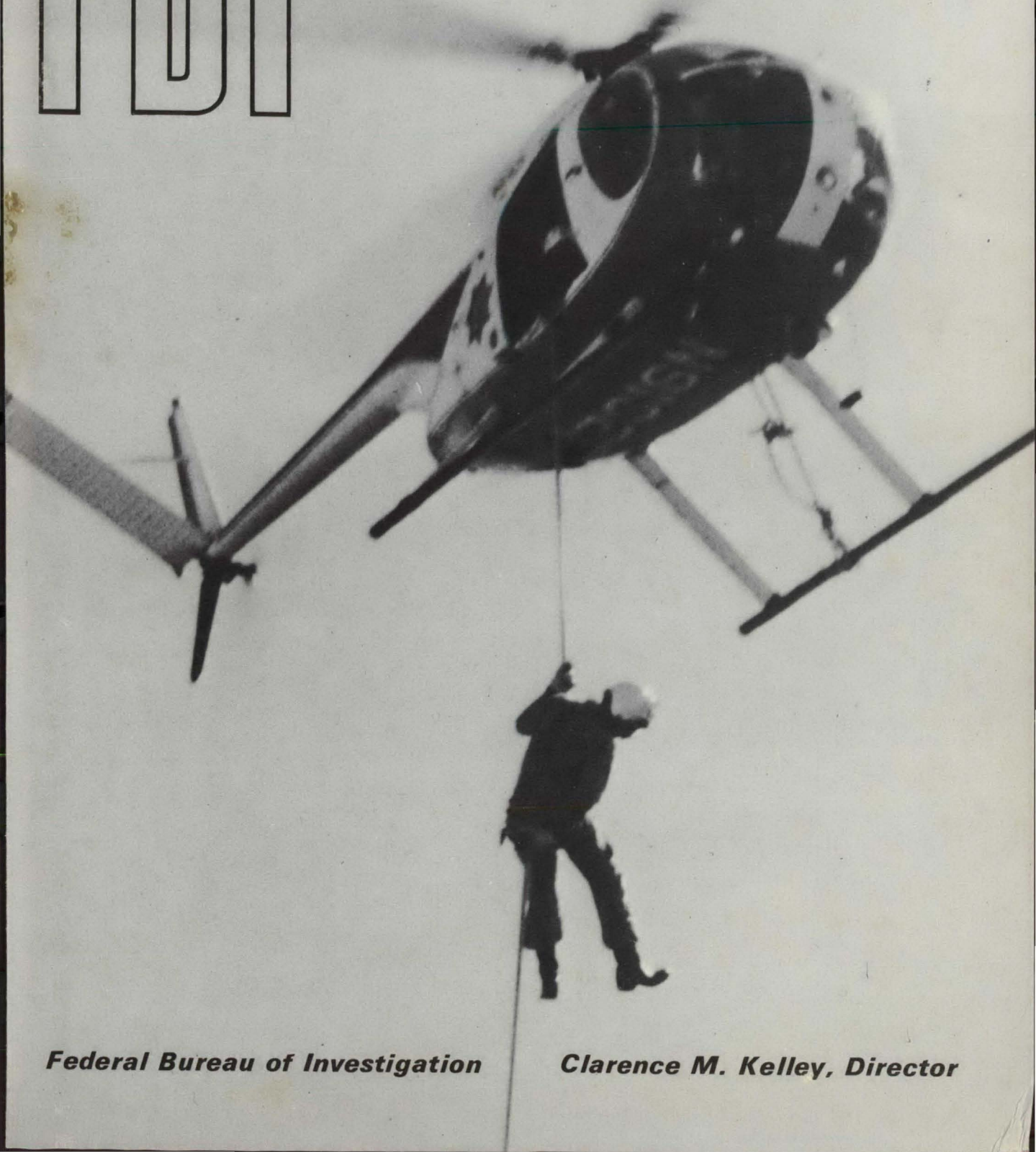


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Law Enforcement Bulletin

JANUARY 1977



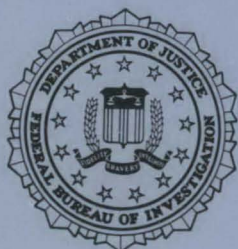
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Clarence M. Kelley, Director

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THE COVER

The photograph on this month's cover captures in dramatic fashion a highly innovative and useful law enforcement technique, helicopter rappelling. See related article beginning on page 16 of this issue.



Message from the Director . . .



IN SEEKING TO BETTER UNDERSTAND and more effectively cope with crime, a consideration of its victims is of critical importance.

The plight of this growing legion of victims represents not only a profoundly tragic aspect of our Nation's crime problem but a highly critical challenge in our administration of criminal justice. Unfortunately, statistical data barely suggest the shocking magnitude of crime's impact upon our populace. We can only surmise—and feebly at that—something of the awesome toll in individual suffering and personal loss that crime exacts from our society. It is, however, in these terms of victimization that the full extent and implications of lawlessness must ultimately be assessed.

Although the police profession has generally endeavored to render prompt and considerate treatment to crime victims, much can be done to more knowledgeably and effectively handle those victimized by crime and insure that we are sufficiently responsive to their needs.

In dealing with the victims of crime, particularly in those instances where violence has occurred, the police officer should be prepared to exhibit, among other professional attributes, a high degree of sensitivity, compassion, and interviewing skills. The welfare of the victim is, of course, a foremost consideration, and in this regard, care should be taken by the contacting officer to avoid needlessly adding to the traumatic effects of the crime experience. The often crucial

role of the victim in the solution of cases also clearly warrants a special concern by the contacting officer. Indeed, a recent study involving a number of serious offenses indicated that in more than half of those cases solved, the police learned of the identity of the suspects through victim reports. In many such instances, a cooperative attitude on the part of the victim and a willingness to provide needed information may largely hinge on the manner in which the officer has handled the contact.

The importance of this victim cooperation extends beyond the successful solution and prosecution of the cases themselves. Detailed information regarding a crime—information that the victim alone is able to furnish—provides a valuable basis for analyzing and countering incidents of a similar nature.

In order to provide the fullest measure of service to crime victims, appropriate personnel should be cognizant of whatever social services and community rehabilitation programs might be of additional aid. In those States where victims are entitled to compensation in relation to certain crimes, officers should be aware of these benefits and the procedures under which they may be obtained. As a further means of improving police service to those victimized by crime, many agencies have developed special squads, often comprised of policewomen, to deal with offenses involving women and young children.

MESSAGE

It is encouraging to find that in some jurisdictions the courts have by streamlining the judicial process eased the burden on victims in connection with prosecutive action. Noteworthy, too, has been the increasing number of victims who have instituted civil actions against offenders.

One of the great traditions of our Nation's judicial system has been to zealously protect the rights and privileges of the criminally accused. Let us also do our utmost to insure that our administration of criminal justice is equally distinguished by a concern for the welfare of those innocently victimized by crime.

JANUARY 1, 1977


CLARENCE M. KELLEY
Director

THE "10-8" SHOW A Successful Police Information Venture

By
ARTHUR J. BRIGHTON, JR.
Community Relations Unit
Police Division
Hampton, Va.

Hampton, Va., is a community of approximately 133,000 citizens situated in the tidewater area of southeastern Virginia. Primary police service for this community is provided by the Hampton Police Division with a complement of 174 officers.

The leadership of the Hampton Police Division recognizes that a law enforcement agency is only as effective as the support it receives from the community it serves. Without both the tacit and active support of the citizenry, the maintenance of peace, order, and security would be an almost impossible task.

With this in mind, the Hampton Police Division, in cooperation with Warner Cable Television of Hampton, has been involved in a project of preparing and presenting a series of



"The combining of expertise in two fields—law enforcement and television communications—has proved beneficial to both."

half-hour television programs relating to law enforcement and the community. "The project's purpose is threefold," explains Hampton's Chief of Police, P. G. Minetti. "First, we hope to enlighten the community to our problems, so they can be more fully aware of the legal and community service difficulties with which we are constantly confronted. Second, we believe it is important for the citizens to understand our operational procedure, thus permitting them to make more efficient use of our services. Finally, and perhaps most importantly, we offer programs detailing various aspects of crime prevention, realizing that the most successful crime deterrent projects are those in which members of the community willingly participate."

The program's title, "10-8," was selected as the show is a serious effort to provide a very important *service* to the community. "10-8" is, of course, standard police radio code signifying that an officer or unit is "in service."

Public Service Time Donated

Communicating crime prevention techniques and other important information to the public has always

"Programs in the series . . . were produced, written, and directed by members of the police division, with capable technical assistance from members of the cablevision staff."

been a basic mission of the Hampton Police Division's Community Relations Unit (CRU), but, as with most municipal governments, activities of this nature are limited due to various monetary constraints. With this thought in mind, the commander of the CRU visited the local cable television station in an attempt to solicit assistance and support. From the out-



Chief P. G. Minetti

set, the station manager expressed considerable enthusiasm and interest in cooperating. He offered to donate at least a half-hour of air time weekly, as a public service, and to provide the necessary technical assistance to prerecord the program on video tape. This cable TV station is part of a separate network providing varied programming to residents of private homes, and other interested viewers, for a monthly fee.

Programs in the series subsequently

prepared were produced, written, and directed by members of the police division, with capable technical assistance from members of the cablevision staff. The cable station makes its studio and processing rooms available, while police officers and other volunteers perform the necessary acting duties. The resulting programs are thereby

"The listening audience for the '10-8' program is estimated at 20,000-25,000 persons and includes viewers in both Hampton and Newport News."

produced with a minimal amount of expense. The listening audience for the "10-8" program is estimated at 20,000-25,000 persons and includes viewers in both Hampton and Newport News.

The combining of expertise in two fields—law enforcement and television communications—has proved beneficial to both. Members of the Community Relations Unit, who provide much of the support for the project, have applied their new-found experience in preparing other pro-

The "bucket truck" provided an aerial view at video-taping scene.





The chase scene for the drunk driver show ended on a dead-end street.

grams designed for use in the community, and the television network personnel have become more knowledgeable and appreciative of the operations of local law enforcement.

The first programs prepared were aired in mid-1975 with an 8 p.m. evening showing on one weeknight and a repeat showing on the following Saturday morning. This schedule was followed through the spring of 1976 following which the program was discontinued for the summer. New programs were prepared for fall 1976 scheduling.

Program Preparation

The 30-minute episodes required a varying degree of preparation. The "action-type" shows in the series demanded the most planning while the "conversation" format shows, set in a studio, required the least. Once the topic for the week's program was

selected, finite planning began in earnest. The scripts were not written verbatim, but instead, a fully developed outline was formulated to steer the course of "conversation" programs or, during dramatic presentations, to provide a framework in which

"The programs have depicted a variety of operations, problems, and procedures in the law enforcement spectrum."

the actors could appropriately ad-lib their lines.

Police officers selected to play acting roles are all amateurs who have shown an ability to speak confidently and naturally when "on camera" and to render credible performances in staged situations. Due to the regular filming of episodes, those selected also had to be assigned to shifts where they would be available for necessary film-

ing and related preparations.

The programs have depicted a variety of operations, problems, and procedures in the law enforcement spectrum. A large number of the shows stressed the trials and tribulations Hampton police officers experience by reenacting actual events or incidents. These are filmed at locations throughout the city thereby helping the viewers to realistically relate to the circumstances by developing a sense of being "on the scene."

Handling everyday police problems such as drunk drivers or irate citizens has been emphasized in several programs.

Many times, logistical considerations and situational developments restricted the flexibility of the production process. As an example, the taping of one show depicted the processing of a drunk driver from the time of arrest to the defendant's appearance in court. A dead-end city street was

used to film the stopping and subsequent "arrest" of the driver of the vehicle. Curious passers-by stopped to watch the "action," and in a relatively short period of time, a traffic tieup began to develop. It was decided to accept the first taping result as the final product since the only logical way to relieve the congestion in the area was to eliminate the cause—the filming crew, the actors, and the flashing red lights. (In most "action" scenes, efforts have been made to limit taping to one session.)

join them" provided the key to the solution. The actors were called back to dub over a 5-second portion of the tape. The first police officer queried the second officer, "Do you hear music?" to which the second officer replied, "Sure, it's coming from the loudspeaker on top of the bank building across the street." Suddenly the reverse effect was evident; the music was a justifiable part of the sequence; in fact, it added more realism to the staged episode.

Many other shows in the series have

patrol car at police headquarters with an "arrested shoplifter," the officer unexpectedly experienced considerable difficulty in getting his car door open! Needless to say, this was one of the few times it became necessary to retake a filming segment.

More Than One Purpose

Most programs have more than one purpose. A show about the crime of armed robbery explained the problems the patrol officers and investigating detectives must surmount, then



The program devoted to the K-9 Corps required considerable logistical support and close coordination of elements involved.

Video-taping Surprises

Only after returning to the studio to preview the day's work did it become apparent that a local radio station had somehow penetrated the audio recording equipment, resulting in unsolicited "rock and roll" tunes being audible as background music. Initially, it appeared as if the entire time-consuming segment would have to be redone, until the old adage "if you can't beat them

provided an insight into procedural operations of the division. These included the history and use of radar, an overview of the electronic communications network, the function of the Special Operations (Tactical) Unit, and efforts to counter the ever present shoplifting problem.

During a taping sequence in the shoplifting episode, an unanticipated equipment malfunction occurred. As the police officer-actor arrived in a

instructed the viewers concerning proper precautionary and response measures to follow in connection with armed robberies. It continued by explaining how these measures, if followed, would be harmonious with the division's operating procedures.

In one instance, a mini-series produced also provided long-term benefits for the Peninsula Alcohol Safety Action Project (ASAP). This project involves rehabilitation efforts for



The important function of traffic control was highlighted in one of the programs.

drivers with drinking problems who are referred by the local traffic court. In connection with the "10-8" show, it was suggested that a filmed mini-series be prepared detailing the drinking-driver problem. This suggestion was accepted and programs on this topic were prepared primarily for use with the weekly half-hour programs. The video tapes in this series were also edited and revised for use by the ASAP as a continuous educational asset.

Award Received

Interfacing of skills between represented fields of expertise resulted in a number of high-quality programs being produced. In fact, the armed robbery episode was judged to be of such excellence that it received an award in recent national competition sponsored by the National Cable Television Association (NCTA). Entries "were solicited from individuals and

institutions whose access programming was shown on cable channels," explained a NCTA news release, with the "Hampton Police '10-8' Show" receiving top honors in the series cate-


"The use of donated public service television time by a law enforcement agency to convey information to the community about crime problems, crime prevention measures, and police operations represents one important medium for keeping the public informed."

gory of "News and Public Affairs." The winning plaque was presented to the local cable TV station at the NCTA's national convention in Dallas, Tex., in April 1976. Later that month, the general manager of this station presented Chief Minetti the award during a midmorning cere-

mony in the Hampton city council chambers.

Conclusion

The Hampton Police Division has been pleased with this valuable opportunity to solicit the cooperation and support of the community through the medium of television. The results have been notable according to a recent survey of cable TV customers. A majority of those polled indicated they either watch the series regularly or have viewed various programs in the past.

The use of donated public service television time by a law enforcement agency to convey information to the community about crime problems, crime prevention measures, and police operations represents one important medium for keeping the public informed. If done in a realistic, interesting, and varied manner, such a program can generate considerable community support for the local police, promote the undertaking of crime prevention measures, and assist in reducing many common police problems. 

CRIMES CLEARED BY ARREST 1975

In 1975, law enforcement agencies made an estimated 9.3 million arrests nationally for all criminal acts except traffic offenses—a 2-percent increase over the previous year. Persons under 25 years of age made up 57 percent of the total police arrests and male arrests outnumbered female arrests by a margin of 5 to 1. Arrests of males and females under 18 increased 13 percent from 1970 to 1975. When serious crimes as a group are considered, arrests of males, 1970-75, were up 30 percent and female arrests increased 56 percent.

Police Personal Problems— *Practical Considerations for Administrators*

By
HOWARD D. TETEN
and
JOHN W. MINDERMAN
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Investigation
Washington, D.C.

Recently, there has been an increasing focus on the broad range of personal problems which plague the law enforcement officer. These problem areas include cynicism, boredom, alcoholism, drugs, physical ailments, family discord and divorce, and suicide. Such matters are, of course, not new to the profession, but for many years, they were the type of thing that could not be discussed. The idea that a police officer could not handle his own personal problems was repugnant to the image of law enforcement. A great deal of duty time was (and is) taken up with the handling of interpersonal crisis situations, and to admit that an officer couldn't solve his own problems was to imply that he couldn't solve those of the public. Traditionally, administrators addressed these problems with transfers, disciplinary action, and in some cases, dismissal.¹ However, such approaches are expensive and involve the loss of highly trained veteran personnel which few departments can afford.

The classic texts in police manage-

ment contain virtually no information concerning the cause of police personal problems or the methods of handling them. Indeed, most limit themselves to merely suggesting that the administrator take such steps as are necessary to insure a "proper attitude" or esprit de corps among his men.² Fortunately, modern management is now taking a more realistic approach, and progress is being made in determining the source and extent of this malady.

Current research indicates that police work is one of a number of high-stress occupations. Stress has been identified as a major cause of both mental and physical disorders. It is linked to such diverse problems as indigestion, diarrhea, dermatitis, asthma, colitis, ulcers, back trouble, migraine headaches, hypertension, strokes, and heart attacks.³ Stress also seems to be associated with alcoholism,⁴ divorce,⁵ and suicide.⁶

Medically, stress has been defined as "the rate of wear and tear on the body caused by living."⁷ There are several types of stress and not all are necessarily harmful. There is physical stress, such as when an individual is straining to touch his toes or jogging the last half mile of his daily exercise routine. This is a healthy form of stress. Mental stress is involved each time we attempt to solve a problem or interpret a situation and it too is essential to our well-being. A third type of stress, that of an emotional type, is present whenever we become angered or depressed or even when we hope. Like the other types, it is not necessarily harmful. Only when the stress becomes prolonged, when it is allowed to accumulate, or when we are unable to deal with it effectively, does it cease to be healthful and become a problem.

Law enforcement is, of course, not the only field of endeavor affected by stress factors. With the present divorce rate over 40 percent⁸ and the alco-

holism rate at 8 percent, it is obvious that stress is a widespread affliction.⁹ One study indicates that as high as 40 to 60 percent of the average doctor's patients are actually suffering from some form of psychosomatic illness.¹⁰

In addition to all the sources of stress found generally elsewhere, those faced by the police professional are increased by the necessity of having to maintain his role both on and off duty. He is exposed to what he often-times perceives to be a constant threat of violence.¹¹ The awareness of this threat, combined with the knowledge that his actions are constantly being judged, produces an increased level of wariness and distrust. This subconscious alertness does not permit the total relaxation so necessary for emotional rejuvenation, continued objectivity, or full concentration on family commitments. Thus, stress, or more accurately the cumulative effects of stress, appears to have had an important influence on the upsurge of personal problems facing law enforcement today.

To understand more fully the process by which stress operates, it is necessary to examine man's psychological needs. The majority of police administrators today are, of course, fully aware of Abraham H. Maslow's well-known hierarchy of needs.¹² Most can probably cite from memory the various levels (In ascending order: physiological needs, needs for safety, needs for belongingness and love, needs for esteem, and needs for self-actualization and for various cognitive and esthetic goals). However, the challenge here is not knowledge but application. While everyone has the same needs, there is a great deal of variation in what it takes to satisfy them. People are thus forced to concentrate on those needs which to them are most demanding. For some, this may mean constantly reassuring themselves that they are accepted. For others, perhaps their requirements are

made manifest in a consuming drive for greater status or recognition. However varied, the needs are there. They are constantly demanding satisfaction and are always on the alert for any situation which may threaten their present state of fulfillment.¹³ This is a very sensitive area. In many respects, it is the Achilles' heel of man. Deliberate, calculated efforts designed to thwart the satisfaction of one's needs can be devastating to the individual. This was ruthlessly demonstrated in North Korean prison camps with the treatment of some American prisoners of war.¹⁴

With these facts in mind, consider the newcomer to law enforcement. Why did he choose law enforcement as a profession? What are his goals? Questions of this nature are asked of virtually every recruit.¹⁵ Unfortunately, little attention is usually paid to his answer, unless, of course, his response is extreme, such as an expressed desire to kill all criminals. His answers are an important consideration, nonetheless, because in the last analysis, all behavior has been found to serve some purpose. There is a reason, logical or illogical, known or unknown, for each action. Each operation the human organism performs is an attempt to satisfy some requirement. It is the thesis of this article that the reasons for choosing law enforcement as a career usually fall into one or a combination of the following general groups: Help and protect the people, pursue the criminal, become a "somebody," and need a job.

The varying emphases and "need" requirements implicit in each grouping are obvious. Most imply a greater than average need in the areas of acceptance, status, and/or recognition.¹⁶ The particular combination of need requirements revealed above tends to promote a greater than normal commitment, but at the same time, it may form the basis for most of today's personal problems among police.

On graduating from the academy, the recruit finds the actual duties of a police officer deviate considerably from those depicted in so many of the police dramas that dominate so much of today's television programming. In many instances, he may be ill-prepared to deal with the shock of a fickle public that demands law and order and then condemns enforcement; that applauds action taken one day and is outraged by a similar activity the next; that hires him to protect them and then instead of assisting him in his duties, watches him continuously for indications that he may become too efficient, that he may begin to in some way restrict their activities. Instead of acceptance, he may receive ostracism; instead of gaining status, he may be treated as a scapegoat; instead of receiving recognition, he may only be tolerated with guarded suspicion.¹⁷ The shock of these realities and these attitudes could tax anyone's ability to function.

In the average person, even the most severe stress can often be neutralized by a comprehensive program of recreation and relaxation. Under these conditions, the individual is able to forget the job and become involved in a satisfying pastime. For the police officer though, this form of release is often closed. He is on duty 24 hours a day, and he is a man continually committed to the job.

The constant onslaught of the pressures brought about by role ambiguity, an unpredictable public, and the shock of reality, combined with a strict set of image requirements, can strain the individual's ability to adapt and oftentimes he turns to his organization for emotional support. At this point, the process of retreating to a more secure position with the law enforcement family begins, along with its attendant loss of old friends and narrowing of viewpoints.¹⁸ The officer becomes to a great extent separate, isolated, a being functioning within, yet

apart, from the community.¹⁹ Often a cold cynicism begins to develop and with it the ability to isolate and repress emotions.²⁰ A price is paid, however. The suspicious attitudes and the newly perceived realities of life often have serious implications in terms of the officer's outlook and homelife.²¹ Usually the family is not prepared for such changes in attitude, the loss of old friends, or the off-duty time spent at work or with other officers. The marital relationship can become strained. To further add to the problem, the officer almost invariably finds it necessary to maintain the police image before his fellow officers, as well as before the public. He must not voice his problems directly because, in at least some cases, his supervisors may interpret it as weakness, a condition that cannot be openly condoned.²²

For some officers, psychological defenses are not strong enough to afford full protection, and they begin to develop psychosomatic ailments, seek strength from the bottle, or attempt to gain reassurance by extramarital conquests. Studies indicate that during the first years of service, the officers are in a constant struggle to adjust to their new and hostile environment. It is during this time that the marriage is most sorely tested and the officers tend to separate society into either the good or the bad guys.²³

Although there are many exceptions, cynicism appears to reach its peak after 3 to 7 years of service and then begins to slowly decline, a signal that the officer has finally been able to cope successfully with these most difficult adjustments.²⁴

Unfortunately, the struggle does not end here. Most students of stress believe that each crisis leaves its scar and that eventually the organism's defenses become less able to function effectively.²⁵ This certainly appears to be valid in the case of many older officers. These individuals, after many years of distinguished service, become

less able to cope with their environment. They are forced to accept the fact that they will probably not achieve the fulfillment of their dreams, or that they can no longer adapt to changing values. They realize they are being pushed aside by younger officers whose philosophy they cannot understand.²⁶ As a result, they begin to question the need for their past sacrifices and their service to the community.²⁷ Indeed, they begin to question what is right and what is wrong. Alcoholism, suicide, and an increased potential for corruption are sometimes the result of this questioning.

For most, there is retirement. Here too, however, is the possibility of unforeseen problems for the police officer. Like many individuals in other professions who are totally committed to a cause, the police officer may not be able to enjoy his retirement.²⁸ In most cases, he has not planned for it. He has few friends outside his work, and his former associates seldom stray outside the group even to visit old friends.

Potential Remedies

An attempt has been made to generally describe the manner in which extraordinary stress affects the law enforcement officer. The process was deliberately oversimplified. Clearly, of course, an unbelievably complex system of mechanisms is actually involved. It is also recognized that in such matters we are dealing with an unknown number of possible intervening variables. For example, it is possible that those individuals who choose to enter police service are also those who are more psychologically susceptible to the specific problems encountered. On the other hand, it may be that the problems exist because of the admittedly increased variety of opportunities available to any officer who might wish to take advantage of them. Based strictly on the number of factors available for con-

sideration, it must also be conceded that it is theoretically possible for a significant reduction in stress to have no effect whatsoever on the number of personal problems encountered.

It can only be safely said that it would appear that the most probable cause of the unusually high number of personal problems among law enforcement officers is job stress. Based on this fact, the fields of psychology, sociology, physiology, and management science, along with commonsense, can be combined to suggest possible guidelines for providing a more desirable atmosphere. Within this framework, we will examine various considerations.

1. Dispel Any Myths Concerning the Nature of the Law Enforcement Field Prior to Employment.

Dr. George Gerbner of the University of Pennsylvania, possibly the leading authority on the psychological effects of television, feels that in spite of reports to the contrary, what people see on television does significantly influence their attitudes and expectations. Dr. Gerbner comments that in the police-oriented programs dominating prime-time television today:

The symbols of authority are almost unerringly successful and largely unblemished. The cop is the dominant authority figure on television and he (sometimes, though rarely, she) is always victorious.²⁹

This is the epitome of action and excitement. The gallant officer is feared and adored. Always victorious, disdainful of danger, he stands ready to protect and defend. Few can question the attraction of such a life.

In reality, police work has little in common with the evening television thriller. Unfortunately, such misconceptions can and do contribute to feelings of dissatisfaction, depression, and frustration. Moreover, this is not

the only manner in which the fledgling officer is misled. After several hours of watching his television counterparts being challenged by aggressive, intelligent criminals, an increased fear that he himself might also be confronted by formidable opponents of this type can hardly be avoided.³⁰

Another aspect arises from the competence portrayed by the television policeman. He is invariably successful, and the public expects the same from the officer on the street. While everyone intellectually knows the difference between reality and television, the comparisons are still made, and the working officer is always the loser.

For these reasons, a preemployment interview should be held with police applicants to indicate to them the true day-to-day activities and routine duties of the job. All myths concerning the degree of excitement, challenge, physical danger, and daring should be removed. This procedure will serve to reduce the amount of later dissatisfaction and, at the same time, assist in recruiting more mature individuals who are interested in the profession as it exists.

Why does a realistic job preview tend to produce more satisfaction and lower turnover? The answer seems quite simple. Given accurate information, people are able to determine with some precision whether particular job situations will fit their needs and abilities. Further, they develop realistic expectations about the nature of the job and disappointment is minimized. This helps both the individual and the organization, since it reduces turnover and increases satisfaction.³¹

2. Use the Performance Ratings at the Training Academy and Probationary Period to Weed Out All but the Most Promising Candidates.

Police training academies have developed rapidly over the last 20 years.

They are particularly effective in developing such skills as crime scene search and collection and preservation of physical evidence, as well as instilling a basic knowledge of legal codes and various investigative techniques. The academy experience has also been found to engender an attitude of solidarity and esprit de corps among the students and instructors, qualities which doubtless influence the extremely low dropout rate in academies.

While solidarity and high morale are most desirable, commonsense, however, dictates that everyone entering a police training academy will not make a good police officer.

In order to better insure that only the best qualified trainees succeed, several things can be done. First, the academies must stop perpetuating the myth that police work constantly involves fighting criminals. Most calls for service are not related to criminal acts. As the National Advisory Commission on Productivity reported:

Services provided by the patrol force that do not relate to incidents of crime or suspicious activities make up the large majority of calls for service, often 70 percent or more. . . . [P]olice departments put the most emphasis on crime-control activities and stress crime control in their training program.³²

Second, the academies must become more discriminating in their appraisals of the candidates during the recruit and probationary training periods. Departments should consider accepting greater numbers of applicants for training with the expectation of losing a fair percentage of the total. This is not an unreasonable approach and is most common in industry.³³

Studies indicate that the most reliable predictors of future job stress in law enforcement are the ratings earned

in the training academy and the following probationary period.³⁴

It is during these periods that each candidate should be most objectively evaluated. Extra care must also be exercised throughout the probationary field training to reduce the effect of the "buddy system" which tends to reduce negative peer evaluations.³⁵

Finally, and perhaps hardest of all, those candidates who are found to be less than clearly capable should be released.

The training academies should also give consideration to including courses on the types of personal problems the recruit will most likely encounter. At the present time, there is a dearth of courses given to police recruits which reveal the true nature of police work and the manner in which they and their families will be affected by this occupation. In the case of married trainees, the spouse too should be carefully and completely briefed on the possible changes in attitudes and viewpoints which may occur.

3. Devise a Debriefing System.

The inability to anticipate with some degree of certainty the immediate future is a major cause of stress and anxiety. Those who are unable to tolerate inordinate amounts of stress are well advised to seek employment in occupations where they can easily predict not only what they will be doing at any given time during the day, but also the extent of any possible problems which may be encountered.³⁶ The police officer cannot do this. The very nature of his work consists largely of waiting, being available, and being prepared to deal with whatever may occur.

It is true that an officer performs a number of mundane, repetitive tasks during his shift. However, the stress and anxiety are caused by the awareness that at any moment he may be required to deal effectively with an unknown number of extremely dan-

gerous or unpleasant situations. That such a situation may not occur is of little consequence. It is the awareness that it could that produces the tension.

At the end of the working day, the accumulated level of tension must be reduced in some way. Probably the most common technique is simply to discuss the events of the day. Throughout most of the work-a-day world, people gather after work to talk over the events of the day. In essence, friends, sweethearts, associates, and/or members of the family function as stress relievers by listening and sharing their activities. This stress-reduction technique has been found so effective that it forms the basis of treatment in virtually every school of psychotherapy.

While this technique is sound, there are nevertheless certain complications surrounding its use by police officers. First, he is confronted with the generally confidential nature of his work and the possibility that any discussions might be turned to gossip. Second, there is often a desire to protect loved ones from the harsh realities of the street. It is not at all uncommon for police officers, sooner or later, to become convinced that the only people able to understand them are other officers. An increasing isolation from friends, neighbors, and even family is likely. The officer begins to spend more and more off-duty time either "riding over" on the next duty shift or relaxing in the company of other off-duty officers.

It is time we acknowledged this need to be debriefed and make provisions to satisfy it.³⁷ It is time also that the officer's family be made aware of this need in order that there be no misinterpretation of the reasons for the extra time devoted to fulfilling it.

This article can offer no specific techniques that meet all situations. Solutions must obviously vary with both the size and needs of the depart-

ment. However, careful, serious consideration should be given to some form of positive program which will provide for a specific period of time during which officers are encouraged to discuss the operations and events of their tour of duty.

4. Allow Little or No Rotating of Duty Shifts.

With the need to provide protection and service to a community on a 24-hour basis, law enforcement agencies are faced with a dilemma. Most individuals prefer to work during the daytime hours. Administrators, in an attempt to satisfy everyone, often rotate the duty shifts on a regular basis. Over the years, this technique has become almost traditional in many departments, and officers are required to change shifts on schedules ranging from as often as every 5 days to as little as once a year. Other departments have no rotation policies. Instead, a new officer is permanently assigned to the "least desirable" duty hours. He then is rotated to the "more desirable" shifts on the basis of seniority.

The administrative advantages and disadvantages of shift rotation is a topic worthy of considerable discussion. However, we are concerned primarily with stress, and studies reveal that any change of eating habits, sleeping habits, or working conditions will produce stress.³⁸ While the degree of stress directly attributable to shift rotation may vary individually, it is safe to say that it is significant.

Hurrell and Kroes of the National Institute for Occupational Safety and Health relate shift work directly to police personal problems.

Shift working first of all, profoundly affects an individual's homelife. This is especially true for individuals who work rotating schedules. Both married and single individuals may find their

circle of friends and social activities severely limited by their work hours. Further, shift work intensifies home problems. The officer's interaction with his children is lessened; the wife must manage two separate households, one for herself and the kids and one for her husband. Overall, the disruption to homelife is a major factor in officers leaving the force or in the development of marital difficulties.³⁹

Authoritative texts on police administration agree that frequent rotation is not advisable.⁴⁰ To the highest degree possible, any rotation policy should be based strictly upon a thorough knowledge of the stress factors involved and sound participative management techniques. In addition, such policies should provide for easy, quick exception for individual problems, needs, or emergencies.

5. Allow Little or No Beat Rotation.

Research suggests that beat assignments of patrol officers were at one time semipermanent. With the advent of motorized patrol and for other reasons, the practice of rotating the beat assignments on a regular basis has become widespread.

The practice of routine reassignment of officers from one beat to another is debatable. Although considerable discussion could be devoted to the various ramifications of this practice, it is enough to know for the purposes of this article that the changing of beats causes stress.⁴¹ Not only is the learning of a new beat stressful, but the merchants and residents of an area are strangers to the newly assigned officer. Individuals who are strangers are unknown quantities. As such, while not necessarily a direct source of stress, they cannot be counted on to offer the degree of support and acceptance normally provided by citizens known to the officer.

6. Discourage Constant Rotation of Supervisors.

Constant rotation of supervisors should, if possible, be avoided. While there are advantages to some rotation, the need of the officer to adjust constantly to each field commander's preferred methods and idiosyncrasies is a considerable source of tension and anxiety. It is not that the officers cannot work for any supervisor or that they will not do their best, they will. It is simply that any change in working conditions causes stress, and stress increases the rate of mental and physical wear and tear on them.⁴²

One other negative aspect of supervisory rotation is the fact that it reduces the supervisor's efficiency. Among other things, the supervisor's need to know those who work for him is significantly and adversely affected by such changes. For a conscientious man, this is too stressful.

7. Require Complete Retraining After 5 Years.

One of the most accepted methods of reducing stress is to equip the individual with the skills and knowledge to handle any foreseeable situation. After the law enforcement officer has acquired several years of experience, it becomes necessary for him to re-examine his present methods and to be briefed on new developments in the field. As previously indicated, there often comes after several years of service, a tendency toward isolation and cynicism which may hamper the officer's ability to remain objective and enthusiastic.⁴³ This appears to result from a combination of circumstances.

Dr. Martin Reiser, a psychologist with the Los Angeles, Calif., Police Department, has described the psychological reactions of the new officers when they are first confronted with the shock of reality.⁴⁴ The increased isolation, changed viewpoints,

and tunnel vision he describes normally begin to reverse themselves after several years. However, there are indications that some officers continue to become more and more cynical and, if the process is not in some way interrupted, they ultimately reach the point where their ability to interpret a situation objectively may be significantly impaired.

Some research implies this process reaches its peak somewhere between 7 and 10 years' service.⁴⁵ The reasons for this phenomenon are by no means fully understood, and until such time as the causes are known, we must content ourselves with a generalized "shotgun-type" approach to prevention and treatment. A logical approach appears to be in retraining which hopefully involves a curriculum designed to not only keep the individual abreast of developments in his field but, at the same time, to provide him with some insight concerning the problems associated with this phenomenon.

8. Train Supervisors to Know Needs, Recognize Problems, and Initiate Remedial Actions.

There are in reality probably as many theories of supervision as there are supervisors. Even the classical concepts of supervision, leadership, management, and administration are numerous and complex. Volumes have been written on such approaches as scientific management, participatory management, the managerial grid, and management by objectives. Yet in spite of this array of techniques, the idea persists that the business of supervision and management is not particularly complicated. Nothing could be further from the truth. Early students of leadership and administration quickly recognized the complex nature of this field. Henri Fayol, considered by many to be the "father" of modern management theory, main-

tained not only that it took training to be an effective supervisor, but also that management should be a separate profession.⁴⁶ Nevertheless, the attitude persists and far too often prevails that if an individual is a "good worker," he will be a good supervisor.

Within the law enforcement profession, promotion to supervisor is one of the most common methods of rewarding the officer for years of service and devotion to duty. Unfortunately, being a good patrolman does not insure development of the necessary abilities to be a good supervisor.

The new supervisor cannot rely on the skill or knowledge of his former work to help him solve the many new problems facing him. No matter how skilled a mechanic he was, no matter how good an accountant, no matter how much law or science he might know, he is not therefore automatically able to supervise people.⁴⁷

A supervisor's job is the structuring and maintenance of an effective, responsible, and concerned staff. For the new supervisor, this is a different world. When he has had no experience or training in supervisory skills, the results are often quite predictable—significantly increased stress for both him and his men. Far from being a reward, removing a man from a job he knows and placing him in a job for which he has not been trained, creates an emotional hardship.

This situation is unnecessary and avoidable. Future supervisors must be chosen on the basis of leadership and management potential rather than on irrelevant past job performance. Once chosen, they must be carefully and extensively trained in the theory and practice of their new profession. They should receive no less training in the art of supervision than the recruit receives in the art of law enforcement. Nothing less will do.

In a very real sense, the supervisor is the most important man in the organization. With him rests the success or failure of the entire effort. Not only does he provide the actual leadership and direction, but in the words of Rensis Likert:

He is a communication link downward in serving as the channel for flow of information on goals and objectives, as the disseminator of policies and practices, and as the interpreter of change. He also serves as the chief channel for upward communication. Through him, the needs, goals, and feelings of his subordinates are transmitted to upper echelons.⁴⁸

It is vital that the supervisor know the underlying needs of his staff. Further, he must be prepared and willing to deal with the personal problems of his people. Dr. Reiser contends:

The effective supervisor has a legitimate and necessary role in counseling. He is involved to some degree with the problems of his men whether he likes it or not. . . . Denying them or turning away from them doesn't aid in handling the problems.⁴⁹

"To the highest degree possible, any rotation policy should be based strictly upon a thorough knowledge of the stress factors involved and sound participative management techniques."

The supervisor is in the "people" business, and he must deal with "people problems." He should be able to handle these problems as decisively as the patrol officer handles his duties. Moreover, as is the case with the patrolman, once a problem becomes apparent, he must deal with it immediately. Any tendency to "look the

other way" can be disastrous not only for the health of the individual and the agency but from the standpoint of actual legal responsibility for the possible consequences.⁵⁰


9. Provide and Encourage Confidential Access to Family and Personal Health Agencies Outside the Department.

It is the manager's responsibility and duty to recognize and initiate remedial action whenever necessary, just as it is the training officer's job to insure that every man is adequately trained to perform his work. In the same sense, to fulfill his responsibilities, the manager, like the training officer, needs the consent, backing, and active support of everyone in the organization. Surprisingly, this is not as simple as it would seem. There are many who, for one reason or another, actively or passively resist attempts to provide channels through which personal help can be made available. This may perhaps often result from a subconscious threat to the masculine image implicit in accepting the fact that such help is needed.⁵¹ Whatever the obstacles, they must be overcome. Complete cooperation must be engendered. In many cases, personal problems can be handled confidentially by specially trained personnel or peer boards within the confines of the department. With the more serious problems, however, it is necessary that professional help be available outside the department and away from the governmental community.⁵² In either case, absolute confidentiality must be maintained. It is mandatory that those seeking help be protected against criticism and distrust.⁵³

Conclusion

Every trade and business systematically preserves its most precious resources. In law enforcement, the

primary resource is the police officer. He is the indispensable key to the system and any reduction in his effectiveness will have profoundly adverse effects on the system.

It is time we arrange our priorities according to what is most important. As in any other organization, our first concern must be for the maintenance of our primary asset. Without healthy, adjusted, and properly motivated personnel, there can be no hope of achieving full utilization of their talents. 

FOOTNOTES

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³ U.S. Department of Health, Education, and Welfare, *Work in America: A Report of the Special Task Force to the Secretary of the Department of Health, Education, and Welfare* (Cambridge, Mass.: MIT Press, 1973), pp. 76-92.

⁴ Leon Dishlaco, "The Drinking Cop," *The Police Chief* (January 1976), p. 36.

⁵ James A. Durner, Mark A. Kroeker, Charles R. Miller, and William R. Reynolds, "Divorce—Another Occupational Hazard," *The Police Chief* (November 1975), p. 48.

⁶ Michael F. Heiman, "The Police Suicide," *Journal of Police Science and Administration*, vol. 3, No. 3, p. 273.

⁷ Metropolitan Life Insurance, *Stress and Your Health* (1972), p. 3.

⁸ Arthur J. Norton and Paul C. Glick, "Marital Instability: Past, Present and Future," *The Journal of Social Issues*, vol. 32, (No. 1, 1976), p. 8.

⁹ Kevin Kane, "The Corporate Responsibility in the Area of Alcoholism," *Personnel Journal*, vol. 54, No. 7 (July 1975), p. 380.

¹⁰ Walter T. Coville, Timothy W. Costello, and Fabian L. Rourke, *Abnormal Psychology* (New York, N.Y.: Barnes & Noble, Inc., 1971), p. 91.

¹¹ George Kirkham, "A Professor's Street Lessons," *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation (March 1974), p. 6.

¹² Abraham Maslow, "The Study of Man at His Best," in *Behavioral Science Concepts and Management Application* by the Conference Board (New York, N.Y.: The Conference Board, Inc., 1969), p. 16.

¹³ *Ibid.*, pp. 17-18.

¹⁴ Edgar H. Schein, I. Schnieder, and C. H. Barker, *Coercive Persuasion*, Quoted by James C. Coleman in *Abnormal Psychology and Modern Life* (Glenview, Ill.: Scott Foresman & Co., 1976), pp. 210-211.

¹⁵ Thomas Adams, *Law Enforcement: An Introduction to the Police Role* (Englewood Cliffs, N.J.: Prentice Hall, 1968), p. 24.

¹⁶ Martin Reiser, *Practical Psychology for Police Officers* (Springfield, Ill.: Charles C. Thomas, 1973), p. 7. See also Harvey Schlossberg, *Psychology with a Gun* (New York, N.Y.: Coward, McCann, and Geoghegan, 1974), p. 201 and Kirkham, p. 9.

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¹⁸ Martin Reiser, "Organizational Stresses on Policemen," *Journal of Police Science and Administration*, vol. 2, No. 2 (1974), p. 158.

¹⁹ Jerome Skolnick, *Justice Without Trial: Law Enforcement in a Democratic Community* (New York, N.Y.: John Wiley & Sons, Inc., 1967), p. 49.

²⁰ Arthur Niederhoffer, *Behind the Shield* (New York, N.Y.: Doubleday Anchor Books, 1969), pp. 99-108.

²¹ John Stratton, "Pressures in Law Enforcement Marriages," *The Police Chief* (November 1975), p. 45.

²² H. Carl Mueller, "Stress and the Policeman," *The Milwaukee Sentinel* (January 19, 1976), p. A. 1.

²³ Reiser, *Practical Psychology*, p. 16.

²⁴ *Ibid.*, p. 17.

²⁵ Hans Selye, *The Stress of Life* (New York, N.Y.: McGraw-Hill, 1956), pp. 274-275.

²⁶ Kliesmet, p. 4.

²⁷ Terry Eisenberg, "Job Stress and the Police Officer: Identifying Stress Reduction Techniques," A paper delivered at the Symposium on Job Stress and the Police Officer. National Institute for Occupational Safety and Health, Cincinnati, Ohio (May 8-10, 1975), pp. 18-20.

²⁸ Jeffrey Schwartz and Cynthia B. Schwartz, "Personal Problems of the Police Officer: A Plea for Action," A paper presented at the Symposium on Job Stress and the Police Officer. National Institute for Occupational Safety and Health, Cincinnati, Ohio, (May 8-10, 1975), p. 7.

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³¹ Edward Lawler III, "For a More Effective Organization—Match the Job to the Man," *Organizational Dynamics*, vol. 3, No. 1 (Summer 1974), p. 26.

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³³ Lawler III, p. 26.

³⁴ Bernard Cohen and Jan H. Chaiken, *Police Background Characteristics and Performances: Summary* (New York, N.Y.: The New York City Rand Institute, May 1972), p. 19.

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³⁷ Richard C. Clement, "Reducing the Divorce Rate in Police Departments by the Use of Alcoholic Beverages," (Unpublished paper, FBI Academy, 1971), p. 2.

³⁸ Eisenberg, p. 17.

³⁹ Joseph Hurrell, Jr., and William Kroes, "Stress Awareness," Paper presented at the Symposium on Job Stress and the Police Officer. National Institute for Occupational Safety and Health, Cincinnati, Ohio (May 8-10, 1975), p. 11.

⁴⁰ International City Managers Association, *Municipal Police Administration* (6th ed.; Washington, D.C.: International City Managers Association, 1969), p. 98.

⁴¹ James C. Coleman, *Abnormal Psychology in Modern Life* (5th ed.; Glenview, Ill.: Scott Foresman & Co., 1976), p. 117.

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⁴³ Ilana Hadar, "The Occupational Socialization of Police," (Unpublished Doctoral dissertation, Claremont College, Los Angeles, Calif., 1975), p. ii. See also Skolnick, pp. 42-47, and Niederhoffer, p. 101.

⁴⁴ Reiser, *Psychology*, p. 17.

⁴⁵ Niederhoffer, pp. 105-106. See also Ross Mullaney, "Interviews and Interrogations" (Unpublished research paper, North Central Texas Regional Police Training Academy, Arlington, Tex., 1976), and Ilana Hadar, Chart No. 8.

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⁴⁹ Reiser, *Psychology*, p. 71.

⁵⁰ *Moon v. Winfield*, 383 F. Supp. 31 (N.D. Ill. 1974).

⁵¹ Kliesmet, p. 6.

⁵² Heiman, p. 273. See also C. Rhead, et al., "The Psychological Assessment of Police Candidates," *American Journal of Psychiatry*, vol. 124, No. 11 (May 1968), pp. 1578-1580.

⁵³ Kliesmet, pp. 4, 7.

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HELICOPTER RAPPELLING IN LAW ENFORCEMENT

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***NOTE:** Rappelling by inexperienced and unskilled persons without proper supervision and control can be hazardous. It is imperative that any programs initiated are properly planned and closely supervised and coordinated by experienced and qualified instructors.*



The police officer sat on the right edge of the airborne helicopter's rear seat with strict attention to the gestures of the Rappel Master (RM). The aircraft rapidly slowed its forward flight, transitioning to a hover 100 feet above the ground.

The RM glanced at the officer and issued his first order. He pointed to the skid on the officer's right and shouted, "Stand on the skid."

With practiced, deliberate movements, the officer swung out onto the skid and faced the interior of the machine. His "brake hand" and "guide hand" grasped an attached rope with controlled pressure. He inspected his equipment for at least the third time during the flight, as did the RM also. Seeing that everything was in order, the RM shouted the next command. The officer responded by backing his upper body sharply away from the helicopter until his legs were at a 45° angle from vertical. Once again he and the RM checked the equipment. Once again it passed inspection. The RM then issued his final command by sharply executing a hand signal. The officer reacted by slightly bending his knees, then pushing away from the skid while allowing a measured length of rope to pass through his hands. His body moved in a graceful swing, first away from the helicopter and down, then in pendulum fashion under the machine. Through his gloved brake hand he sensed his descent speed and in turn regulated it. His eyes judged his distance from the ground. When he was about 15 feet above the ground, he began to grasp the rope tightly with

his brake hand and guide hand. His rate of descent all but stopped as the rope stretch allowed his feet to touch the ground lightly.

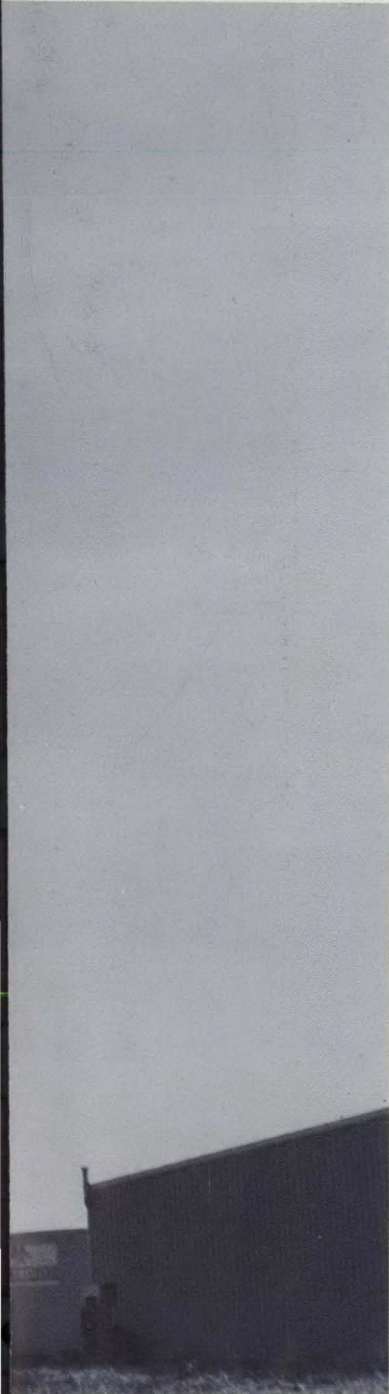
This officer had just completed his first 90-foot helicopter rappel during a training program made available to officers of his department by the Federal Bureau of Investigation.

Purpose and Application

The officer was not finished with his training, however, there were other tasks to accomplish. But he had just proven to himself that he could safely, but rapidly, descend from a hovering helicopter onto a small target area in the event conditions precluded a safe landing of the helicopter. For him and his fellow trainees, there was no longer the need to commit the aircraft to such high-risk landing situations as those near powerlines, antennas, or varied-size buildings or trees. There was no longer the need to bail out of a chopper at a 3-foot hover thereby risking rotor strike due to the possibility of the craft's unexpected pitch or roll.

In the course of a missing-person search by helicopter, if the victim were spotted from the air in a heavily forested area, prompt accessibility to such a victim should no longer be a problem. With the pilot maintaining a slightly higher-than-treetop hover, the officer could rappel to the ground, render first aid to the victim, if necessary, and prepare him for expeditious evacuation.

If police operations called for emplacement of a tactical team on the





The helicopter is positioned over the training "target" and the lines are thrown.

roof of a building, obstructions such as antennas or chimneys and the possibility of a structurally weak roof need to no longer pose a landing problem for the pilot. He simply would not have to land there. As long as he could hold his aircraft in a hover above the desired emplacement site, the tac-

"Beginning in 1973, Special Agent instructors . . . who had prior military experience in helicopter rappelling, undertook further research and experimentation into this subject."

tical team, if so trained, could quickly and safely rappel to the building roof.

History and Development

Rappelling is not a new technique for use by personnel in controlled descent operations. It was developed years ago by mountain climbers. Helicopter rappelling, however, was adopted by the U.S. Marine Corps and Army in the late 1950's to meet various military needs. The technique lends itself especially well to inserting combat troops into dense jungle areas which deny helicopter landings.

Beginning in 1973, Special Agent instructors assigned to the FBI Academy at Quantico, Va., who had prior military experience in helicopter rappelling, undertook further research and experimentation into this subject. Their aim was to study applications of the technique for various law enforcement situations, both of a tactical and rescue nature, and to develop specific techniques applicable to them. Appro-

priate equipment was acquired and tested, and its eventual adoption was based on such considerations as strength, safety, simplicity, and cost. Thereafter, research was directed toward developing specific techniques applicable to law enforcement officers.

An initial objective was to determine the feasibility of personnel rappelling from a helicopter onto a building roof. This was based on the premise that a tactical situation is often best approached from above. Successful progress in this area was obtained, and it was found that the degree of success is directly related to the effectiveness of communication between the RM and the pilot.

It quickly became apparent that the key to a successful mission is teamwork between the rappel master and the aircraft pilot, whose flying experience, it was found, need not have included rappelling activity.

The next objective was to determine how quickly a helicopter rappel to a building roof could be accomplished. With very little change in procedure and some additional training, the results were phenomenal. The elapsed

Even though the rappellers' exits are simultaneous, the one shown here appears to be slightly slower than the other.





The rappellers signal to the RM in the aircraft that they are safe and detached from the lines. The aircraft will depart while the RM retracts the ropes. The entire sequence shown takes about 5 minutes.

time between establishing the helicopter in a hover 30 feet over the building and successfully landing the rappellers on the roof has been almost consistently only 3 seconds!

Further research and evaluation was conducted to determine which types of helicopters could be used for rappelling. It was determined that aircraft in this category include, but are not limited to, the following: The Bell Jet Ranger and all Bell UH-1 Models, Fairchild Hiller 1100 and 12E, Sikorsky S-55 and S-58, and Hughes 500C.

Teaching Rappelling

The recommendations and findings of the FBI research team were catalysts for initiation of a field training program for other law enforcement agencies. Agent instructors from the FBI Academy were soon traveling to provide training in local jurisdictions which had available helicopters suitable for rappelling.

This training sought to assist these agencies in developing the capabilities

necessary to utilize this technique and to assist in passing on knowledge and experience gained to other agencies having similar needs.

FBI instructor experiments with an alternate method of rappelling during a research and evaluation session. In this instance, his rappel seat link is at the small of his back rather than in front.



The first two field schools were conducted for the Orange County, Fla., Sheriff's Department and the Louisiana State Police. Both of these agencies requested rappelling training for their tactical units for rescue as well as tactical application.

To meet their needs, a training session of 1 week's duration was planned with presentation to a maximum of 20 students. The course began with lectures on equipment characteristics, followed by basic knot-tying instruction. During the entire course there is only one acceptable standard of performance: Perfection. If the student fails to demonstrate a high degree of skill with each knot taught, he is not allowed to progress with the class. He is given remedial training, then retested. If he fails again, he is dropped from the training session. This high standard of performance also applies to all other phases of the training. Necessity demands it—rappelling from a hovering helicopter is fraught with hazards for the unskilled or poorly trained.



A Bell Jet Ranger is "rigged" for rappelling with each set of doubled rappel lines being anchored to a skid, then passed through the aircraft to be used on the opposite side.

This commitment to training excellence has served to characterize the professional quality of the course. More importantly, however, these high standards have insured that safety stands as a paramount element in this training. It is noteworthy that in all of the training provided by the FBI so far the most serious injury has been only an occasional minor rope burn.

Course Description

The course progresses as follows: After training in knot-tying, the students are taught the basic principles of rappelling. Strong emphasis is placed on the use of backup equipment for each piece of equipment used. For example, even though the ropes used have a minimum breaking strength of 6,000 pounds, two ropes are used by each student. Each of these ropes is tied to two independent anchors, whether in a helicopter or on a rappel tower. Never is the rappeller's safety dependent on only one item of equipment or one knot.

Next, the students rappel down a one-story, sloped wall. Emphasis is

placed on safely controlling the descent and using correct form. After this, they move to vertical walls of increasing heights from 10 to 50 feet.

Training in "free" rappelling comes next. The student is taught to rappel from a platform similar to a helicopter deck and skid as a means of practicing helicopter exit procedure. His descent

is called a free rappel inasmuch as there is no vertical surface on which to place his feet.

When all students have demonstrated satisfactory skill in rappelling up to this point, they then move to rappelling from an actual helicopter.

The first chopper rappel is made from a height of 30 feet. One student at a time exits the aircraft under the watchful eyes of both an instructor and a student RM.

On the ground, holding the end of each student's rope is a "belay" or safety man. This is a rotating duty which is performed by all students. The belay man's job is to pull the rope vigorously downward and away from the chopper if he feels that the rappeller is in danger of losing control. The belay man can easily control the rappeller's descent with this method. Although his reactions are very rarely needed, the belay man alertly stands his post in all FBI rappelling training, beginning with rappelling from the one-story sloped wall.

The second helicopter rappel is done from 60 feet. The next is from 90 feet, followed by another exercise from the same height with the rappellers loaded

A rappeller is "linked-up" to his rappel line and is positioned for flight to a nearby target.





Instructor demonstrates the correct "link-up" to a rappel line and correct body position for controlled descent.



Instructor displays a rappeller's "individual gear" which is the equipment necessary to make a rappel seat.

with tactical or rescue gear. The type of gear depends on the primary mission of the student group being trained.

Close observation is made of each student's individual performance. He is critiqued by the instructor who watches his activities in the aircraft

"Each team is taught to make a swift and simultaneous departure from the aircraft so as to minimize helicopter hover time over the target."

as well as by the instructor on the ground who observes his descent.

The next phase of instruction is team training. Each team is taught to make a swift and simultaneous departure from the aircraft so as to minimize helicopter hover time over the target.

While this impressive tactic certainly appeals to those who enjoy watching precision teamwork in action, more importantly, it has a practical application in tactical situations. Usually, the time between the heli-

copter transition to a hover and complete team arrival on the target varies from 12 to 15 seconds. As mentioned earlier, the actual team rappel takes only about 3 seconds. This swift team delivery reduces aircraft vulnerability in the target area and speeds turnaround time for pick up and delivery of additional teams, if needed.

The final exercise, completing the helicopter training, requires that a team equipped with tactical or rescue equipment rappel onto a building roof. This impressive feat culminates an exciting and challenging training period. Student morale and self-confidence usually soar as a byproduct of successfully completing this exacting course.

Cost Effectiveness

A significant consideration regarding this training, or any training, is its cost. In view of the versatile capabilities to be gained by this training, expenses are really negligible. Cost of aircraft operation, of course, varies with the type of equipment being used. Rappelling gear for students runs

about \$15 to \$18 per set. This includes the rappel seat, heavy leather gloves, and two snap links. The rappel lines vary in cost from 30 to 50 cents a foot. Generally, a Bell Jet Ranger or similar aircraft can be rigged for a 90-foot

"Viewed in terms of the technique's modest cost of training and equipment as compared to its various possible applications, it appears that funds utilized for helicopter rappelling are well spent."

rappel for \$120. This includes a double line for each side of the aircraft.

Viewed in terms of the technique's modest cost of training and equipment as compared to its various possible applications, it appears that funds utilized for helicopter rappelling are well spent. When such a technique is urgently needed by tactical or rescue operations, the ultimate dividends may be priceless—in lives saved and operations conducted with less risks to the officers involved.

"On rappel!"

®

"A More Balanced Corrections Philosophy"*

By
HON. NORMAN A. CARLSON
Director
Federal Bureau of Prisons
U.S. Department of Justice
Washington, D.C.

At a time when the Nation's crime rate is steadily rising and the American public is demanding more drastic measures to combat it, I find the theme of your conference, "The Criminal Justice System: New Sense of Reality," to be particularly appropriate. Angry Americans, many who feel unsafe in their homes and on the streets, are forcing us to take a new look at the criminal justice system.

Every segment of the system—on the Federal, State, and local levels—is undergoing critical reexamination. The courts are accused of being too lenient and inconsistent in sentencing. Law enforcement officers are



criticized for not apprehending more criminals. Some individuals and groups say prisons are pampering inmates at the same time others accuse us of excessive brutality. Parole and probation are under fire for ineffectiveness in rehabilitating offenders and for allowing too many dangerous people to walk the streets.

Clearly a "get-tough" mood exists. As a recent article in the Wall Street Journal mentioned, 35 States have passed new death penalty laws, 12 States have replaced discretionary sentencing with fixed-term, mandatory sentences for certain offenses, and 14 States have adopted measures to compensate victims of certain crimes, with the compensation to be paid by the criminal in several of those States.

In this new atmosphere, more and

*With the exception of minor editing and limited deletions, this is the full text of an address delivered July 7, 1976, by Mr. Carlson at the 47th Annual Criminal Justice Institute of the Florida Council on Crime and Delinquency held at South Orlando, Fla.

more people—criminal justice officials and the public alike—are questioning the validity of rehabilitation as the major goal of incarceration. We know that most crime is committed by repeat offenders. The majority of inmates in prisons have served sentences for previous offenses. People understandably want to know why we have been unsuccessful in changing the behavior of these offenders. The truth of the matter is, we don't know.

Over the past few years, the philosophy of corrections has become unbalanced. Many people inside and outside the system have been led to believe that we could best carry out our primary mission of protecting society by rehabilitating offenders through a system of organized work, study, and counseling that would somehow cure them of crime and turn them into law-abiding citizens. Rehabilitation has been seen as the basic reason for incarceration, as well as for probation and parole.

The medical model that evolved—a model that implied offenders were sick and could be cured of crime by a treatment program—was unrealistic. Rehabilitation was associated with

“... more and more people—criminal justice officials and the public alike—are questioning the validity of rehabilitation as the major goal of incarceration.”

humaneness and we forgot that most inmates are not sick, that we do not know the causes of crime, and that we have developed no sure cures.

As [one] former [State] director of corrections . . . [has] said . . . , “Sending the defendant to prison to be rehabilitated . . . is as irrational as to send a person to prison to have his appendix removed or to learn the trade of his choice. . . . Rehabilitation must be regarded as a laudable ob-

jective of correctional programs, but not as the central purpose for imposing a sentence on an offender.”

Most of us in the field of criminal justice are now willing to admit that we don't know how to change offenders when they have no desire to change themselves. Far too many inmates simply go along with institution or community programs in hopes of winning early release through parole or discharge from supervision.

Change in any individual, if it occurs, must be voluntary. . . . Our role must be facilitative—to provide the opportunities for change for those who want to do so.

The new sense of realism has led to a more balanced philosophy of corrections, one that recognizes that retribution, deterrence, incapacitation, and rehabilitation are all legitimate objectives of incarceration. The aggressive and assaultive individual must be incapacitated to protect society. A person convicted of income tax evasion is sentenced primarily as a lesson and warning to others. Organized crime figures are locked up so that they cannot prey on the public for the period of time they are behind bars. To assume that the system can somehow rehabilitate all such individuals is simply unrealistic.

This growing skepticism about the rehabilitative ideal and the rising crime rate are having a profound impact on other aspects of the criminal justice system. There is an increasing demand, from both within and without the system, for mandatory sentencing and for an end to indeterminate sentencing.

Several bills now before the Congress would establish a system of definite sentencing. Such a system has been suggested by a variety of [in-

“There is an increasing demand, from both within and without the system, for mandatory sentencing and for an end to indeterminate sentencing.”

formed] groups. . . . The prevailing sentiment is, “Even if we can't rehabilitate offenders, we can at least insure fairness in sentencing. If rehabilitation doesn't work, then hopefully certainty of punishment will deter people from further crime.”

Most of us who've worked in the criminal justice system know that for many offenders, crime is in reality a gamble. An individual about to break the law is playing the odds, and if faced with no certain prospect of punishment, his risk in committing the crime is minimal. Faced with certainty of punishment, the risk is greater and the individual may be deterred from committing the crime. Although deterrence is admittedly hard to measure, it is very real, and can best be achieved through a system of determinate sentencing.

Another reality of the rising crime rate is the growing population in the prisons and jails of our Nation. More crime is being committed, and more offenders are being apprehended and sentenced by the courts to serve a period of time in prison. Every prison

FEDERAL PRISON POPULATION

Total inmate capacity-----	22, 483
Total inmates (10/3/76): 25,765 men; 1,448 women----	27, 213 ¹
Total inmates (10/3/75)-----	24, 139

¹ Inmate occupancy is 21 percent over physical capacity.



Female corrections officer of the Federal Corrections Institution, Terminal Island, Calif.

system in the country, with the exception of California, had population increases during 1975. The Nation's overall increase was 11 percent, and the rise is accelerating. Our population in the Federal system rose 8 percent in 1975 and we matched that record in the first 5 months of this year. Population at this moment is over 27,000 inmates, 3,700 higher than it was a year ago.

From all indications this growth in population will continue for at least a decade. . . .

This overcrowding is coming at a

"The courts have made it clear that jails and prisons cannot carry out their responsibility to protect society under conditions that prevailed in the past."

time when both State and Federal courts are increasingly insistent on

more humane conditions in institutions and on the protection of inmates' civil rights. The courts have made it clear that jails and prisons cannot carry out their responsibility to protect society under conditions that prevailed in the past.

The days are gone forever—and rightly so—when a court would rule, as one did in Virginia 100 years ago, that an inmate was "a slave of the state."

For the past 15 years, the courts have issued a series of orders that have broadened inmate rights to the constitutional protections that other citizens enjoy. As the Supreme Court ruled in 1974, "There is no iron curtain drawn between the Constitution and the prisons of this country."

Among the many rights inmates have won are increased protection from cruel and unusual treatment and protection of their safety and lives. Federal courts have ruled that penal

systems in several States are unconstitutional because they are in violation of the eighth amendment. One recent Federal court decision called for a long list of amenities and services for prison inmates, including the right of privacy.

A variety of other organizations have added their voices to the demands by the courts for better housing conditions for inmates. I am referring particularly to the United Nations, the National Advisory Commission on Criminal Justice Standards and Goals, and the American Correctional Association, all of whom have advocated standards to eliminate undesirable conditions.

In the months and years to come, we will see more court decisions and more professional standards governing the conditions of incarceration. We will see more emphasis on privacy for inmates and a minimum standard of liv-

ing space for each person confined to an institution.

The system of accreditation being developed by the American Correctional Association will further raise standards. Every aspect of corrections ranging from qualifications for cor-

“Half the maximum security institutions in this country were built during the 19th century and there is no hope that they can be modernized to meet standards established. . . .”

rectional officers and other personnel, to nutritional requirements, to living space for inmates will be included in the accreditation system.

These changes are not designed to pamper or coddle offenders but rather [to] eradicate the problems of the past. For 200 years, we have locked up society's offenders in cages that only serve to breed hostility, bitterness, and further crime. Depriving inmates of privacy and dignity has not solved the Nation's crime problem—it has only made it more acute.

I am optimistic that all of these developments will improve the Nation's criminal justice system. At the same time, however, we must recognize the reality that the demand for better conditions of incarceration is coming at a time when the rapid growth of prison populations makes it increasingly difficult to even maintain present standards.

In the short run, there are a number of remedies that may help ease the population crunch. More nondangerous offenders can be placed in such community-based programs as probation, parole, and halfway houses. Caution must be exercised, however, to insure that offenders do not use and manipulate these programs as a license to engage in further criminal behavior. Further development of victim restitution and pretrial diversion programs will also help ease the strain.

In the long run, however, new jails and prisons will have to be built. These new institutions are needed both to house the continuing increase in population and to replace the ancient bastilles that are so badly outdated.

Half the maximum security institutions in this country were built during the 19th century and there is no hope that they can be modernized to meet standards established by the courts and the other organizations I mentioned earlier. They must be torn down and replaced by smaller, more modern, institutions.

I have attempted to articulate what I consider to be some of the major problems facing the criminal justice system in this our Bicentennial year. Faced with growing citizen demands to know why crime continues unabated, it has become necessary—and healthy, I might add—to reexamine the objectives, policies, and programs we've pursued.

The problems we face, however, clearly cannot be solved by those of us in the criminal justice system alone. We cannot be expected to overcome the effects of broken homes, poor edu-

cation, and the decline in the influence of the church and family—certainly not alone and certainly not with the tools presently at hand. These problems are community problems and to solve them we need all the help and the understanding we can get—from the public, the Congress, and the State legislatures.

I firmly believe that the prevailing public attitude, which calls for a crackdown on criminals but at the same time dictates more humane incarceration, is a positive step toward solving some of the basic problems facing the criminal justice system. With public support and concern, Congress and State legislatures will adopt stiffer measures to deal with criminal, disparity in sentencing will be greatly reduced, and correctional institutions will embark on a more realistic mission. Despite the pessimism being expressed by some, I am convinced that what will emerge is a more humane correctional system, one that provides for better housing and treatment of offenders, and which is more responsive to the demands of the public for protection.

FBI

CRIMINALISTICS LABORATORY INFORMATION SYSTEM

In accordance with a request by the Attorney General of the United States, the FBI is currently involved in the development and implementation of a Criminalistics Laboratory Information System (CLIS). This computerized information system will collect and disseminate forensic science data for law enforcement throughout the United States. Through it, forensic science information will be identified, collected, and stored for on-line retrieval via NCIC telecommunications lines. The information will be centrally stored at FBI Headquarters and the FBI Laboratory will maintain the files and perform related quality-control tasks.

A CLIS committee composed of seven members: four from member laboratories of the American Society of Crime Laboratory Directors; and one each from the Bureau of Alcohol, Tobacco and Firearms; the Drug Enforcement Administration; and the FBI, will develop operational policy for this system.

Crime Laboratory Digest

Consent Search and the Assumption of Risk

By
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Washington, D.C.

Judicial preference for search warrants has led the Supreme Court to observe that searches conducted without prior approval of a judge or magistrate are "per se unreasonable under the Fourth Amendment."¹ Yet, while emphasis on warrants remains strong, the Court has consistently recognized that a warrantless search undertaken by law enforcement officers with permission of a party empowered to consent is lawful. Thus, a consent search is a well-recognized exception to the warrant requirement of the fourth amendment.²

A problem surfacing frequently concerns the validity of a consent obtained by an officer from a third party—that is, a party other than that against whom the search is directed. An example is consent of a wife to search the family home for evidence incriminating her husband. Many courts have resolved this problem by invoking a doctrine of tort law—assumption of risk, a well-established defense in a civil action for negligence.

Assumption of Risk Defense

The phrase "assumption of risk" has a distinct meaning for the at-

torney defending his client against a claim of negligence. A plaintiff in a civil action alleges that he has been injured or his property damaged because the defendant has violated a duty of care owed to him, and there is a causal connection between the defendant's dereliction and the plaintiff's injury or damage.

The defendant may successfully counter this claim by showing that the injured party, when entering voluntarily into a relation or situation with the defendant, assumed an apparent and obvious risk which later resulted in the injury or damage. The defense has been described as follows:

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.

"In its simplest and primary sense, it means that the plaintiff has given his express consent to relieve the defendant of an obligation of conduct toward him, and to take his chance of injury from a known risk. The result is that the defendant is simply under no legal duty to protect the plaintiff. A second, and closely related meaning, is that the plaintiff, with knowledge of the risk, has entered voluntarily into some relation with the defendant which necessarily involves it, and so is regarded as tacitly or impliedly agreeing to take his own chances."³

The purpose of the discussion that follows is to illustrate how courts have borrowed from tort law the principle of "assumption of risk" and applied it in an entirely different setting—to justify admissibility in a criminal proceeding of evidence seized pursuant to a consent to search given by a third person.

The importance of this to law enforcement officers is considerable. Officers desiring to search premises or personal property for incriminating

evidence against Party A may, under the right circumstances, obtain consent to search from Party B, and what is more, may be assured of the sound legal basis for conducting the search and seizure.

Supreme Court Decisions: Frazier and Matlock

Two decisions of the Supreme Court in recent years show how the assumption of risk doctrine has been used. One concerns a consent search of personal property, the other of premises.

In *Frazier v. Cupp*,⁴ the defendant shared a room in his aunt's house with his cousin Rawls. They also jointly used a duffel bag. Two days after a murder victim was found in Portland, Oreg., Frazier was arrested and charged. Later the same day, Rawls was arrested at the aunt's home.

Following the arrest and in the absence of Frazier, both Rawls and the aunt consented to the search of the commonly occupied room. In addition, Rawls consented to the search of the

unreasonable search and seizure was violated when his clothing was seized from the duffel bag following Rawls' consent. Frazier claimed that Rawls had no authority to permit the police to seize clothing from the compartment of the bag in which Frazier stored his clothes. The Court rejected his argument.

Justice Marshall, expressing the view of six members of the Court, pointed out:

"Since Rawls was a joint user of the bag, he clearly had authority to consent to its search. The officers therefore found evidence against [Frazier] while in the course of an otherwise lawful search. . . . [Frazier], in allowing Rawls to use the bag and in leaving it in his house, must be taken to have assumed the risk that Rawls would allow someone else to look inside. We find no valid search and seizure claim in this case." [Emphasis added.]⁵

Five years after the *Frazier* decision, the Court was confronted with another consent case, this time involving the search of a room being shared by paramours. In *United States v. Matlock*,⁶ the defendant was arrested in the front yard of a home in which he shared a room with his friend, Mrs. Graff. At the time of arrest, although they knew Matlock resided in the house, the officers did not ask him which room he occupied. Nor did they ask him for consent to search. Instead, some of the officers went to the door of the house, gained admittance from Mrs. Graff, told her they were seeking money and a gun from a bank robbery, and requested to search the house.

Mrs. Graff voluntarily consented to the search of the bedroom she occupied jointly with Matlock. The room was searched and the robbery loot was found in a diaper bag in the bedroom's only closet. The United States ap-

pealed to the Supreme Court a Federal court order suppressing the evidence as the product of an unlawful search and seizure.

One of the questions before the Court was whether Mrs. Graff was authorized to consent to the bedroom search. It was held that "when the prosecution seeks to justify a warrantless search by proof of voluntary consent, it is not limited to proof that consent was given by the defendant, but may show that permission to search was obtained from a third party who possessed common authority over or other sufficient relationship to

"... the prosecution . . . may show that permission to search was obtained from a third party who possessed common authority over . . . the premises or effects sought to be inspected."

the premises or effects sought to be inspected."⁷

In his majority opinion, Justice White reasoned:

"The authority which justifies the third-party consent does not rest upon the law of property, with its attendant historical and legal refinements, . . . but rests rather on mutual use of the property by persons generally having joint access or control for most purposes, so that it is reasonable to recognize that any of the co-inhabitants has the right to permit the inspection in his own right and that the others have assumed the risk that one of their number might permit the common area to be searched." [Emphasis added.]⁸

Mrs. Graff and Matlock mutually used and jointly controlled the bedroom, and each assumed the risk that the other would authorize a search thereof.⁹

"A problem surfacing frequently concerns the validity of a consent obtained by an officer from a third party. . . ."

duffel bag. The bag, divided into three compartments, contained his clothing and also that belonging to Frazier. The garments of both were stained with what appeared to be blood. The clothing was seized and later used in evidence against Frazier at his trial for second-degree murder. Following the affirmation of his State conviction, Frazier appealed a Federal appellate court decision reversing the grant of habeas corpus relief by a lower Federal court.

Among other contentions, Frazier argued before the Supreme Court that his fourth amendment right against

Lower Courts: Acceptance of the Principle

The assumption of risk principle in consent searches, so clearly enunciated in *Frazier* and *Matlock*, has found acceptance in the decisions of both Federal and State courts in a variety of situations. For example, in *United States v. Cook*,¹⁰ the defendant-tenant was permitted to use part of a poultry house located some 50 feet from his landlady's home. The defendant rented a separate house some 200 feet from the poultry shed. Following the robbery of a Modoc, Ind., bank, FBI Agents sought and received from the landlady consent to search the poultry house. Incriminating evidence was found and seized, and the defendant thereafter convicted. He appealed on grounds that evidence taken from the poultry house was the product of an unlawful search. The legality of the search in part depended upon the Government's ability to show the landlady had authority to consent thereto.

A Federal appellate court, relying heavily on *Matlock*, pointed out that the landlady and her family actually used several parts of the poultry house for storage, were entitled to enter the shed to remove their property, and reserved the right to preempt additional space if needed. All this was known to the defendant when he placed the evidence in the shed. The defendant therefore shared the premises in question with the consenting party, and mutual use, access, and control were sufficient to enable the landlady to furnish a lawful consent. The court noted:

"If the [landlady] maintained such a right to use the premises, it would be foreseeable for [her] to inspect the premises or to permit other persons to use or inspect the premises. Thus, because the [landlady] retained such broad control over the premises,

we must recognize that [defendant] had assumed the risk that [she] might permit others to inspect the premises."¹¹

Typical of the State courts' handling of third-party consent search cases is *State v. Knutson*,¹² a 1975 decision of the Iowa Supreme Court.

Knutson was a periodic houseguest in the two-story apartment of one McBride, and for some 3 or 4 weeks prior to the crime, he regularly occupied an open area of the basement containing a bed and two chairs. The basement also contained a furnace, washer, drier, and storage area. McBride had access to the basement, and on at least one occasion removed and washed the bed linens.

"The assumption of risk principle in consent searches . . . has found acceptance in the decisions of both Federal and State courts in a variety of situations."

A 20-year-old student was raped in the basement of the McBride apartment. Knutson was arrested about an hour later. Shortly after, police obtained a consent from McBride to search her basement. The bed was in disarray. A torn zipper and stained clothing were seized from the bed. Over Knutson's objection, these items were received in evidence against him at trial.

Following conviction, Knutson based his appeal in part on a claim that McBride had no authority to consent to the search of the basement. The court held this argument to be without merit, observing that (1) Knutson was at most a casual houseguest in the apartment; (2) he did not enjoy exclusive possession of any part of the basement; (3) his limited interest and McBride's mutual right of access assured McBride's authority

to grant a consent for police to search. In short, given the commonality of access, control, and use, it is reasonable to recognize that a coinhabitant has the right to permit a search in his own right and that the other has "assumed the risk" of such an action.¹³

Another Application: Consensual Overhearing

While most third-party consent problems concern the search for physical evidence, a line of Supreme Court decisions has applied the assumption of risk principle to the seizure of testimonial evidence—the contents of conversations.

The starting point is 1952 and the decision of *On Lee v. United States*,¹⁴ the first of the "wired informant" cases. The defendant was engaged in conversations by an informant who happened to be an "old acquaintance." The discussions took place in areas accessible to the public. Incriminating statements of the defendant were transmitted by a microphone concealed on the informant, and overheard by a Federal narcotics agent, who later testified as to their contents.

The defendant argued that this monitoring violated his fourth amendment right against unreasonable searches and seizures. The Court held: (1) there was no physical trespass by the undercover agent, and hence no constitutional violation; and (2) the fourth amendment does not protect a person talking "confidentially and indiscreetly" with one he trusts and is overheard. The first part of this holding was overruled in 1967; the second remains viable.¹⁵ Apparent in the *On Lee* decision is the point that one who misplaces his confidence in a conversation with another risks disclosure of its contents.

Five years later, the Court considered a similar problem. In *Rathbun v. United States*,¹⁶ the defendant was

convicted of transmitting an interstate communication which threatened the life of another, in violation of Federal law. At his trial, police officers testified to the contents of a telephone conversation between the defendant and victim which was monitored on an extension telephone with permission of the victim. The question before the Court was whether section 605 of the Federal Communications Act¹⁷ prohibited at a Federal trial the use in evidence of an intercepted telephone conversation obtained by consent of one of the parties.

The Court held that there was no "interception" within the meaning of the Federal statute. One entitled to receive a communication may use it for his own benefit or have another use it for him. The communication itself is not privileged, and one party may not force the other to secrecy merely by using a telephone. Moreover, the Court observed:

"Common experience tells us that a call to a particular telephone number may cause the bell to ring in more than one ordinarily used instrument. *Each party to a telephone conversation takes the risk that the other party may have an extension telephone and may allow another to overhear the conversation.* When such takes place there has been no violation of any privacy of which the parties may complain." [Emphasis added.]¹⁸

It should be noted that *Rathbun* is not a constitutional decision. The Court interpreted and applied a Federal statute. Nonetheless, the principle underlying *Rathbun*, and particularly the passage quoted above, found expression in later cases decided on constitutional grounds.

During the 1960's, the Court had an opportunity to review several cases which clearly involve the assumption of risk by a participant in a con-

versation. While these decisions are closely related to consensual overhearing and apply the same assumption of risk principle, they are factually distinguishable.¹⁹ In each the incriminating statements were made directly to an undercover officer or informant who remembered or recorded and later testified. No third party monitored the conversation with consent of a participant.²⁰

The fourth amendment argument on consensual overhearing was raised again in *United States v. White*,²¹ where a Government informant consented to the electronic monitoring of his conversations with the defendant by Federal agents, who later testified. The conversation occurred in the informant's house and car, in the defendant's house, and in a restaurant. The defendant argued that such activities violated his rights under the fourth amendment.

The Supreme Court ruled that a police agent who conceals his identity, may himself make, without warrant, a written or electronic record of an incriminating conversation with a suspect. For constitutional purposes, no different result is required where the agent is equipped with a transmitter and permits monitoring of the talk by a third person, the law enforcement officer. Justice White explained:

"If the conduct and revelations of an agent operating without electronic equipment do not invade the defendant's constitutionally justifiable expectations of privacy, neither does a simultaneous recording of the same conversations made by the agent or by others from transmissions received from the agent to whom the defendant is talking and whose trustworthiness the defendant necessarily risks. . . . Inescapably, one contemplating illegal activities must realize and

risk that his companions may be reporting to the police. If he sufficiently doubts their trustworthiness, the association will very probably end or never materialize. But if he has no doubts, or allays them, or risks what doubt he has, the risk is his."²²

Bank Records: Risk of Disclosure

A recurring question concerning a depositor's fourth amendment interest in bank records was recently resolved in *United States v. Miller*.²³ The

"A consent to search should not be routinely substituted for a search warrant. But given the proper circumstances it is an acceptable alternative."

precise question presented was whether a depositor possesses any constitutionally protectable interest in records of his account maintained by a bank in accordance with the Bank Secrecy Act of 1970.²⁴ In a 7-2 decision, the Supreme Court held a depositor retains no "legitimate expectation of privacy" in such records, and thus may not object to their disclosure to law enforcement officers. Copies of checks, deposit slips, statements of account, and the like are business records of the bank, not the private papers of the depositor.

The *Miller* decision is easily distinguished from the third-party consent cases previously discussed. Common access, use, and control characterize those cases in which one joint possessor permits the search or seizure of property incriminating the other. But a depositor has no joint interest in bank records. The records belong to the bank, and the bank alone may authorize their inspection. No constitutional issue is raised. Nevertheless, dictum in the *Miller* decision tends to

lend support to the continued acceptance of the assumption of risk doctrine in fourth amendment cases. Justice Powell in his majority opinion observed:

"The depositor takes the risk, in revealing his affairs to another, that the information will be conveyed by that person to the government [citing *United States v. White*, *supra* footnote 15]. This Court has held repeatedly that the Fourth Amendment does not prohibit the obtaining of information revealed to a third party and conveyed by him to government authorities, even if the information is revealed on the assumption that it will be used only for a limited purpose and the confidence placed in the third party will not be betrayed."²⁵

Conclusion

A consent to search should not be routinely substituted for a search warrant. But given the proper circumstances it is an acceptable alternative.²⁶ Where, for example, there are inadequate facts to justify the issuance of a warrant, or where the exigencies of the situation make the warrant procedure impractical, a consent to search would be in order.

Having decided to proceed with a consent search, an officer must assure that he (1) obtains the permission to search from a party in lawful possession of the premises or personal property; (2) avoids taking any action which would adversely affect the voluntariness of the consent;²⁷ and (3) carries out the search consistent with any limitations or restrictions imposed by the consenting party. Adherence to these simple rules will assure admissibility of evidence thereafter seized.

Where the consent is obtained from a third person in control of premises

or other property and the search is directed against an absent joint possessor, the searching officer can be confident that the majority of courts, following the lead of the U.S. Supreme Court, will find that the absent possessor has "assumed the risk" of his partner's cooperation with law enforcement officers. (R)

FOOTNOTES

¹ *Coolidge v. New Hampshire*, 403 U.S. 443, 454 (1971); *Katz v. United States*, 389 U.S. 347, 357 (1967).

² *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973); *Vale v. Louisiana*, 399 U.S. 30 (1970); *Davis v. United States*, 328 U.S. 582 (1946).

³ W. Prosser, *Law of Torts* § 55 at 303 (1955).

⁴ 394 U.S. 731 (1969).

⁵ *Id.* at 740.

⁶ 415 U.S. 164 (1974).

⁷ *Id.* at 171.

⁸ *Id.* at 171, footnote 7.

⁹ Framed in terms of recent fourth amendment doctrine it might be said that a person who shares premises with another retains no reasonable expectation of privacy as against the co-occupant, that each has full and free access to the place jointly occupied, and thus either may authorize a police entry to the shared premises. See *Katz v. United States*, *supra* footnote 1.

¹⁰ 530 F. 2d 145 (7th Cir. 1976), cert. denied, 48 L. Ed. 2d 835 (1976).

¹¹ *Id.* at 149. Other Federal decisions which illustrate the assumption of risk principle are: *United States v. Novello*, 519 F. 2d 1078 (5th Cir. 1975), cert. denied, 46 L. Ed. 2d 651 (1976) (renter of unpartitioned area of warehouse took his chances that others with equal access would permit entry of law enforcement officials); *United States v. Neville*, 516 F. 2d 1302 (8th Cir. 1975), cert. denied, 46 L. Ed. 2d 251 (1975) (defendant who surrendered possession of trucks to auction company for public sale assumed risk of official examination); *Government of Virgin Islands v. Gereau*, 502 F. 2d 914 (3d Cir. 1974), cert. denied, 420 U.S. 909 (1975) (trespasser assumes the risk that owner of property will consent to search); *United States v. Piet*, 498 F. 2d 178 (7th Cir. 1974), cert. denied *sub nom.* *Markham v. United States*, 419 U.S. 1069 (1974) (defendant using common storage area of warehouse assumed risk that person left in charge of facility would consent to its search); *United States v. Martinez*, 450 F. 2d 864 (8th Cir. 1971) (defendant assumed risk that owner and joint user of garage would consent to police search which resulted in seizure of stolen watches); *United States v. Grigsby*, 367 F. Supp. 900 (E.D. Ky. 1973) (employer who cloaks his employee with authority to control premises assumes risk employee will consent to warrantless search).

¹² 234 N.W. 2d 105 (Iowa 1975).

¹³ *Id.* at 107. Also see the following State decisions: *Villine v. United States*, 297 A. 2d 785 (D.C. App. 1972) (tenant of apartment assumed risk cotenant would permit search of apartment areas commonly occupied); *People v. Stacey*, 317 N.E. 2d 24 (Ill. 1974) (husband assumed risk wife would consent to search of bedroom, including dresser drawer to which both had access); *People v. Miller*, 345 N.E. 2d 1 (Ill. App. 1975) (employer-owner of truck assumed risk employee-driver would allow officer to check identification number on doorpost); *People*

v. Johnson, 321 N.E. 2d 38 (Ill. App. 1974) (son occupying room in parents' home assumed risk mother would consent to search of room freely accessible to both mother and son); *People v. Langley*, 234 N.W. 2d 513 (Mich. App. 1975) (each joint owner and occupant of bedroom and property therein assumed risk the other would consent to seizure by police); *State v. Peterson*, 525 S.W. 2d 599 (Mo. App. 1975) (son assumes risk that father with joint access to and control of room rented to son may consent to warrantless search thereof) (dictum); *In re Dwelling Located at 728 Belmont Ave., Charlotte*, 210 S.E. 2d 73 (N.C. App. 1974) (tenant in lawful possession may permit housing code inspection of premises by municipal authorities; owner assumes risk of such consent); *State v. Talley*, 543 P. 2d 348 (Wash. App. 1975) (tenant of apartment assumes risk manager will permit police entry and search of common areas of apartment complex).

¹⁴ 343 U.S. 747 (1952).

¹⁵ The idea that a physical trespass is a necessary ingredient of a fourth amendment violation was rejected in *Katz v. United States*, 389 U.S. 347 (1967). But the independent ground for the decision in *On Lee* was recognized by a Supreme Court plurality in *United States v. White*, 401 U.S. 745, 750 (1971).

¹⁶ 355 U.S. 107 (1957).

¹⁷ 47 U.S.C. 605 (1934).

¹⁸ *Rathbun v. United States*, *supra* footnote 16 at 111.

¹⁹ In his dissenting opinion in *United States v. White*, *supra* footnote 15 at 784-90, Justice Harlan argued that the difference between the possible misplaced confidence inherent in any two-party conversation and that which occurs in third-party monitoring is substantial and critical. In each situation, there is an element of risk, but consensual overhearing without warrant is an unacceptable invasion of fourth amendment protection.

²⁰ *Lopez v. United States*, 373 U.S. 427 (1963) (bribe offer to Government agent recorded by offeree; defendant took the risk that offer would be accurately reproduced in court); *Hoffa v. United States*, 385 U.S. 293 (1966) (fourth amendment does not protect a wrongdoer's misplaced belief that his conversation with another will remain private; participant in conversation may later testify); *Osborn v. United States*, 385 U.S. 323 (1966) (tape recording taken by a wired informant and his testimony admissible in jury bribery trial; no fourth amendment violation).

²¹ 401 U.S. 745 (1971).

²² *Id.* at 751-52. Justice White's explanation is consistent with the position he took 4 years earlier: "When one man speaks to another he takes all the risks ordinarily inherent in so doing, including the risk that the man to whom he speaks will make public what he has heard. The Fourth Amendment does not protect against unreliable (or law-abiding) associates." *Katz v. United States*, *supra* footnote 1 at 363 (footnote in concurring opinion). Lower courts are in agreement. See, e.g., *United States v. McMillan*, 508 F. 2d 101 (8th Cir. 1974), cert. denied, 421 U.S. 916 (1975) (electronic monitoring by Federal agent of defendant's conversation with informant not violative of fourth amendment where prior consent of informant obtained); *United States v. Howard*, 504 F. 2d 1281 (8th Cir. 1974) (wired informant; taped conversations properly introduced into evidence); *United States v. Cosby*, 500 F. 2d 405 (9th Cir. 1974) (wired informant's consent to taping of incriminating conversation with defendant eliminates any constitutional problem); *Stephan v. United States*, 496 F. 2d 527 (6th Cir. 1974), cert. denied *sub nom.* *Marchesani v. United States*, 46 L. Ed. 2d 88 (1975) (no fourth amendment violation where Federal agent overhears incriminating conversation on extension telephone with informant's permission); *United States*

v. Bonanno, 487 F. 2d 654 (2d Cir. 1973) (warrantless recording by Federal agents of telephone conversation with consent of informant-participant does not violate fourth amendment); *United States v. Baynes*, 400 F. Supp. 285 (E.D. Pa. 1975), *aff'd*, 517 F. 2d 1399 (3d Cir. 1975) (no constitutional violation where telephone conversations monitored and recorded with consent of one of the participants).

²³ 48 L. Ed. 2d 71 (1976).

²⁴ 12 U.S.C. 1829b(d) (1970).

²⁵ *Supra* footnote 23 at 79.

²⁶ As stated in *Schneekloth v. Bustamonte*, *supra* footnote 2 at 243: "... the community has a real interest in encouraging consent, for the resulting search may yield necessary evidence for the solution and prosecution of crime, evidence that may insure that a wholly innocent person is not wrongly charged with a criminal offense."

²⁷ The Supreme Court has rejected the argument that the State must prove a prior warning of fourth amendment rights in order to validate a consent to search. *Schneekloth v. Bustamonte*, 412 U.S. 218 (1973). Nevertheless, a warning of the right to refuse consent is a factor to be weighed in determining its voluntariness and is considered sound police practice. *DeVoyle v. State*, 471 S.W. 2d 77, 80 (Tex. Crim. App. 1971).

\$50,000 Survivors' Benefits Authorized If Officer Killed in Line of Duty

*Filed suggested
by Mr. [unclear]
Drawing
Div.*

The recently enacted Public Safety Officers' Benefits Act of 1976 (Public Law 94-430) authorizes the Law Enforcement Assistance Administration (LEAA) to pay a benefit of \$50,000 to specified survivors of public safety officers serving State, local, and other specified jurisdictions who have died as the direct and proximate result of a personal injury sustained in the line of duty. In signing this law, President Ford commented, "This act demonstrates the esteem of a free society for those whom it entrusts with our public and personal safety." (It is noted that funds supportive of provisions of this act have not yet been appropriated.)

In the act, "public safety officer" is defined as "a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or as a fireman." Among those for whom coverage is intended are persons active in enforcement of criminal laws or involved in juvenile delinquency and crime control or reduction endeavors. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers. Regarding firemen, coverage also extends to those who are officially recognized or designated members of a legally organized volunteer fire department.

No benefit is to be paid if death is caused by the intentional mis-

conduct or voluntary intoxication (due to alcohol, drugs, or other substances) of the officer, or by the actions of a potential beneficiary. Deaths resulting from occupational illness or chronic disease are also not covered by this act.

The act applies to deaths occurring from injuries sustained on or after the date of its enactment—September 29, 1976. However, payments can be made only to the extent provided for in advance by appropriated funds. Claims are now being *accepted* by LEAA; however, no benefits can be *paid* until an appropriation is made by Congress.

When appropriated funds are available and LEAA approves a claim, the \$50,000 will be paid as follows:

(1) If there is no surviving child of the deceased officer, to the surviving spouse;

(2) If there is a surviving child or children and a surviving spouse, one-half to the child or children in equal shares and one-half to the surviving spouse;

(3) If there is no surviving spouse, to the child or children of the officer in equal shares;

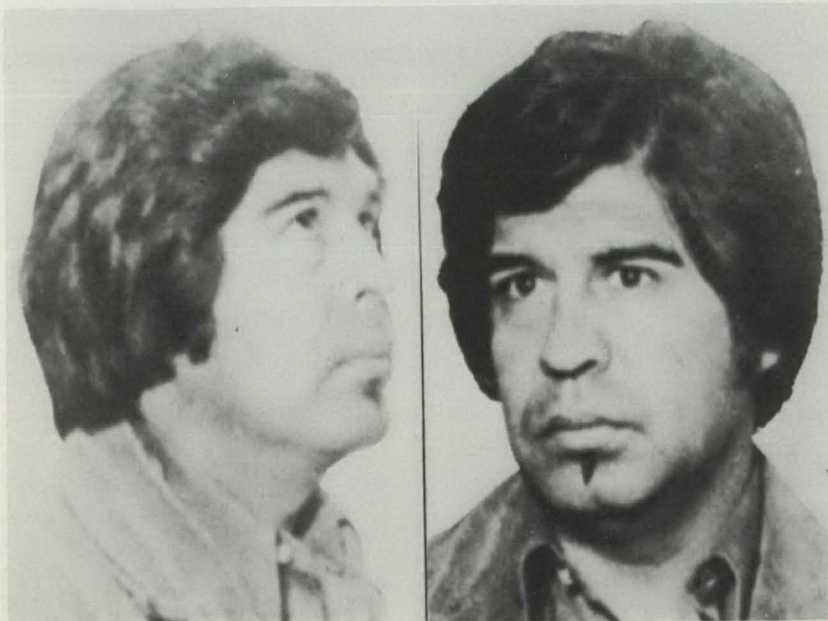
(4) If none of the above, to the dependent parent or parents of the officer in equal shares.

The Internal Revenue Service has ruled that the \$50,000 benefit is not subject to Federal taxation. Similarly, the act assures it will not be subject to execution or attachment. The benefit is intended to be in addition to other benefits received by the family of a deceased officer. It would be reduced only by payments authorized by Public Law 90-291*—or certain payments authorized by the District of Columbia Code.

Claims for benefits under the Public Safety Officers' Benefits Act should be submitted to the Public Safety Officers' Benefits Program, Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, D.C. 20531. Claim forms and additional instructions can be obtained by writing to this address.

*(Public Law 90-291 provides various benefits to any non-Federal officer, or qualified survivors of the officer, if the officer is injured, sustains disease, or is killed under certain conditions relating to a Federal crime or Federal criminal proceeding. Further information on these benefits and filing procedures is available from the Office of Federal Employees' Compensation, Washington, D.C. 20211).

WANTED BY THE FBI



Photographs taken 1972.

AMADEO MARTINEZ, also known as Amadeo R. Martinez, Ametheo Martinez, Amo Amadeo Martinez, Amo Martinez, Amos Martinez.

Interstate Flight To Avoid Prosecution for Murder

Amadeo Martinez is presently being sought by the Federal Bureau of Investigation for unlawful interstate flight to avoid prosecution for murder.

The Crime

Martinez allegedly shot and killed a private security guard who had confronted him and an accomplice as they were in the process of stealing tires from a business establishment in Espanola, N. Mex. A Federal warrant was issued on December 5, 1973, at Albuquerque, N. Mex., charging Martinez with unlawful interstate flight to avoid prosecution for murder.

Description

Age	43, born December 14, 1933, Chimayo, N. Mex. (not supported by birth records).
Height	5 feet 8 inches.
Weight	160 pounds.
Build	Medium.
Hair	Black.
Eyes	Brown.
Complexion	Medium.
Race	White.
Nationality	American.
Occupations	Barber, construction worker, laborer.
Scars and Marks	Tattoos: sheep with "AMADEO" on upper right arm, bird

with "HELEN" on right forearm, eagle on left upper arm, "KIKI" across fingers on left hand.

Remarks ----- May be wearing full beard and shoulder length hair.

Social Security

No. used ----- 525-70-6328.

FBI No. ----- 436,931 B.

Fingerprint classification:

O 31 W IIO

I 32 W OII 14

NCIC classification:

POPIDIPOPOIDPOIPI14

Caution

Martinez, an alleged narcotics user, is believed to be always armed. He should be considered armed and 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.

FBI LAW ENFORCEMENT BULLETIN

FOR CHANGE OF ADDRESS ONLY—NOT AN ORDER FORM

Complete this form and return to:

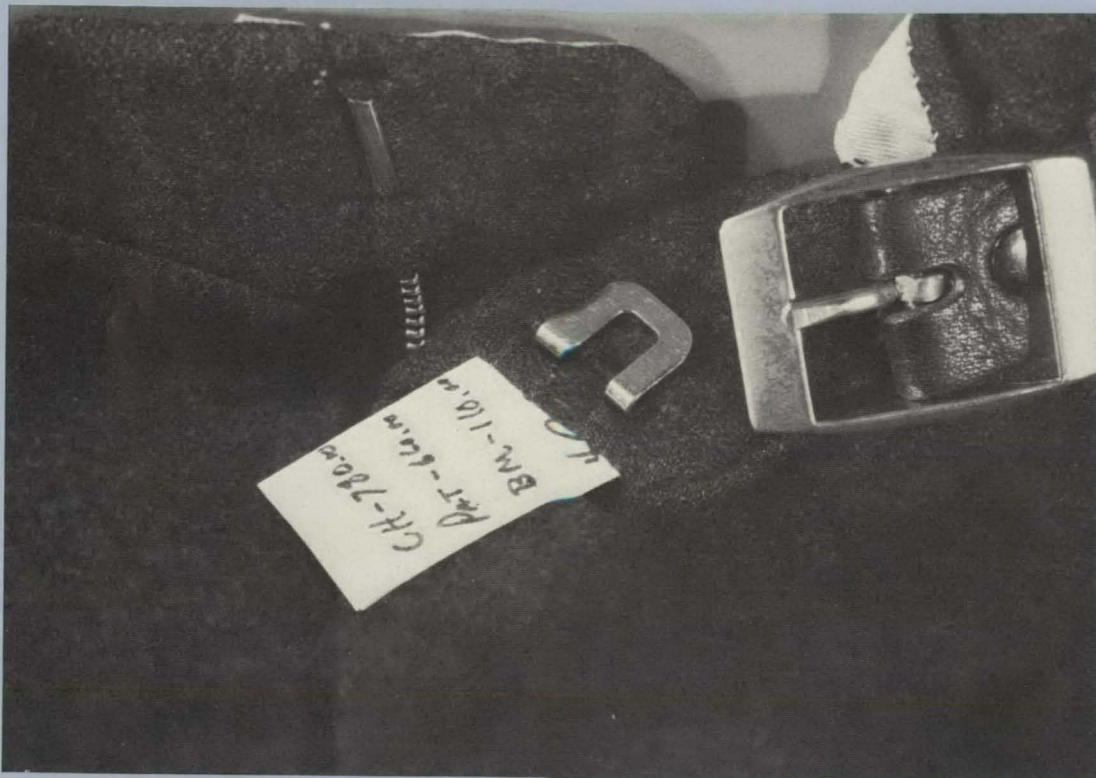
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

(Name) (Title)

(Address)

(City) (State) (Zip Code)

CONCEALED WAISTBAND POCKET



Recently, it was learned that a gambler habitually carried a small piece of paper bearing information vital to his operation in a pocket-like area in the waistband of his trousers behind the belt buckle (see photograph above). The seam at the top edge of the pants, above the zipper, was slit open creating a pocket behind the area where the buckle rests and running parallel to the top edge of the trousers. By folding a sheet of paper lengthwise, it could be slid into this pocket, safely concealing it from any but the most careful of searches, and yet, making it readily accessible to the gambler.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

OFFICIAL BUSINESS

ADDRESS CORRECTION REQUESTED



POSTAGE AND FEES PAID
FEDERAL BUREAU OF INVESTIGATION

JUS-432

THIRD CLASS

QUESTIONABLE PATTERN



The above pattern is very interesting and unusual. It is classified as a plain whorl with a meeting tracing. Undue pressure during printing could affect the delta alignment and result in no recurving ridge being cut or touched by the imaginary line drawn between the deltas. Therefore, a reference search would be necessary as a central pocket loop-type whorl.