consuming.

Modes of Transportation

In past years, our department used commercial airlines in all extradition cases involving great distances. The expense in personnel time and transportation costs indicated a need to seek out possible alternatives. In addition to these considerations, a reluctance was sometimes found on the part of commercial airlines to transport prisoners on passenger flights. Several of the airlines were concerned with the effect prisoner transportation might have on their passengers.

Still another factor was an amendment instituted by the Federal Aviation Administration (FAA) on June 30, 1975, concerning the transportation of deadly or dangerous weapons and persons in the custody of law enforcement officers while aboard commercial airlines.

This new ruling requires that a prisoner being transported by a commercial airline must board and depart before other passengers, and no more than one prisoner may be transported on a flight. It also specifies that an airline carrier must be notified at

least 1 hour before flight departure that an armed person will be onboard. In the transportation of "dangerous" prisoners (an evaluation that must be determined by the custodial law enforcement agency), at least two escorts must be provided.

This amendment, while designed to increase security on commercial flights, nonetheless, may make it more expensive and inconvenient for the law enforcement agency transporting prisoners. The required isolated boarding and departure of the prisoner could make other passengers uncomfortable. Additionally, the regulation would preclude the transportation of more than one prisoner on a flight, which could mean double expenses, should the extradition involve multiple arrests.

In an effort to seek possible alternatives to the use of commercial airlines for transporting prisoners, the Howard County Police Department began to search for a method of transporting prisoners that would conserve both time and money.

The use of railways presented a feasible alternative since a private compartment can be used to secure the prisoner. However, the cost in personnel time makes it impractical for long distances. Other major disadvantages of traveling by rail, as well as by com-

mercial airline, are the inconvenient location of terminals and limited schedules.

While researching the problem, it was discovered that there are more than 12,000 small airports for use by general aviation in the country as compared with approximately 250 airports available for use by commercial airlines. Thereafter, contact was made with a charter airline operating in the Baltimore-Washington, D.C., area to determine the feasibility of transporting prisoners by private airlines. The owner of the private airline company was presented with the idea and was most enthusiastic about the proposal. With his assistance, the first charter plane extradition was made to Greenville, N.C., early in 1974.

The chartered carrier handles all flight plans, based on information about the nature and distance of the trip. The company determines the type of aircraft to use (whether single or twin engine, etc.), which of the local airports would be the most expedient, and establishes flight schedules.

"On the charter flights, prisoners can be visibly secured, and . . . it is possible to move the prisoner with a minimal amount of public attention."

Weather permitting, there is seldom a delay in departure once the prisoner is taken into custody. Often, when flying on commercial airlines, the officers would have to wait several hours with the prisoner for a scheduled return flight. Flying chartered airlines reduces the risk of the officers becoming fatigued because of long delays.

After several experimental flights, the new program was evaluated by departmental personnel. The fugitive detectives assigned to handle extraditions were more than satisfied with the expeditiousness and convenience of the initial flights. The advantages



This type of plane is typical of ones used in extradition cases.

of flying prisoners by charter airlines soon became obvious.


On the charter flights, prisoners can be visibly secured, and since most flights are to small airports, or to the fringes of commercial airports, it is possible to move the prisoner with a minimal amount of public attention. As a result, the citizens', as well as the officers', exposure to danger is greatly reduced.

Also, with the cooperation of the apprehending jurisdiction, costs are

kept at a minimum. The jurisdiction is advised of the arrival time and the judicial hearings can be scheduled accordingly. The entire extradition procedure, from departure to confinement of the prisoner in a local institution, under normal circumstances, takes no more than 1 working day.

To date, none of the prisoners transported by charter airlines have challenged their use from a legal standpoint. There seems little question as to their legality since the airline com-

pany is licensed under the Federal Aviation Administration and meets State and Federal regulations.

Chart I indicates the kind of savings which may be realized through the use of charter airlines in certain instances. As the chart illustrates, the advantages may be substantial. For these reasons, the Howard County Police Department will continue to make use of charter airlines in extradition situations where at all possible. 

CRIME IN THE UNITED STATES

During calendar year 1974, an estimated 10,192,000 serious crimes (murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft) were reported to law enforcement agencies throughout the United States. This is an 18-percent increase over 1973.

During 1974, one violent crime (murder, forcible rape, robbery, or aggravated assault) was committed every 33 seconds. A murder was committed every 26 minutes, a forcible rape every 10 minutes, a robbery every 71 seconds, a burglary every 10 seconds, a motor vehicle theft every 32 seconds, an aggravated assault every 70 seconds, and a larceny-theft every 6 seconds.

PERSONS ARRESTED

In 1974, law enforcement agencies made an estimated 9.1 million arrests nationally for all criminal acts except traffic offenses. The arrest rate was 46 arrests for each 1,000 persons. In 1973, there were 42 arrests for each 1,000 inhabitants.

Miranda and the Derivative Evidence Rule— Brown v. Illinois

By
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"The decision of Brown v. Illinois lays to rest any doubt as to whether Miranda compliance alone provides a curative for a defective arrest. It does not."

Nine years after the Supreme Court's historic decision in *Miranda v. Arizona*,¹ a lingering issue of great importance to law enforcement officers was resolved. The issue was whether *Miranda* warnings alone insulate a confession taken from a person in custody following an unlawful arrest. To understand the problem and its solution, it is necessary first to briefly trace the development of the fourth amendment exclusionary evidence rule—its purpose, application, and exceptions.

The Exclusionary Rule

The fourth amendment affords an individual protection against unreasonable search and seizure.² An arrest is a seizure in the constitutional sense. Until 1914, the Supreme Court

had not provided a constitutionally required remedy for violations of the fourth amendment. In *Weeks v. United States*,³ the Court adopted an exclusionary evidence rule for the Federal courts. Thereafter, the penalty for violation of a person's right against unreasonable search and seizure was the loss of evidence obtained thereby. It was a high price to pay; it was meant to be high.⁴

The primary purpose of the exclusionary rule was and is to deter unlawful police conduct. An officer will be discouraged from engaging in unlawful activities—illegal arrests, unreasonable searches—if he is forewarned that any evidence obtained through such improprieties will be rendered inadmissible. A second purpose is to protect judicial integrity. By preventing use of evidence illegally seized, the doctrine avoids making the court a party to the unlawful act. The exclusionary rule concludes that on balance it is preferable to protect the Constitution by the exclusion remedy than to make certain all criminals are convicted. Thus, the traditional tests of evidence admissibility—relevancy, materiality, and competency—no longer solely control the use of evidence in a criminal prosecution.

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

Possibly the most publicized Supreme Court decision of this century made the exclusionary evidence rule applicable to State criminal proceedings. In *Mapp v. Ohio*,⁵ the Court held that the fourth amendment right of privacy is enforceable against the States through the due process clause of the fourteenth amendment by the sanction of exclusion. The Court concluded that depriving police of evidence seized following a fourth amendment violation is the only effective deterrent to future abuses.

The Derivative Evidence Rule

It was but a short time after the Court's adoption of the exclusionary rule in 1914 that an equally important corollary was formulated. In *Silverthorne Lumber Co. v. United States*,⁶ the Court held that the indirect product of an illegal search was inadmissible. Federal officers conducted a patently unlawful search of defendant's office, seized and copied papers and records found therein, and later returned the originals pursuant to court order. Thereafter, when the defendant refused to produce the originals under subpoena, he was adjudged in contempt. The Supreme Court reversed the judgment. Justice Holmes stated the rule succinctly:

"The essence of a provision forbidding the acquisition of evidence in a certain way is that not merely evidence so acquired shall not be used before the Court but that it shall not be used at all (emphasis added)."⁷

Some years later, the Court reaffirmed the exclusionary principle in two cases entitled *Nardone v. United States*.⁸ While applying the remedy based on a Federal wiretapping statute rather than the fourth amendment, the Court pointed out that the purpose to be served in either case is the

same. The Court for the first time used the "fruits of the poisonous tree" metaphor and suggested that any tangible evidence gathered as a result of illegally obtained information was subject to exclusion.

In 1963, the Court expanded the derivative evidence rule to exclude "verbal evidence which derives . . . immediately from an unlawful entry and an unauthorized arrest . . ." The decision of *Wong Sun v. United States*⁹ introduced the phrase "primary illegality," which may be equated with unlawful arrest or unreasonable search. It held that where evidence is derived from an exploitation of the illegality, such evidence, physical or testimonial, may be excluded.

Exceptions to Derivative Evidence Rule

The *Wong Sun* case was significant in another respect. It expressly recognized two exceptions to the "fruits of the poisonous tree" doctrine: (1) where it can be shown that the connection between the lawless conduct of police (e.g., illegal arrest or search) and the challenged evidence has been "so attenuated as to dissipate the taint" of the prior illegality; and (2) where the prosecution can establish the evidence to be offered came from an "independent source" rather than from an earlier unlawful action. While courts have disagreed on the interpretation and application of these exceptions, there was general acceptance of the principle that there must be a causal relationship between the primary illegality and the subsequently seized evidence. In confession cases, where there was an apparent causation factor between an unlawful arrest and an incriminating statement taken thereafter from a suspect in custody, both Federal and State courts were quite prepared to exclude the statement.¹⁰

Effect of Miranda Decision

The Supreme Court in *Miranda v. Arizona* announced specific guidelines for police to follow prior to conducting custodial interrogation. Proof of procedural safeguards, consisting of a warning of fifth and sixth amendment rights, coupled with a waiver of such rights, became a condition precedent to the admissibility of a confession.

Ironically, the *Miranda* requirement also afforded prosecutors an opportunity to preserve confessions which were secured following illegal arrests. It was argued that notwithstanding an improper arrest, the conferral of *Miranda* warnings and the obtaining of a waiver were an intervening circumstance which severed the chain of causation between arrest and confession. In short, *Miranda* compliance alone was said to "dissipate the taint" between the primary illegality and the challenged evidence, thus bringing the case within a recognized exception to the derivative evidence rule.

Between 1966 and 1975, the idea that *Miranda* warnings alone could preserve the admissibility of a voluntary confession following an illegal arrest was endorsed by some courts,¹¹ rejected by others.¹² It remained for the Supreme Court to pass judgment on this issue. It did so in June 1975.

Brown v. Illinois

The decision of *Brown v. Illinois*¹³ lays to rest any doubt as to whether *Miranda* compliance alone provides a curative for a defective arrest. It does not.

On May 6, 1968, the victim was murdered in his Chicago apartment. In the course of investigation, the defendant was identified as an acquaintance of the victim. A week after the crime, three officers went to the defendant's apartment, where two

broke in and searched it. Later, the defendant returned and was arrested just outside his apartment. The officers had no warrants authorizing either the entry or the arrest. The defendant was taken to the police station, where he was warned of his *Miranda* rights. Thereafter, about 1 hour after the arrest, an interrogation of the defendant began which resulted in his signing an incriminating statement. After a lapse of some 5 hours, during which time an alleged accomplice was located and arrested, an assistant State's attorney interrogated the defendant after conferring the *Miranda* warnings. This second interview yielded substantially the same facts as the first, but no statement was signed.

The defendant was indicted. His motion to suppress the statements as resulting from illegal arrest and detention was denied. He was tried and convicted of murder, both incriminating statements being admitted into evidence at trial. On appeal, the Supreme Court of Illinois affirmed the conviction, holding that (1) the defendant's arrest was unlawful for want of probable cause; (2) nevertheless, the statements were admissible because the giving of *Miranda* warnings served to break the causal connection between the illegal arrest and the incriminating admissions.¹⁴ The holding appears to say that *Miranda* warnings in and of themselves insulate a statement from a prior unlawful arrest, so long as the statement is voluntary.

The U.S. Supreme Court reversed, with no dissents, and all Justices agreeing that *Miranda* warnings alone do not break the causal chain between an unlawful arrest and an inculpatory statement subsequently obtained. Justice Blackmun, writing for the Court, pointed out that the exclusionary rule, when used to effectuate the fourth amendment, serves interests and policies distinct from those served under the fifth amendment. The fourth

amendment rule of exclusion is aimed at deterring lawless police conduct and preserving judicial integrity, i.e., barring the use in court of evidence unconstitutionally obtained. Such purposes would be defeated if officers know that a fourth amendment violation could be overcome by "the simple expedient of giving *Miranda* warnings." Any incentive to avoid these violations "would be eviscerated by making the warnings, in effect, a 'cure-all,' and the constitutional guarantee against unlawful searches and seizures could be said to be reduced to 'a form of words.'" ¹⁵

The Court drew a careful distinction between the fourth and fifth amendment guarantees, noting that the *Miranda* formula required by the latter is a device used to protect an individual's right against compulsory self-incrimination, and the warnings have never been regarded as a means either of remedying or deterring violations of fourth amendment rights.

The Court in *Brown v. Illinois* thus affirmed the doctrine announced 12 years earlier in *Wong Sun*. Given a primary illegality such as an unlawful arrest or search, both real and testimonial evidence obtained directly or indirectly from the illegality will be tainted if seized through exploitation of that violation. On the other hand, if the questioned evidence can be shown as originating from an "independent source," or if the causal connection has been broken (the taint dissipated by intervening events), the evidence may still be used. As to the latter exception, *Miranda* warnings alone will not suffice.

Conclusion

Law enforcement officers should recognize that the problem raised in *Brown v. Illinois* can be avoided by making certain that the arrest preceding interrogation is lawful. This objective can best be achieved by adhering

to the arrest warrant requirement. An arrest under authority of a warrant is preferred by the courts and carries with it a presumption of lawfulness. If it is impractical to obtain an arrest warrant, officers should acquire and be prepared to testify as to the specific facts supporting their judgment to arrest. Premature arrests on suspicion only, arrests for investigation, "round-up" and "dragnet" arrests all will give rise to a potential *Brown* problem.

Where a warrantless, good-faith arrest has been made and its constitutionality is questionable, can an officer take any steps which would preserve a confession taken while the subject is in custody? The answer is perhaps. Certainly *Miranda* should be meticulously complied with. The Court in *Brown* stated that *Miranda* warnings "are an important factor . . . in determining whether the confession is obtained by exploitation of an illegal arrest." Second, a lapse of time between arrest and interrogation may serve to dissipate a potential taint. In *Brown*, less than 2 hours separated the arrest and the statement; even less time elapsed in *Wong Sun*. Third, permitting an accused in custody to contact his attorney may be an important factor in removing taint. Fourth, presentation of an accused promptly before a magistrate and before any formal interrogation might well be the "intervening event of significance" which would break the arrest-confession causal chain. In *Johnson v. Louisiana*,¹⁶ the Supreme Court ruled that an appearance before a committing magistrate was sufficient to purge a later lineup identification from a claimed invalid arrest. Such a holding might apply equally to interrogation.

Finally, a confession or statement taken following an unlawful arrest made in bad faith—one with "a quality of purposefulness"—probably will be permanently infected by the prior illegality.

FOOTNOTES

¹ 384 U.S. 436 (1966). *Miranda* requires that the accused be warned prior to custodial interrogation that "he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires." Thereafter an individual may waive his rights, but the waiver must be demonstrated by the prosecution at trial. 384 U.S. at 479.

² U.S. Const. Amend. IV states: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

³ 232 U.S. 383 (1914).

⁴ Recent statements by the Chief Justice of the Supreme Court suggest the price may be too high. See, e.g., *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 411-424 (1971) (Burger, C.J., dissenting).

⁵ 367 U.S. 643 (1961).

⁶ 251 U.S. 385 (1920).

⁷ *Id.* at 392.

⁸ 302 U.S. 379 (1937); 308 U.S. 338 (1939).

⁹ 371 U.S. 471 (1963).

¹⁰ *United States v. Strickler*, 490 F. 2d 378 (9th Cir. 1974) (inculpatory statement following defective arrest should have been suppressed); *United States ex rel. Gockley v. Myers*, 450 F. 2d 232 (3d Cir. 1971), cert. denied, 404 U.S. 1063 (1972) (arrest without probable cause for purpose of intensive questioning fatally tainted incriminating statement); *Amador-Gonzalez v. United States*, 391 F. 2d 308 (5th Cir. 1968) (confession obtained as result of pretext traffic arrest and subsequent search was "fruit of the poisoned tree"); *United States v. Coughlin*, 338 F. Supp. 1328 (E.D. Mich. 1972) (inculpatory statement taken after warrantless arrest without probable cause suppressed); *People v. Moreno*, 491 P. 2d 575 (Colo. 1971) (incriminating statement taken as result of and following arrest on defective warrant must be suppressed); *In re Bertrand*, 303 A. 2d 486 (Pa. 1973) (confession obtained 1-2 hours after illegal arrest inadmissible).

¹¹ *United States v. Smaldone*, 485 F. 2d 1333 (10th Cir. 1973), cert. denied, 40 L. Ed. 2d 286 (1974) (voluntary statement after *Miranda* warnings of subject illegally in police custody admissible); *United States v. Lepinsky*, 460 F. 2d 234 (10th Cir. 1972) (voluntary statement after unlawful arrest admissible where *Miranda* complied with); *Bill v. State*, 274 So. 2d 371 (confession after unlawful arrest admissible where freely made after full advice of *Miranda* rights); *State v. La Rosa*, 313 A. 2d 375 (R.I. 1974) (taint of illegal arrest may be removed by rendition of *Miranda* warnings); *Murray v. State*, 505 S.W. 2d 589 (Tex. Crim. App. 1974) (even if arrest without legal right, confession admissible if voluntary and preceded by *Miranda* advice and waiver).

¹² *Bynum v. State*, 490 P. 2d 531 (Okla. Crim. App. 1971) (illegal arrest; full *Miranda* warnings do not insulate the unlawful custody from the statements secured thereby); *In re Bertrand*, *supra* footnote 10. In *People v. Johnson*, 450 P. 2d 865 (Cal. 1969), cert. denied, 395 U.S. 969 (1969), it was held that *Miranda* warnings do not insulate from the exclusionary rule confessions induced by confronting defendant with illegally obtained evidence.

¹³ 45 L. Ed. 2d 416 (1975).

¹⁴ *People v. Brown*, 307 N.E. 2d 356 (Ill. 1974).

¹⁵ 45 L. Ed. 2d at 426.

¹⁶ 406 U.S. 356 (1972).

BANK FRAUD AND EMBEZZLEMENT MATTERS

The 1975 fiscal year saw a marked increase in the number of prosecutions for bank fraud and embezzlement in cases investigated by the FBI. Convictions totaled 1,511, a 26-percent increase over the preceding year's total of 1,200. Reported shortages continued the upward trend established during the past decade by increasing from \$151.1 million in fiscal year 1974 to \$188.7 million in fiscal year 1975. The number of matters investigated also rose during the past year from 7,820 to 10,181.

CRIME ABOARD AIRCRAFT

During fiscal year 1975, 18 individuals hijacked, attempted, or conspired to hijack 10 aircraft in the United States, an increase over fiscal year 1974, when 8 individuals were involved in 6 such incidents.

WHITE-COLLAR CRIMES

Crimes investigated by the FBI which fall into the white-collar category have increased over 25 percent since fiscal year 1971. These offenses include fraud, embezzlement, bribery, antitrust, perjury, conflict of interest, and others. During fiscal year 1975, 3,427 convictions were recorded in white-collar crime matters investigated by the FBI, nearly 15 percent more than the previous fiscal year.



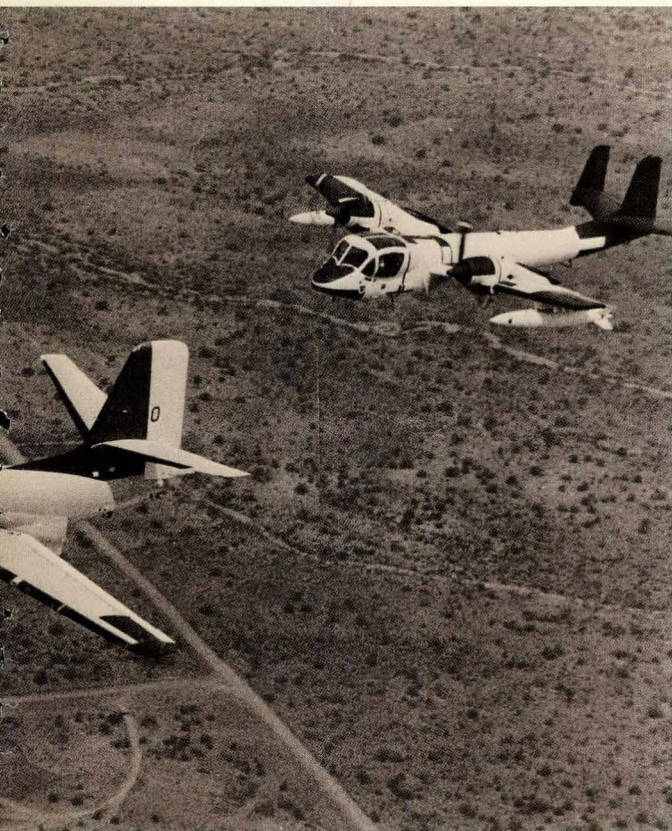
By
HON. VERNON D. ACREE
U.S. Commissioner of Customs
Washington, D.C.

“With an unparalleled productivity and cost effectiveness return of 85 to 1, Customs’ detector dogs last year participated in 4,000 seizures of illicit drugs.”



U.S. Customs

Customs-Tailored *Trouble*



Surveillance aircraft circle a remote airstrip.

The oldest Federal law enforcement agency, the U.S. Customs Service, born 186 years ago, is currently waging a 20th-century war against smugglers, drug traffickers, fugitives, fraud perpetrators, and other criminals, with an arsenal of enforcement aids as new as tomorrow.

Innovative techniques ranging from specially trained narcotics detector dogs to a split-second ground sensor system that warns of intrusions in remote border areas help Customs enforce its own statutes and laws for 40 other Federal agencies.

Important among Customs' search-and-detection tools is its 128-member canine corps of narcotics detector dogs. Introduced in 1970, the animals, with their trainers, play an integral role in enforcement efforts against drug smuggling. Trained to recognize

ed Enforcement Techniques: *Federal Lawbreakers*

the scent of narcotics, even when disguised, they save untold man-hours by locating narcotics in vehicles, mail, unaccompanied baggage, and cargo shipments. In contrast to the previous time-consuming task of lawfully opening and closing certain mail parcels, a dog and his handler can check 500 packages in 3 minutes. At border points, a dog can inspect a vehicle in 2 minutes, where a Customs officer would take half an hour. With an unparalleled productivity and cost effectiveness return of 85 to 1, Customs' detector dogs last year participated in 4,000 seizures of illicit drugs. They searched 168,000 vessels, aircraft, and vehicles, 7 million units of mail, and 7 million cargo shipments.

Sensor System

Equally valuable to Customs in its prime role of protector of 96,000 miles of U.S. land and sea border and 300 ports of entry is a new system of unattended ground sensors. The sensors cover remote sections of the border too expansive to be patrolled effectively by Customs officers in cars or on horseback.

In the high-risk Nogales, Ariz., area alone, sensor utilization led to the seizure of 68,755 pounds of mari-

border was activated. At 5:05 a.m., a sensor north of the border "bleeped." The activation of a sensor at 5:16 a.m. confirmed that a vehicle had crossed the border and was continuing east toward Douglas, Ariz. The Nogales Customs patrol officer radioed the nearest tactical interdiction unit. At 5:40 a.m., the dismayed driver of a 1975 pickup truck was stopped and searched. Inspection of the vehicle turned up 1,393 pounds of marihuana with a street value of more than \$350,000.

Technological tools, including radar and infrared detection devices, modern aircraft, and instantaneous data retrieval and communications systems, enable Customs officers to locate potential lawbreakers, keep them under surveillance, alert investigating agencies to their activities, and interdict and arrest when a crime is committed. For example, in July, a plane crossing from Arizona into Mexico was spotted by a radar-equipped Customs aircraft. When the plane returned, 24 hours later, Customs officers tracked it to a landing on a dry lake bed near Tonopah, Nev. There its cargo was transferred onto waiting trucks. Alerted by the Customs air unit, local roadblock units seized the trucks, their drivers, and 4,300 pounds of marihuana. The smugglers

"To cope with the increasing ingenuity of smugglers . . . specially trained experts are using air and marine support units to focus on critical smuggling areas."

huana during a 14-month test period. That represented 33 percent of all marihuana seized in that district during the period, and an average of more than 4,900 pounds per month.

Let's look at a typical sensor-oriented operation: At 12:30 a.m. on May 2, 1975, the Customs patrol officer monitoring sensors in the Nogales area noticed that a sensor located off a main road had been activated. Shortly afterward, a sensor on the

and their aircraft were seized on their second landing, at Boulder City, Nev.

Today's professional smugglers are using aircraft, vessels, and other operating modes to evade contraband interception. During one 72-hour period in August, U.S. Customs officers in the Miami, Fla., region seized \$22,100,000 worth of drugs and an aircraft in a series of staccato raids that netted over 100 pounds of cocaine.

Support Units

To cope with the increasing ingenuity of smugglers, Customs' crack tactical interdiction teams of specially trained experts are using air and marine support units to focus on critical smuggling areas.

The efficiency of this cooperation was illustrated on June 21 when a primary radar target was picked up by a Customs patrol officer approximately 4 miles southeast of Sonora, Mexico, at 2:25 a.m. A Customs aircraft was launched from the Tucson, Ariz., air support unit and received radar vectors to the suspect aircraft, which was flying without navigation lights and rotating beacon. The suspect was tracked by radar to an airstrip, where it landed. Customs air observers saw parcels being transferred from the suspect aircraft to vehicles parked nearby. Surveillance was maintained as the suspect aircraft took off again in a westerly direction.

Meanwhile, Phoenix Drug Enforcement Administration agents, alerted to pursue the two vehicles, stopped one which contained empty gas cans and 800 pounds of marihuana. The driver was arrested. Shortly thereafter, the suspect aircraft landed at Blythe, Calif., closely followed by the Customs aircraft. A Customs search of the plane revealed marihuana debris behind the seats. The pilot and passenger were arrested and the aircraft seized.

Operating from six permanent bases along the southern U.S. border, Customs' fleet of rotary- and fixed-winged aircraft, equipped with infrared visual surveillance and photographic devices, support ground or marine control units in the detection and surveillance of ongoing smuggling attempts.

During fiscal year 1975, Customs' air support units accounted for 188 arrests and seized 46 aircraft, 70 vehicles, 114,000 pounds of marihu-

ana, and an assortment of weapons and narcotics.

A new aircraft reporting system, which went into effect in September, places added pressure on smuggler-pilots. Private flyers crossing the United States-Mexican border must now notify Customs or the Federal Aviation Administration, 15 minutes prior to entry, of their intention to penetrate the U.S. airspace. They are then required to land at a specified border airport for Customs clearance. The reporting procedure, while insuring prompt processing of private aircraft and passengers, also facilitates the detection of smuggling aircraft. Failure to report subjects a pilot to a \$500 fine for violation of the U.S. navigation laws and possible forfeiture of the aircraft.

Cargo Security Program

Customs' ongoing Cargo Security Program launched a broadside against burgeoning cargo theft this year with the inauguration of the Customs Program Against Cargo Crime (C-PACC). A unique concept of law enforcement, C-PACC has seven major

goals: apprehensions, arrests, seizures, the establishment of a deterrent factor, the gathering of intelligence, identification of local problem areas, and followup accountability. Cargo theft in the Miami area alone has diminished by 79 percent since C-PACC's March 1 inception.

Other innovations in Customs' Cargo Security Program this year are the creation of a Theft Information

nel so that cost-effective allocations of manpower and equipment can be made to deter crime.

Under a program to upgrade security in warehouses storing weapons, the Bureau of Alcohol, Tobacco and Firearms will base its approval or denial of the importer's permit on Customs' evaluation of the adequacy of his intended warehouse. As a spin-off of this program, specifications and

"The first approved high-security seal being adopted by Customs features a virtually unbreakable cable lock designed to deter the dramatic rise in cargo thefts during the last decade."

System (TIS) to gather data related to the commission of cargo crimes; the upgrading of security in warehouses that handle imported automatic weapons; Project Weight to aid the detection of overages, fraudulent weights, and large-volume shipments possibly containing concealed contraband; and the development of a high-security seal to deter theft during storage or transportation.

TIS data, once gathered, will provide information to Customs person-

amendments to existing regulations are being drafted to provide for high-security warehouses for all high-risk cargo.

Project Weight, currently being tested, involves the weighing of "empty" and full containers on a random or preselected basis to foil increasing attempts by smugglers of contraband to use false-bottomed containers.

The first approved high-security seal being adopted by Customs fea-



A narcotics detector dog can inspect an entire automobile for narcotics in 2 minutes.



A dog and his handler check mail packages for illicit drugs.

tures a virtually unbreakable cable lock designed to deter the dramatic rise in cargo thefts during the last decade.

At the request of the Interagency Committee on Auto Theft Prevention,

the Customs Service initiated a test program on the east and gulf coasts. The test required a query of Treasury Enforcement Communications System (TECS) and National Crime Information Center (NCIC) registration

Sophisticated electronic equipment in the cockpit of a Customs surveillance aircraft includes a Forward Looking Infrared Sensing Device (FLIR).



and vehicle identification numbers (VINs) of automobiles destined for shipment to the Caribbean by vessel. Almost half of all used cars exported from the United States are shipped to that area. Shortly after the test began, several stolen vehicles were found aboard an aircraft bound for South America. Based on this, the test was expanded into a nationwide effort to include any vehicle destined for shipment to South and Central America as well as the Caribbean. Results of the test, to date, have been most encouraging.

Customs' concern with world commerce, organized crime, and the narcotics and dangerous drug problem does not stop at the U.S. boundaries.

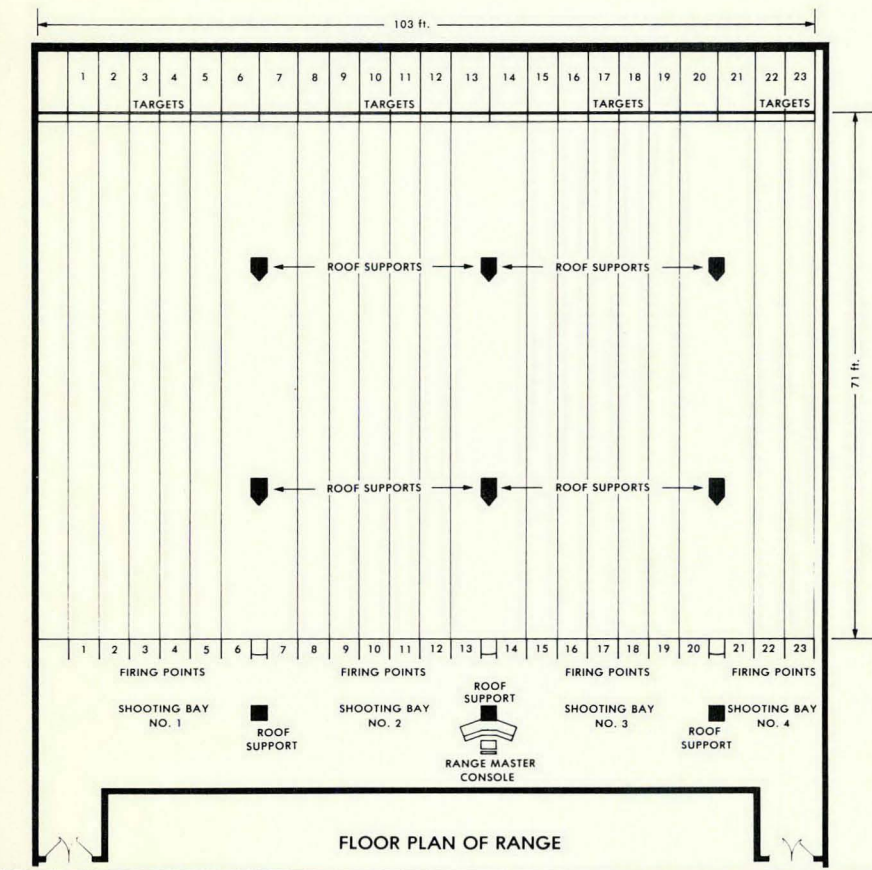
The Foreign Customs Assistance Program provides training in the United States for foreign customs officers in all customs-related activities. Specially trained U.S. Customs officers are dispatched as advisors to assist other countries in their customs programs.

A training program on enforcement and interdiction for foreign customs officials and officers at the request of the Cabinet Committee on International Narcotics Control (CCINC) was founded in 1971 to focus world attention on the narcotics problem. Customs' program provides training tours in the United States for foreign customs managers and training in interdiction techniques, border surveillance, antismuggling, search and seizure, and cargo control.

Through these advanced and innovative programs and techniques, the U.S. Customs Service is striving to more effectively cope with the increasingly sophisticated smugglers, drug traffickers, and other lawbreakers within its jurisdiction. The development of progressive enforcement methods is a continuing challenge—one that the U.S. Customs Service is determined to meet.

THE FBI ACADEMY

INDOOR RANGE

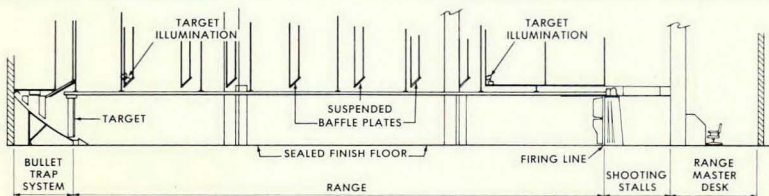


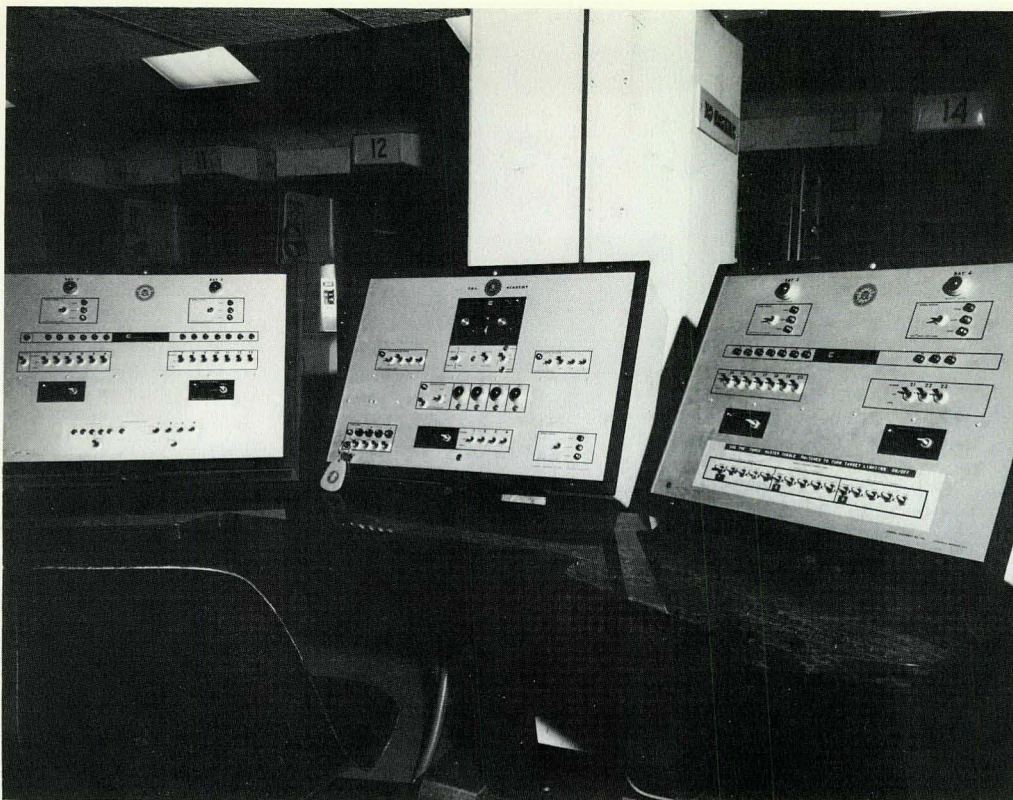
Firearms proficiency is a vital aspect of law enforcement training, requiring a detailed and thorough program of instruction. Fundamental to conducting such a program is an adequately safe and effective range facility. The indoor range included within the FBI Academy complex at Quantico, Va., represents a carefully planned and innovative response to this basic training requirement.

Specifications

The Academy's indoor range, completed in 1973, is approximately 71 feet long and 103 feet wide and includes 23 firing points which are divided into 4 shooting bays. This arrangement allows the range master a high degree of control and flexibility since each bay, as well as each shooting point, can be individually operated, thus making it possible to conduct 23 separate shooting exercises. With electronically operated targets, lighting, communications, and local/unison control, the potential of this range is unlimited.

The shooting stall is 49 inches wide, allowing a student sufficient room to move safely from one firing position to another. Right- and left-hand barricade shooting may be conducted by





Master control panel as seen by range master.

unlocking a swinging barricade and moving it into position. A swing-away shooting shelf also allows the student to assume a further variety of positions.

Each firing point is equipped to operate in either local (shooter) control or in unison control by the range master. Targets, when placed in unison control, move simultaneously under the range master's direction while targets in local control move under the student's direction.

The target distance can be selected for any desired distance in 1-foot increments from 0 to 70 feet from the firing point.

A student assistance switch is located on the firing stall, and when activated, energizes a red light at the master control panel designating the firing point needing assistance.

Spent cartridge cases are placed in removable containers located at the right side of the shooting stall. This brass is collected at the end of each class session and salvaged.

The shooting point also contains a convenience light for use, as necessary, under low light level shooting conditions.

Communication

Communication between student and instructor is conducted through a system that equips each shooting stall with a headset containing a receiver, and all voice commands are transmitted through this headset. Each instructor on the line has radio communication with the range master.

When a student needs assistance, an instructor on the line can plug his headset into the student's firing point with the result that the student hears only the line instructor who is giving direct assistance. The instructor, however, maintains contact with the range master and is fully aware of the progress and condition of the rest of the firing line. Once the assisting instructor removes his headset from the firing stall, the student once more receives

instruction directly from the range master. The range master may also bypass the student and speak, by radio, to the line instructors. Voice commands used by the range master are the same as those used on an outdoor range.

Variable Lighting

The range's lighting system is divided into three banks of lights, controlled by the master control panel. Illumination of targets can be varied from full intensity to complete darkness and may be concentrated on pairs of targets or an entire bay. The ability to control the target illumination through an automatic timer allows the instructor to produce various effects, ranging from an approximation of daylight into twilight conditions and, finally, into the total darkness of night. This range of illumination serves to familiarize the student with operation of his weapon during various situa-

tions which he might encounter on duty.

The range master, by using the automatic timer, can also vary the length of target illumination from 3 to 30 seconds. By utilizing this timer, the same effect as that achieved with turning targets may be obtained. It is also possible to vary the time of illumination and concealment, thereby preventing the student from anticipating the illumination cycle. To further approximate night firing conditions, the lights may be turned on and off in sequence, producing a blinking effect similar to that encountered on a city street containing various advertising displays.

Ventilation System

Ventilation, because of the danger of inhalation of lead dust and vaporized lead, is extremely important in the construction of an indoor range. The ventilation system used is composed of two sets of blowers. Intake blowers feed outside, untreated air directly into the range behind the shooting stalls. This outside, untreated air eliminates the possibility of lead dust accumulating in the air conditioning and heating units of the Academy. In cold weather, this air will approximate the temperature of the outside air and sometimes requires shooters to wear a light jacket. Exhaust blowers, located on the down-range side of the bullet trap, draw the air from the range and deliver it outside the building. The amount of air-flow through the ventilation system is of such volume that the range air is completely changed every $3\frac{1}{2}$ minutes.

Construction

The floor of the range is smooth and sealed to prevent the accumulation of unburned powder, thereby reducing the possibility of a flash fire. As an added measure of safety, the

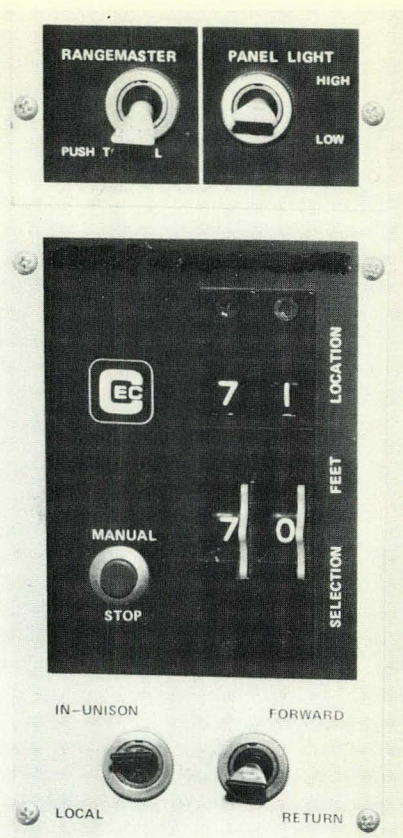
range floor is swept following each day's shooting and at other times as determined by the range safety officer.

The ceiling of the range is fully protected by baffle plates, 2 feet wide, which are suspended from the ceiling at a 30° angle and are located 8 feet apart.

The plates are topped with $\frac{1}{4}$ -inch steel under which is a $\frac{3}{4}$ -inch plywood layer with a sound insulating material, 1-inch thick, applied directly to the plywood. The plywood layer is separated from the $\frac{1}{4}$ -inch steel sheet by a framework of 2 by 4's, thus forming a pocket between the two layers which acts as a bullet trap for any high shots.

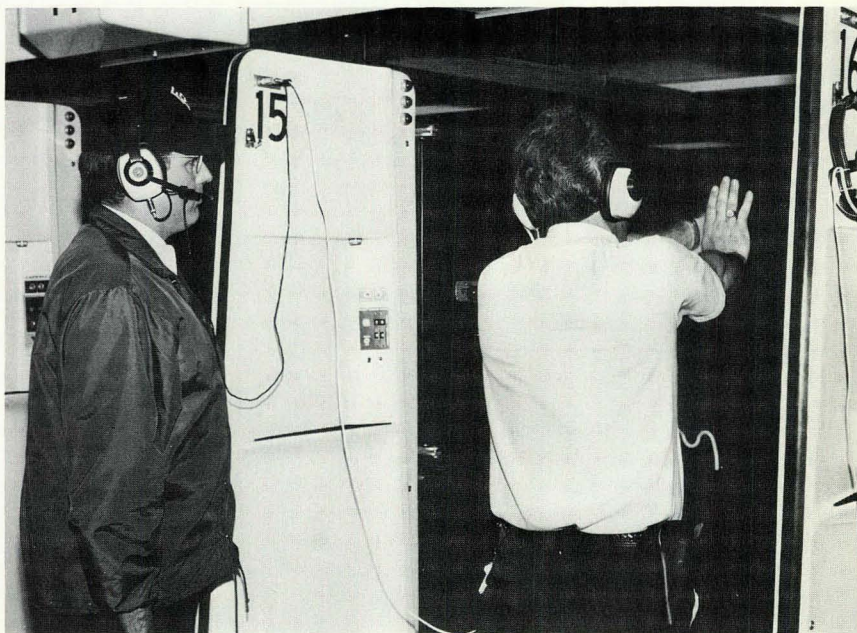
The baffle serves three purposes by acting as (1) a sound-absorbing medium, (2) a trap to hold stray bullets, and (3) a protection for the lighting system. Bullet holes in the insulation material are easily repaired with any commercial wood filler.

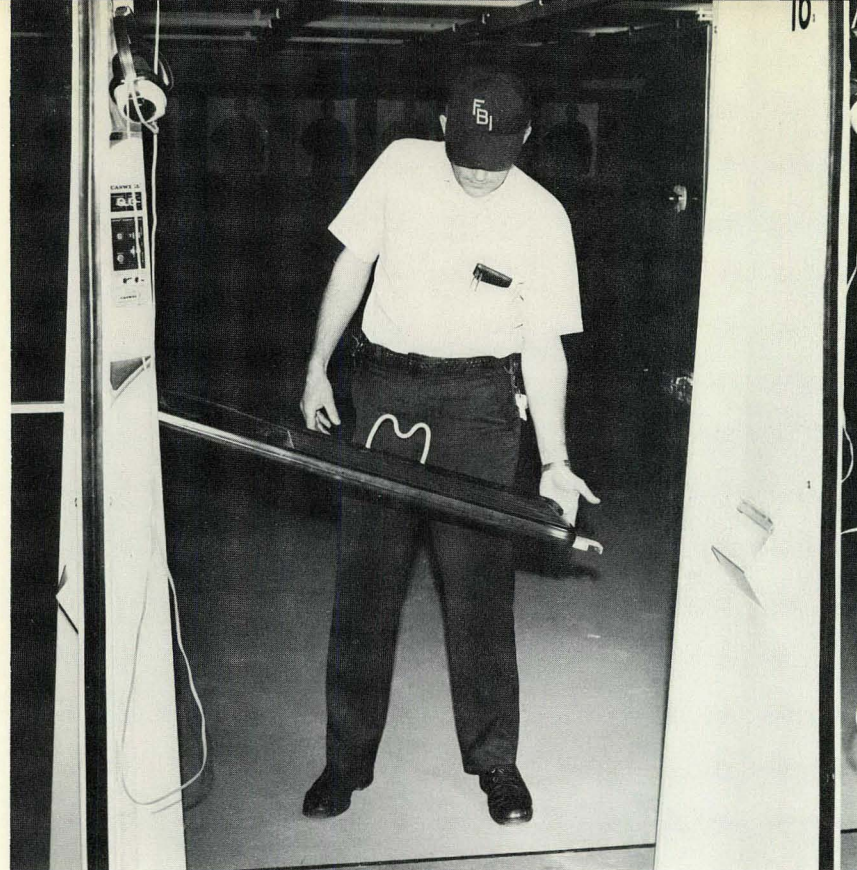
The bullet trap system installed in the FBI Academy indoor range is known as an "escalator type." It is composed of curved steel plates and



Stall controls and location of local/unison control switch.

Student utilizes swinging barricade for left-hand shooting.





Shooting shelf allows students variety of shooting positions.

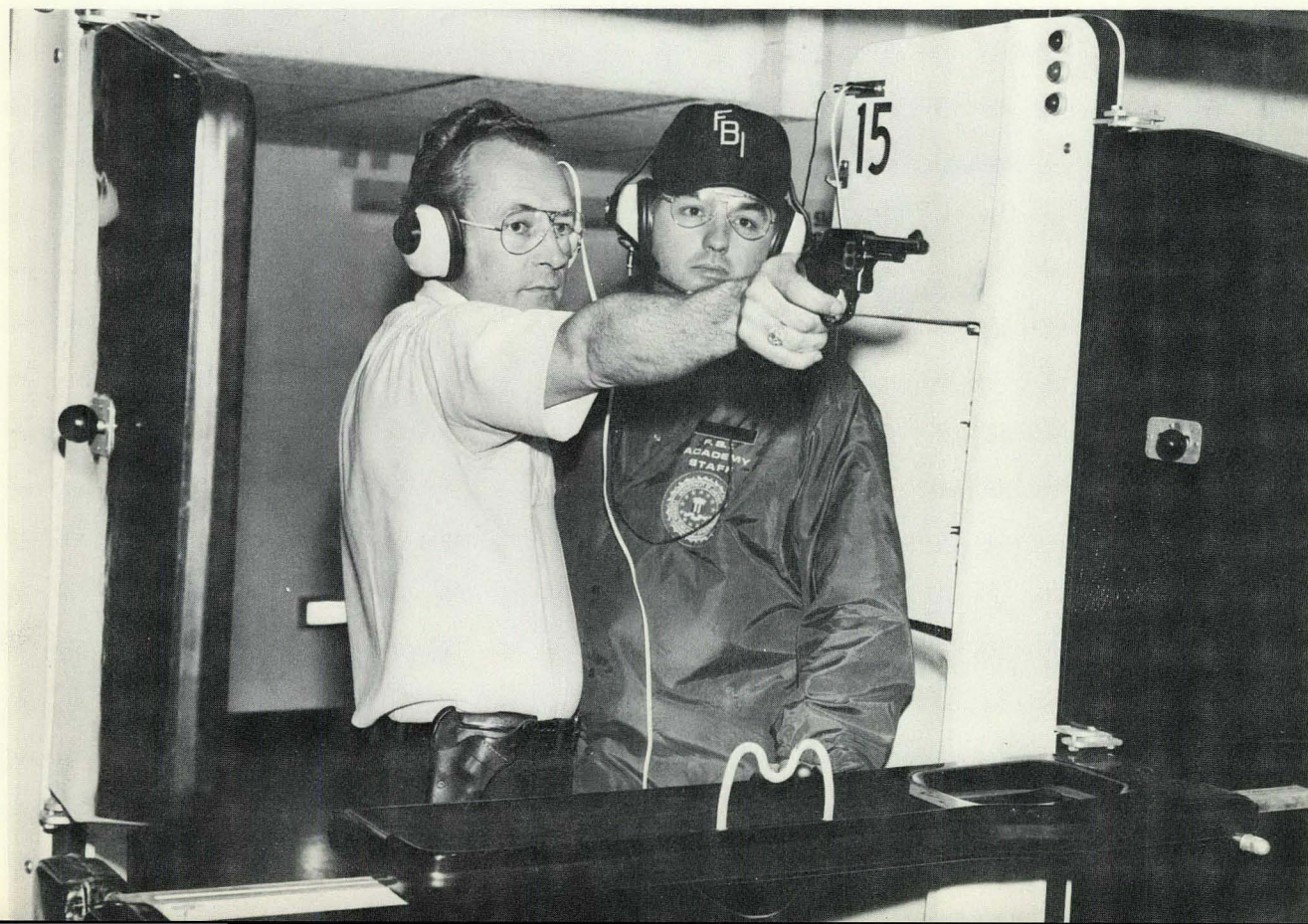
the bullets, which flatten on impact, deflect upwards and are caught in the "raceway" where they tumble, lose energy, and finally slide down the escalator plates into containers. These containers are emptied at the end of each shooting day, and the lead is salvaged.

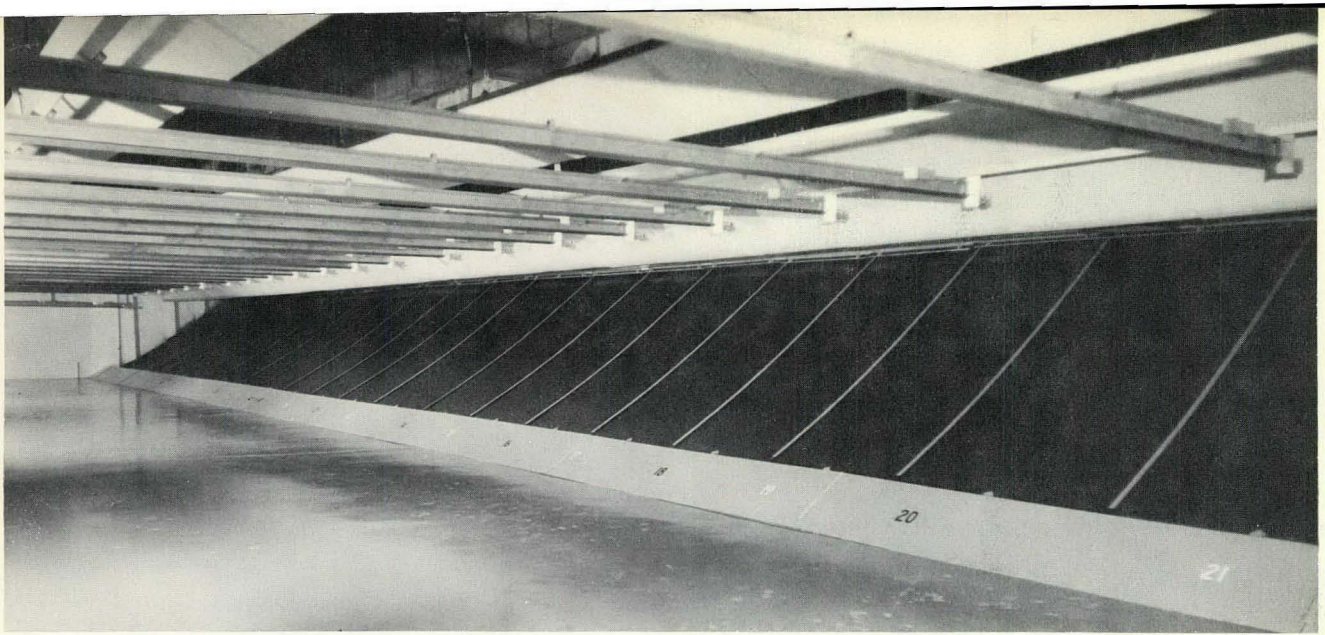
It is possible through the electronic control console, with a variation of target size and lighting, to conduct courses normally fired outside, thus allowing wide variation in the training program.

Added Safety Precautions

Additional safety procedures, which do not limit flexibility, are built into the system. Each shooting stall is equipped with a tricolored lighting system which is highly visible and clearly indicates the firing condition of the range. Specifically, a red signal indicates a cease-fire condition; a yellow signal notifies a shooter to be alert

Shooting stall shown from downrange as student and instructor use headset communication.





Downrange view of "escalator" bullet trap.

to receive instructions; and a green signal indicates a firing condition. These signals are used in conjunction with voice instructions from the console.

Photoelectric cells, activated during shooting, are located at various points in front of the firing line. Should a shooter move forward, thereby breaking the beam, the range automatically goes into a cease-fire or

"red-light" condition, and a horn is activated. This feature, in addition to standard range safeguards (including ear and eye protection for everyone in the facility), provides for maximum safety on the indoor range.

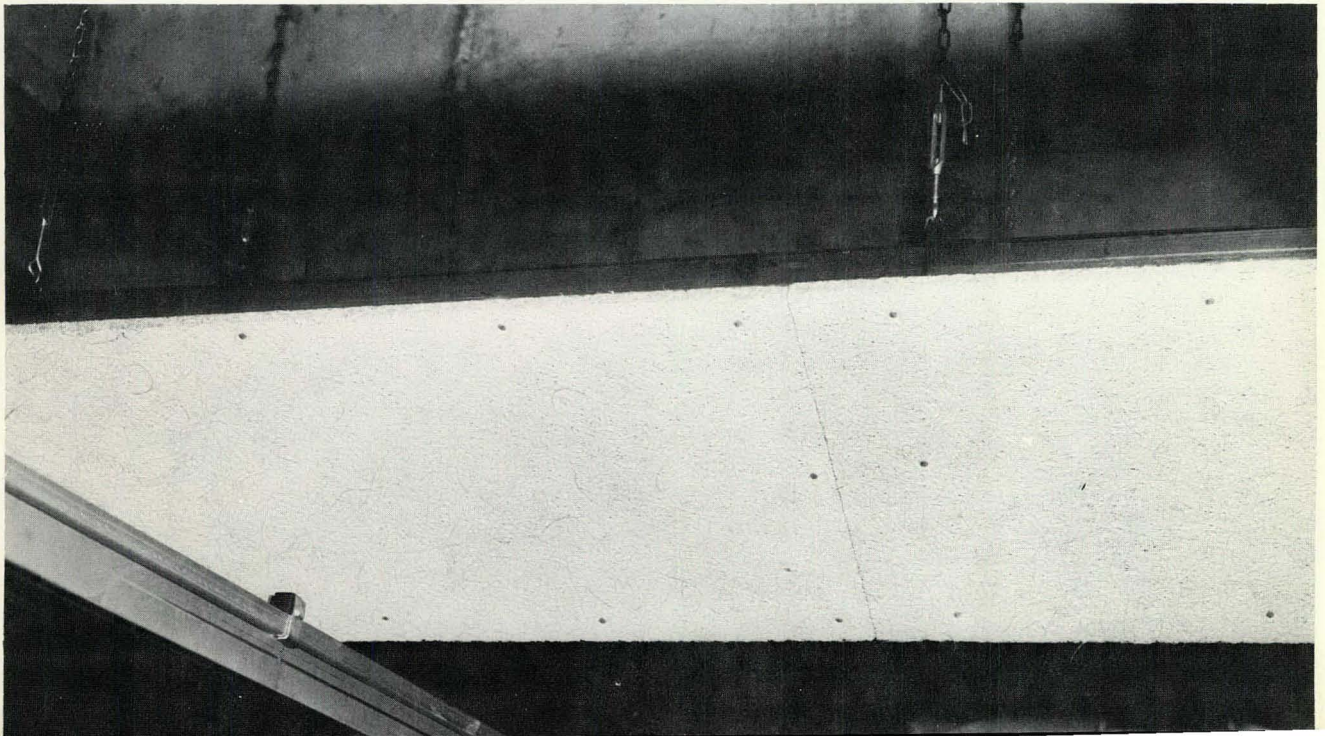
Conclusion

There are many factors which must be taken into account in developing

an effective indoor range, and this description of the FBI Academy facility seeks only to provide guidance in a general sense. Each department must, of course, determine its own needs and resources in planning an adequate facility for current and anticipated training requirements. Safety, however, must always be a paramount consideration.

FBI

The interval baffle system.



THE POLICE BUDGET:

A Valuable Management Tool or a Status Quo Handcuff?

By

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It is sad, but true, that most police budgets are unimaginative, they contribute more to maintaining the status quo than improving the quality and timeliness of the actual delivery of police services to the community.

Recently, a disturbing trend has surfaced. Many police budgets are becoming overly dependent on the continuation of relatively high past levels of Federal funding. In some police departments, a substantial reduction in such funding could result in a serious disruption of crime prevention and suppression programs.

A police budget should do more than simply control the expenditure of approved funds. If Chief Ed Davis of the Los Angeles Police Department is even partially correct when he said:

“Ten or fifteen years ago, the people were pursuing happiness in the streets, and the criminals were

behind bars. Today, the American people are behind bars in their homes and offices, and the criminals are pursuing happiness in the streets . . .”

then, it is critically important that the police budget actually become a valuable management tool to motivate, implement, and control police programs designed to guarantee that our streets, homes, and places of business will, once again, become safe for our citizens to enjoy.

Police Budgets Contribute to the Status Quo

Most police chiefs view the budget process as an unpleasant subject for a very good reason. In far too many communities, the budget process has degenerated into an overly complex, time-consuming activity that impacts negatively on police productivity and innovative police programs.

Regretfully, as a general rule, computers have not streamlined and simplified the budget process as they were intended to do. The fault lies not in the computers, but in some of the men and women in the positions of controllers and programmers who seem incapable of using technology to simplify the budget process. They appear hellbent on designing a system that bewilders rather than simplifies. As a result, many police executives find it more expedient to accept previous budget items or programs, and simply add on an inflation or growth factor for the current year. The net result of this process contributes more to maintaining the status quo than it does to motivating change to improve police services to the community.

Since many police chiefs feel relatively uncomfortable with the budget process (for numerous reasons), there is a noted tendency to avoid personal budget involvement and seek the path of least resistance. Frequently, this results in perpetuating the status quo, since it is usually much easier for the budget system to continue an old program than to accept a new, and perhaps, innovative program.

Obviously, if police budgets are to reflect the needs of the community and provide the resources for improved police service, there is a valid need for:

- Streamlining and simplifying the entire budget process.
- Additional budget training and education for police executives, particularly for chiefs of police.
- Much more interest and personal involvement by chiefs of police in the entire budget process.

Without adequate budget planning and implementa-

tion, police programs cannot provide the improved levels of police services required by most communities.

Some Police Budgets Are Overly Dependent on Federal Funds

There is no question that the availability of Federal funds has contributed to improving local police service. However, it was never the intent of the Congress for local law enforcement agencies to develop a major dependency on Federal funds for the continued provision of essential police programs to the community. These Federal funds were to be used as “seed money” to develop effective local police programs, NOT to sustain programs over extended periods of time.

Those communities that adhered to the concept and commitment of providing local funds to continue successful programs initiated by Federal funding will, obviously, be better prepared to provide improved police services when these Federal funds are curtailed in the future.

Communities whose police agencies used Federal grants and funds to hire many police officers, with no serious commitment to fund these positions locally when Federal funds are no longer available, will find themselves unable to maintain the levels of police service expected by their citizens, and this will certainly impact negatively on police-community relations.

Responsible police executives would be wise to plan their use of current Federal funds, so that vital police services would not be seriously impaired, as Federal funds are curtailed in the future. Police budgets should be carefully prepared and reviewed to insure that they do not become overly dependent on Federal funding, since future Congressmen and Presidents may be unwilling to continue funding at past levels of authorization.

The Police Budget Can and Should Be Used as a Valuable Management Tool

Most articles and presentations on budgeting tend to become so technical and highly specialized that they lose a significant amount of reader interest and understanding. In an effort to avoid falling into the same quandary, we have taken the liberty of placing this part of our presentation into a hypothetical role-playing exercise between a new city manager, who has just arrived, and a chief of police, who has served with the department for many years. When the chief presented the traditional line-item budget to the new city manager, the dialogue went as follows:



Mr. Anderson

City Manager:

Chief, I'm sorry I didn't arrive in time to discuss police budgeting concepts with you before you prepared and submitted your line-item budget that has been used in the past.

In reviewing your budget, I noticed that you added a few bodies, some cars, some weapons, some other hardware, and a 6-percent across-the-board salary increase. *I can find no new programs in your budget, nor can I identify specific existing programs in the department.*

Chief:

Well, I agree with you, but that's the way we always did it, and we simply followed the old procedure. Are we going to change our budgeting concept?

City Manager:

Yes, we are going to adopt a budget concept that will correlate police expenditures with actual police programs.

Chief:

What does that really mean as far as our police department is concerned?

City Manager:

Well, I've been reading some literature that identifies some police

programs viewed as particularly significant in upgrading police services.

Chief:

I'll reserve judgment. A lot of what you read depends on who is putting out the material.

City Manager:

I think I've got a cross section of views, and here is a list of programs that keep surfacing in the literature and among city managers and chiefs of police that I've been talking with:

1. *Patrol Resource Allocation*—Including a specific program to get more cops on the street and out from behind desks and other indoor assignments. I'd like your budget to clearly identify the exact percentage of sworn officers assigned to street duty.
2. *Police Training*—Including a breakdown of the funds allocated to recruit training; in-service or refresher training; supervisory training; middle management training; executive development training; and other training programs based on the priorities and needs of your department. I'd like to see your budget target in on the specific training needs of the department, so that we can develop human resources more effectively and, hopefully, more productively.
3. *Police Planning*—I want to see more attention and resources devoted to both short- and long-range police planning. Most of my contemporaries feel that police planning has not kept pace with contemporary police problems. Your budget should clearly identify the resources allotted for police planning.
4. *Police Standards and Goals*—Your present budget is absolutely silent with respect to police standards recommended

by the International Association of Chiefs of Police and National Advisory Commission on Criminal Justice Standards and Goals. Let's put a program on police standards in your revised budget to identify and respond to areas where we don't measure up to appropriate police standards.

5. *Police Education*—There is nothing in your proposed budget that impacts on improving the education of police officers in areas directly related to law enforcement. Develop a program and submit it for approval in your new budget.
6. *Lateral Entry*—Your old budget makes no reference or provision for any program to stimulate lateral entry into the department in order to obtain an infusion of new blood and ideas. Develop a program consistent with existing statutes and civil service constraints, and let's get it in the new budget as a special program area. We might even consider lateral entry for the chief's position when you leave.
7. *Integrity*—Police departments across the country seem to have a real problem in maintaining integrity among their personnel. Develop an integrity maintenance program with effective internal management controls, and let's get such a program in the budget. Include personnel selection and internal affairs activities in the program.
8. *Police-Community Relations*—I notice a few minority personnel assigned to the police-community relations unit. Let's get the rest of the department, especially patrol officers, directly involved in a few good police-community relations programs, and let's include these programs in the budget.

9. *Police Productivity*—Nothing in the present budget provides any means of measuring or evaluating police productivity. Develop a police productivity program that measures some of the more important police functions and duties, and let's get such a program underway and included in the budget.
10. *Team Policing*—The concept of team policing incorporates several features that seem particularly attractive to me as a city manager and to other groups as well. For example:
- A. Assigning the "team" to a fixed area of geographical responsibility for the delivery of almost all police services gives the police officers more interesting and challenging duties and responsibilities and a sense of greater involvement in police decisionmaking. I would think that many of the better educated and well-trained police officers would find "team policing" very attractive and rewarding.
 - B. Most citizens desire the same police officers patrolling their communities in order to provide some degree of patrol continuity. In this manner, they get to know both the people and the neighborhood police problems so well that they can quickly detect and respond to strangers; suspicious vehicles; and other unusual police conditions in order to more effectively prevent crime and detect criminal activity.
 - C. The delegation of additional authority to permit police officers to discharge their assigned responsibilities more effectively has great

appeal to me as a city manager. I would expect that many police patrol officers are capable of assuming a broader role than the traditional and restrictive role of simply being a "report taker." Good cops want more responsibility and more of "the action," and you and I have a management responsibility to develop human resources more effectively and productively.

Pick one of your high crime hazard areas of the city and design and submit a team policing program in your new budget. Let's see if we can reduce or at least curtail crime by using the team policing concept. If it works, we can consider expanding it to other parts of the city.

11. *Patrol Enhancement Program (PEP)*—As a city manager, I believe most police executives have been guilty of creating a substantial credibility gap. For years, the average chief of police has given lip service to the police science literature that "the cop on the beat" is the backbone of all police service. At the same time, and for far too long, the same chiefs of police have constantly drained the patrol force of the most qualified cops and assigned them to various specialized functions and units with allegedly more glamor, prestige, and pay. If you actually believe patrol is the real guts and backbone of police work (as I do), you'd better start enhancing the role of the cop on the street and stop taking the best men out of patrol. Develop a good patrol enhancement program and include it in your new budget. Let's give the cop on the street

more attention, more resources, and more job satisfaction in 1976 than we have given him in the past.

Well, Chief, I have outlined some of the police programs that my contemporaries recommend for inclusion in a police budget. Frankly, I don't really care what label you attach to such a budget. If planning, programing, budgeting (PPB) or management by objectives (MBO) are terms you want to use, by all means go ahead and use them. I'm more concerned with developing the police budget into a more meaningful management tool that can be used to identify which police programs are receiving fiscal resources, and then measuring the various programs in terms of performance and productivity. In this manner, the quality and timeliness of actual police services delivered to the community can be significantly upgraded. How do you feel about this type of budget, Chief?

Chief:

Great, you're my kind of city manager. When I go to the next IACP conference, I'm going to skip those eye-catching workshops devoted to aspects of operational police problems and attend the workshops on budget, since they will be more directly related to my management responsibilities. ®

EDITOR'S NOTE: This article was based on a speech which was delivered by Mr. Anderson to attendees at the Budget Workshop of the 82d Annual Conference of the International Association of Chiefs of Police, Denver, Colo., September 17, 1975.

CRIME DIGEST

INTERSTATE CRIMES

As a result of FBI investigations of violations of the Interstate Transportation of Stolen Property Statute during fiscal year 1975, 1,435 convictions were obtained. Over \$176 million in fines, savings, and recoveries was recorded in these investigations.

In fiscal year 1975, 1,103 persons were convicted under the Theft from Interstate Shipment Statute. Some \$19 million in fines, savings, and recoveries was recorded by the FBI in these investigations.

Twenty-eight convictions were recorded by the FBI during fiscal year 1975 for violations of the Interstate Transportation of Obscene Matter Statute. Sentences totaled more than 63 years and fines exceeded \$93,000. Thirty-five fugitives were located.

CRIMINAL INTELLIGENCE DISSEMINATION

In a continuing drive against racketeers, the FBI cooperates closely with other Federal, State, and local agencies, particularly those responsible for the investigation of gambling and narcotics violations.

In fiscal year 1975, information developed by the FBI and disseminated to other agencies resulted in more than 3,100 organized crime arrests; confiscation of illicit drugs valued at \$17 million, \$3 million worth of counterfeit bills, \$2 million worth of cash, property, and wagering paraphernalia; and assessed tax liens against \$3 million worth of property identified in Federal gambling cases.

WEAPONS USED IN KILLINGS OF LAW ENFORCEMENT OFFICERS

During the period 1965-74, 96 percent of the law enforcement officers slain were killed with firearms, and 71 percent of all weapons used were handguns. Specifically, of the 947 officers slain by criminal action during this period, 675 were killed through the use of handguns, 119 with shotguns, 111 with rifles, 18 through such means as clubs, automobiles, etc., 13 with knives, 8 with personal weapons such as hands, fists, and feet, and 3 were killed with bombs. One hundred five officers, or 11 percent, were slain with their own firearms.

FBI LABORATORY

The FBI Laboratory reached record levels of achievements in fiscal year 1975. Continuing its leading role in the forensic science field, the Laboratory conducted 482,060 examinations. Approximately 30 percent of these examinations were conducted for agencies other than the FBI on a cost-free basis.

A total of 44,198 requests was received by the Laboratory for the examination of 317,140 specimens during the fiscal year.

DESTRUCTION OF AIRCRAFT OR MOTOR VEHICLES

FBI investigative jurisdiction extends to the willful destruction of or damage to civil aircraft or passenger-carrying motor vehicles engaged in interstate, overseas, or foreign commerce. False reports and attempts to destroy or damage are included. Some 39 convictions were obtained in this category during fiscal year 1975, resulting in more than 16 years in actual, suspended, and probationary sentences. Fines totaled \$7,095, and four fugitives were located.

SYMPOSIUM ON CRIME LABORATORY DEVELOPMENT

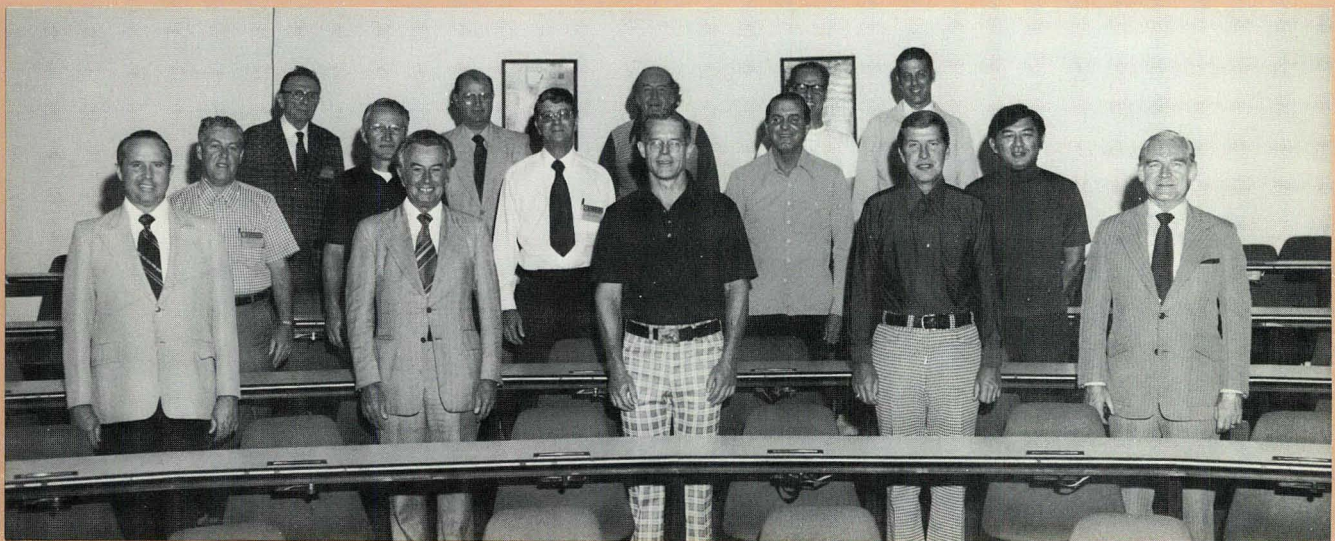
The Third Annual Symposium on Crime Laboratory Development was hosted by the FBI at its Academy, Quantico, Va., October 5-9, 1975. Attending were 193 crime laboratory directors and managers from the United States, Puerto Rico, and Canada. This and previous symposia were designed to provide a forum for the exchange of ideas and the identification of common problems and goals, with strong emphasis on those areas in which the FBI can provide assistance to State and local crime laboratories.

The Symposium's Program Chairman, Lt. Robert W. Pinnick, State Director of Laboratories, Oregon State Police Crime Detection Laboratory, Portland, Oreg., presided.

Panel discussions were held concerning laboratory evaluation and standards, education and training, law enforcement liaison, new developments and research, management, legislative matters, and finances and grants.

In conjunction with the Symposium, the first annual meeting of the American Society of Crime Laboratory Directors (ASCLD) was held. Richard H. Fox, Director, Regional Criminalistics Laboratory, Independence, Mo., was elected ASCLD chairman. Other Governing Board members are as follows: Vice Chairman, W. Jack Cadman, Chief Criminologist, Orange County Sheriff-Coroner's Regional Criminalistics Laboratory, Santa Ana, Calif.; Treasurer, Dr. Larry B. Howard, Director, Georgia State Crime Laboratory, Atlanta, Ga.; Secretary, A. Atley Peterson, Assistant Director, Technical and Scientific Services, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C.; Lt. Joseph Barry, North Regional Laboratory, Division of State Police, Little Falls, N.J.; J. D. Chastain, Manager of Laboratories, Texas Department of Public Safety Crime Laboratories, Austin, Tex.; Assistant Director Jay Cochran, Jr., FBI Laboratory Division, Washington, D.C.; Theodore R. Elzerman, Assistant Superintendent, Illinois Bureau of Identification, Joliet, Ill.; Capt. Stark Ferriss, Director, New York State Police Laboratory, Albany, N.Y.; John W. Gunn, Jr., Acting Assistant Administrator, Office of Science and Technology, Drug Enforcement Administration, Washington, D.C.; George Ishii, Director, Western Washington Regional Crime Laboratory, Seattle, Wash.; Dr. Louis William Nauman, Director of Laboratories, Alaska Medical Laboratories, Inc., Anchorage, Alaska; Thomas M. Muller, Director, Laboratory Division, Baltimore Police Department, Baltimore, Md.; Dr. Carl J. Rehling, Director, Alabama Department of Toxicology and Criminal Investigation, Auburn, Ala.; and Edward Whittaker, Supervisor, Crime Laboratory Bureau, Metropolitan Dade County Public Safety Department, Miami, Fla.

Shown, left to right, are (back row): Dr. Carl J. Rehling; Assistant FBI Director Jay Cochran, Jr.; Dr. Louis William Nauman; Theodore R. Elzerman; Richard H. Fox; (middle row) John W. Gunn, Jr.; Capt. Stark Ferriss; Thomas M. Muller; Edward Whittaker; George Ishii; (front row) J. D. Chastain; W. Jack Cadman; Dr. Larry B. Howard; Lt. Joseph Barry; and A. Atley Peterson.



WANTED BY THE FBI



Photos taken 1971.

CALVIN ROCQUEMORE, also known as Albert Nutte, "Pencil"

Interstate Flight—Shooting To Kill

Calvin Rocquomore is currently being sought by the Federal Bureau of Investigation for unlawful interstate flight to avoid prosecution for shooting to kill.

The Crime

On November 19, 1971, Rocquomore was reportedly attempting to assault a female in a parked car in Cincinnati, Ohio, when a police officer tried to intercede. The officer was allegedly fired at twice by the subject with a .25 caliber automatic pistol. Rocquomore reportedly fled the scene, but was subsequently located and arrested. On March 20, 1972, Rocquomore, while awaiting trial, participated in a mass jail break. A Federal warrant was issued on March 21, 1972, at Cincinnati.

Description

Age ----- 43, born July 19, 1932, in Butler, Ga. (not supported by birth records).

Height ---- 5 feet 10 inches to 5 feet 11 inches.

Weight ---- 165 to 175 pounds.

Build ----- Muscular.

Hair ----- Black.

Eyes ----- Brown.

Complexion - Light.

Race ----- Negro.

Nationality - American.

Scars and marks --- Scars on top of head, on center of forehead, and under right eyebrow. Tattoos: "CPR" on scroll on right forearm, "H.R." on scroll on left forearm (may have been removed).

Occupations- Construction worker, cook, and painter.

Remarks --- Reportedly may at times wear women's clothing.

Social Security Nos. used ----- 290-24-3417, 290-34-2417.

FBI No. ---- 488, 142 A.

Fingerprint classification:

4 1 tT 8 Ref: A A T
1 tAr A T T

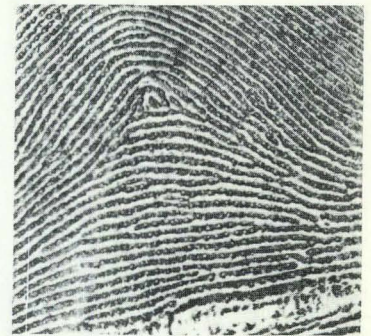
NCIC classification:

TT TT 04 10 08 TT AA 57 08 05

Caution

Rocquomore, who has been convicted of armed robbery, taking an auto without owner's consent, indecent exposure, and unarmed robbery, has worked as a construction worker, cook, and painter. He reportedly has stated he will not be taken alive and should be considered very dangerous.

Right index fingerprint.



Notify the FBI

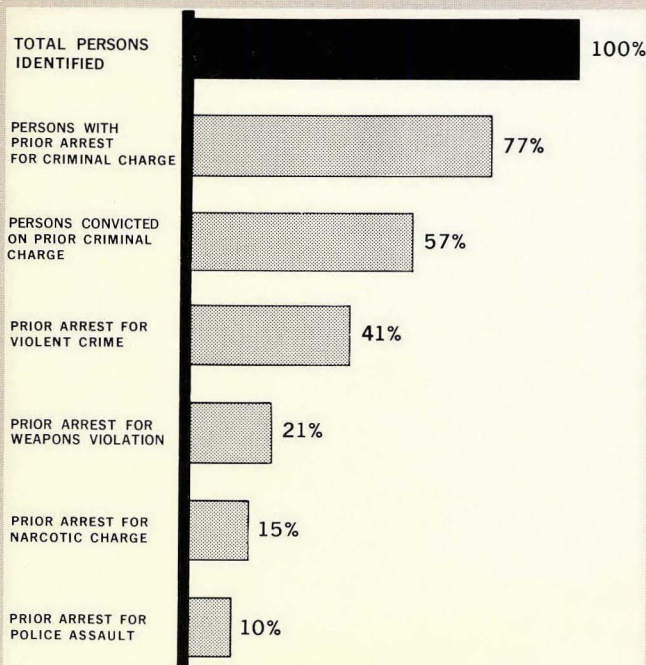
Any person having information which might assist in locating this fugitive is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of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

Profile of Police Killers

In 1974, a total of 132 local, county, State, and Federal law enforcement officers were killed in the United States and Puerto Rico due to felonious criminal action. This figure is the second highest yearly total over the past decade and is two less than the previous year's record number.

Examination of circumstances under which police officers were slain during the period 1965-1974 discloses that more officers were killed attempting arrests than in any other police activity. This situation continues a trend established in prior years and dramatically illustrates the fact that no arrest should be considered routine. It is essential that officers be extremely alert with all individuals they contact and, particularly, have some advance knowledge, where possible, of the criminal history of any person they seek to arrest.

In the period 1965-1974, 947 law enforcement officers were slain, and some 1,330 individuals were identified and charged, clearing 95 percent of these killings. The following chart, reprinted from the FBI Uniform Crime Reports of 1974, shows the criminal history of these 1,330 persons identified in the killing of officers during the decade 1965-1974.



Complete this form and return to:

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WASHINGTON, D.C. 20535

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THIRD CLASS



INTERESTING PATTERN

The accidental-type whorl at left is interesting in that it possesses a combination of a loop and a whorl-type pattern. There are three deltas. The meeting tracing is obtained by using the two outer deltas.