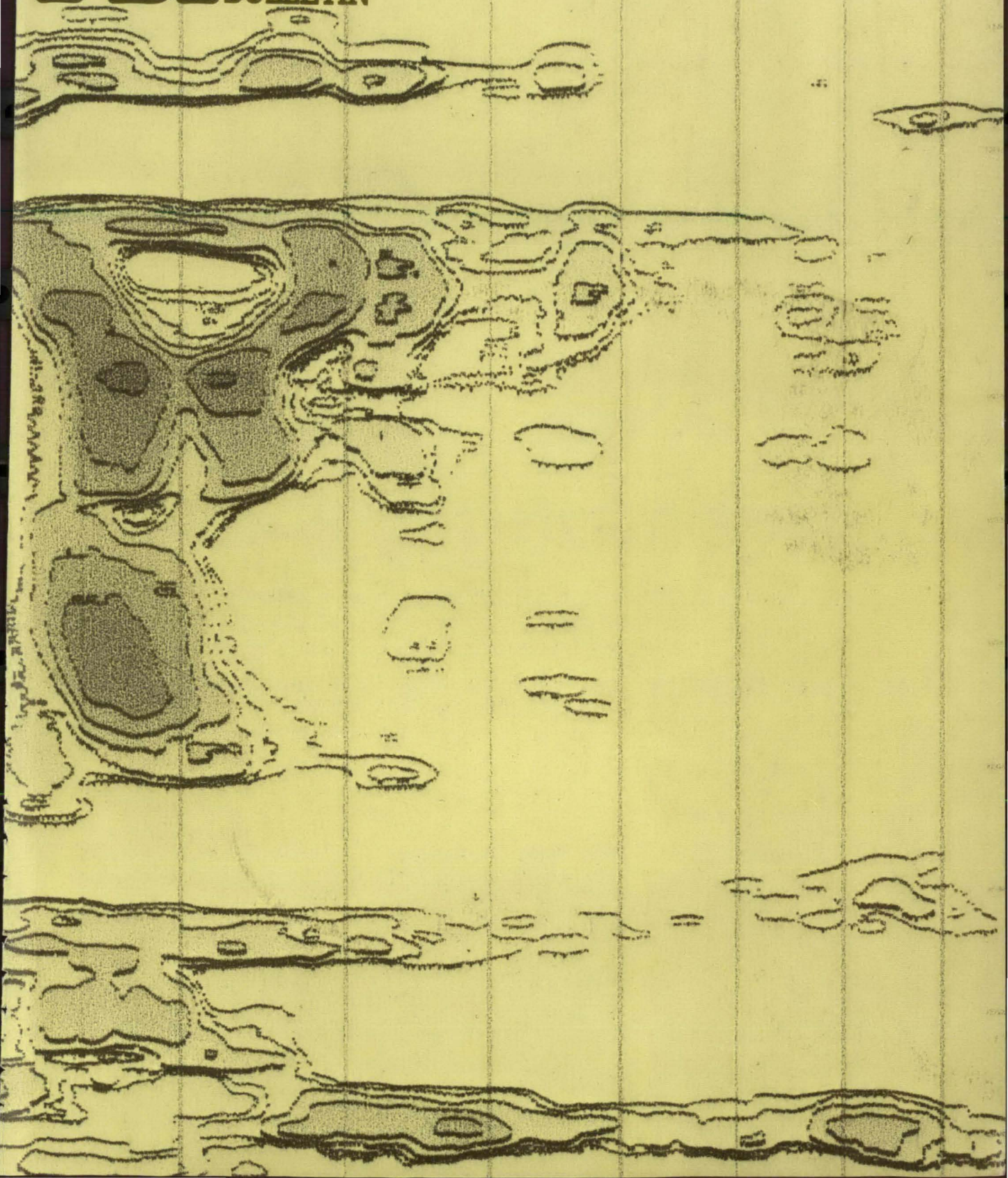


# **FBI** LAW ENFORCEMENT BULLETIN

JANUARY 1980





# FBI LAW ENFORCEMENT BULLETIN

JANUARY 1980, VOLUME 49, NUMBER 1

## Contents

- Forensic Science 1** **Speaker Identification (Part 1) Three Methods—Listening, Machine, and Aural-Visual**  
By Bruce E. Koenig, Special Agent, Technical Services Division, Federal Bureau of Investigation, Washington, D.C.
- Investigative Techniques 5** **Hypnosis: The FBI's Team Approach**  
By Richard L. Ault, Jr., Special Agent, Behavioral Science Unit, FBI Academy, Quantico, Va.
- Crime Problems 9** **Automobile Theft: An Increasing Crime Problem**  
By Samuel J. Rozzi, Commissioner of Police, Nassau County, N.Y., and Det. Sgt. Richard Mueller, Police Department, Nassau County, N.Y.
- Facilities 14** **The Canadian Police College**  
By Charles W. Steinmetz, Special Agent, Education and Communication Arts Unit, FBI Academy, Quantico, Va.
- Point of View 19** **Higher Education for Police Officers**  
By Thomas A. Reppetto, Ph. D., Vice President and Professor of Criminal Justice Administration, John Jay College, New York, N.Y.
- The Legal Digest 25** **The Constitutionality of Routine License Check Stops—A Review of *Delaware v. Prouse***  
By Daniel L. Schofield, Special Agent, Legal Counsel Division, Federal Bureau of Investigation, Washington, D.C.
- 28** **Wanted by the FBI**



**The Cover:**  
Voiceprints—fingerprints of the future or investigative tool for today? See story page 1.

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

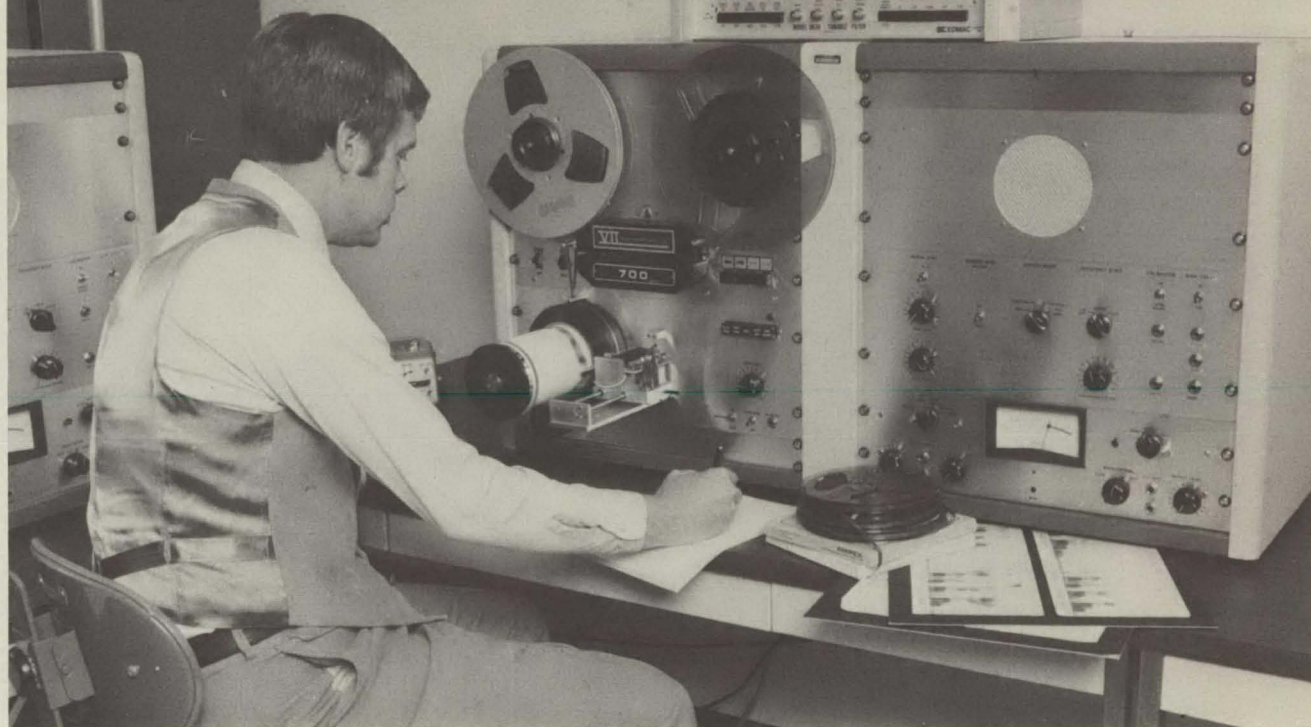
**William H. Webster, Director**

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through December 28, 1983.

Published by the Public Affairs Office,  
Homer A. Boynton, Jr.,  
Executive Assistant Director  
*Editor*—Thomas J. Deakin  
*Assistant Editor*—Kathryn E. Sulewski  
*Art Director*—Carl A. Gnam, Jr.  
*Writer/Editor*—Karen McCarron  
*Production Manager*—Jeffery L. Summers







# SPEAKER IDENTIFICATION

## (Part 1)

### Three Methods— Listening, Machine, and Aural-Visual

BY BRUCE E. KOENIG  
*Special Agent  
 Technical Services Division  
 Federal Bureau of Investigation  
 Washington, D.C.*

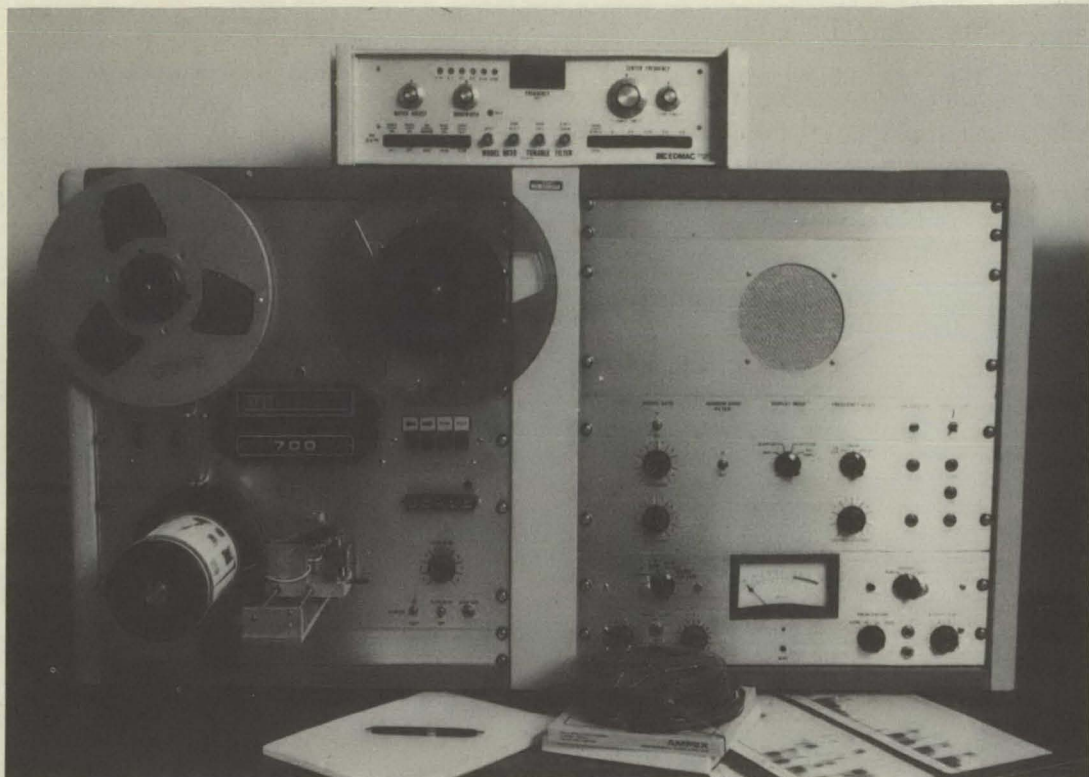
The 20th century has witnessed the rapid development and proliferation of communications technology—radio, telephone, television, recording devices—which have profoundly influenced the manner in which individuals communicate. The telephone system of modern, urban society permits instantaneous communication between virtually every business and household in the community and is especially influential in the way we pass on information. Therefore, it is not surprising that of the various communications media, the telephone, in particular, is adopted by criminals, both as an aid to committing their crimes and as a means of maintaining anonymity.

Telephoning instructions for a ransom payoff in a kidnapping case, transmitting wagering information, telephoning the police or news media to claim credit for a terrorist action, and communicating extortionate or obscene telephone calls, false fire

alarms, and bomb threats are only a few ways in which criminals can perpetrate their acts through use of the telephone. Often, the only physical evidence linking an individual or group to a crime is a recording of one or more voices by the police department or victim.

If the police later develop suspects in the investigation, they are faced with the prospect of determining culpability based on comparisons of the voices. For this reason, law enforcement officials have an increasing need for objective, reliable methods of identifying telephone callers and the subsequent information which can be used for investigative leads and courtroom purposes. Consequently, developments in forensic applications of speaker identification are of considerable interest to the law enforcement community.





*A sound spectrograph gives a visual display of human speech.*

Speaker identification, as used in this article, refers to a broad realm of processes, both human and electronic, by which voices are analyzed, compared, and decisions of identity made.

Speaker identification methods have been more or less grouped into three general categories—listening, machine analysis, and aural-visual comparison using speech spectrograms. The first and third methods are essentially human processes, depending on the sensory faculties of hearing and sight and the comparative abilities of the human brain. The second method employs electronic devices to analyze the human voice, extract certain features that may be associated with the identity of the speaker, and compare these features against similar features extracted from other voice samples. The decision process may be left either entirely to the machine, in which case the success or failure of the technique may depend on how cleverly the machine was programed,

or to human interaction which may be employed in the decision process.

Identifying a speaker by listening is familiar to everyone because that is the method used on a daily basis. Identification by listening might occur in one of many forms. For example, the recipient of obscene or harassing telephone calls may be called on to listen to the voices of several suspects (a "voice lineup"). Friends, relatives, or business associates of a suspect may listen to a voice recording of an unknown caller to determine whether they could identify the unknown voice as being that of the suspect. Police officers, listening to recordings made during a court-authorized wiretap in a gambling or narcotics investigation, may identify one of the callers as being a subject whom they had extensively interviewed in a previous investigation.

From the standpoint of usefulness to the police, identification by listening has numerous drawbacks. The technique can be very subjective, the process by which people identify voices is not completely understood, and it is often difficult for the witness to convey adequately the basis for his identification to a jury. Some speech scientists believe, however, that identification by listening may be an accurate and reliable voice identification method in certain circumstances.<sup>1</sup> Testimony by a witness that he could identify a speaker's voice has been admissible in most courts in this country since at least the early 1900's, as long as the witness was able to express the basis for identity.<sup>2</sup> The weight given the testimony by judge and jury depends on a number of considerations, including the witness' familiarity with the defendant's voice.

Machine analysis and comparison has the potential for being a more objective and accurate method for speaker identification.<sup>3</sup> However, for



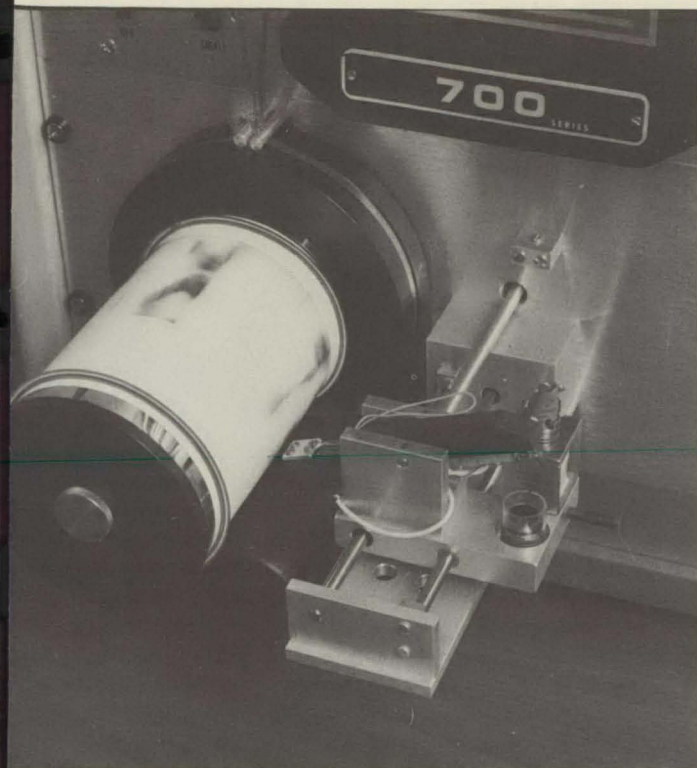


Figure 1



Examiner compares spectrograms for similarities.

the present, it seems to be a more useful technique for verification of a cooperative speaker's voice when compared to a relatively small group of known voice samples. This type of speaker "verification" rather than "identification" has a number of commercial applications, for example, confirmation of identity in bank-by-phone systems. Consequently, for the most part, research in this area has been directed at achieving an accurate verification process.

### Voiceprint Identification

The third method of voice identification uses speech spectrograms, or what are commonly called "voiceprints,"<sup>4</sup> to make an aural-visual comparison of two voices. The tool of the voiceprint technique is a sound spectrograph which gives a visual display of the complex waveforms in human speech. The sound spectrograph consists of four basic parts: (1) A magnetic tape recorder, (2) a variable electronic filter, (3) a drum which holds a sheet of

special paper and is coupled to a magnetic tape playback device, and (4) an electric stylus which marks the paper as the drum rotates. The magnetic tape recorder is first used to record the speech sample onto a reel of magnetic tape. Next, a short loop of the recorded tape containing the portion of speech of interest is wrapped around the playback device on the drum, and the speech sample on the drum is then played repeatedly at high speed in order to analyze its spectral or frequency content. For each revolution of the drum, the variable electronic filter passes only a certain band of frequencies, and the energy in this frequency band activates the electric stylus so that a spiral of varying darkness is produced across the paper. The darkness of the line at any point on the paper indicates the amount of energy present in the speech signal at the specific time within the given frequency

band. As the drum revolves, the variable electronic filter passes increasingly higher frequencies with the electric stylus moving parallel to the axis of the drum. (See fig. 1.) Thus, a pattern of closely spaced lines is generated on the paper. The pattern is usually referred to as a spectrogram and has the dimensions of frequency, time, and amplitude.<sup>5</sup>

The vertical dimension in figure 2 shows frequency from 0-8000 Hertz or cycles per second, the horizontal dimension shows time with each of the short vertical bars near the top designating 0.1 second, and the darkness of the trace indicates the energy of the voice at that time and frequency.

When conducting an aural-visual voice identification of two or more voices, the voiceprint examiner uses the sound spectrograph to produce spectrograms of the unknown and known voices saying the same words and phrases. The spectrograms are then marked by writing each syllable and word in the speech directly below



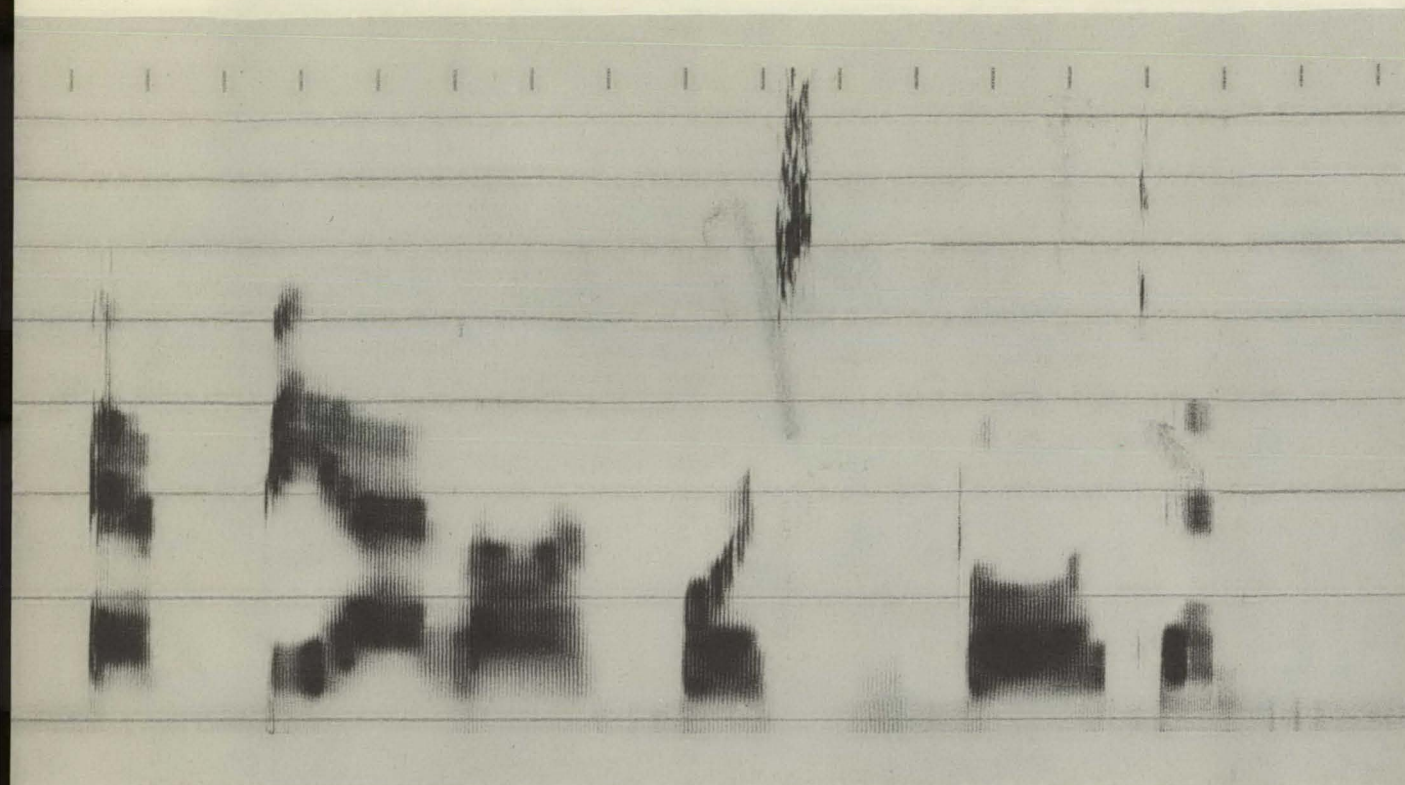


Figure 2

the corresponding patterns on the spectrograms.

The voiceprint examiner then uses one of several methods to conduct the voiceprint examination. The examiner can simultaneously view the spectrograms while listening to the corresponding speech samples from the known and unknown recorded samples, or the visual and aural (listening) examinations can be conducted separately. Typically, both methods will be employed during the examination.

Particular segments of the speech that appear in both the unknown and known voice samples are then compared for similarities and dissimilarities in spectrographic patterns and voice characteristics. If more than one known voice is involved, the procedure is repeated to compare each of the known voices with the unknown sample. Sometimes, comparisons among several unknown voices are made to determine whether they are likely to belong to the same person.

The above procedure requires that the examiner look for unusual patterns that may be important clues for identification. The examiner especially attempts to determine which dissimilarities in the spectrograms arise from interspeaker variability, indicating voices of different persons, and which dissimilarities arise from intraspeaker variability, indicating different utterances of a word spoken by the same person. In analyzing these clues and reaching a decision about voice identification, the examiner uses both aural and visual information.<sup>6</sup>

Even though voice spectrograms are accurate and repeatable graphic representations of speech sounds, the accuracy of the voiceprint technique for speaker identification is unknown due to speaker variability of all individuals, differing sample quality and duration, limited frequency bandwidth, distortion, disguise, and other factors commonly encountered in forensic applications. Federal and State appellate court decisions have been divided on

the acceptability of voice spectrograms as evidence in court. This acceptability problem seems to center on the ambiguity of the legal rules concerning the introduction of new scientific evidence in court.

**FBI**

*(Continued next month)*

*The FBI conducts voice identification examinations for Federal, State, and local law enforcement authorities for investigative purposes only and will not provide expert testimony.*

#### Footnotes

<sup>1</sup> Michael H. L. Hecker, *Speaker Recognition, An Interpretive Survey of the Literature*, (Washington, D.C.: American Speech and Hearing Association, 1971), p. 2.

<sup>2</sup> *American Law Reports, Annotated*, 70ALR2d, p. 996.

<sup>3</sup> A speaker identification system developed by a firm in Anaheim, Calif., demonstrated an extremely low error rate with good quality, wideband speech and speech processed through a telephone simulator. However, when used in actual forensic applications by a major police department, its error rate was considerably higher as the distortion, varying bandwidth, and noise on the actual telephone lines confused the system.

<sup>4</sup> Oscar Tosi, *Voice Identification, Theory and Legal Applications*, Baltimore, Md. (1979), p. 67. The author indicates that the term "voiceprinting" was first coined by C. H. Gray and G. A. Kopp in "Voiceprint Identification," Bell Telephone Laboratories (1944).

<sup>5</sup> Hecker, *supra*, pp. 50-51.

<sup>6</sup> *On the Theory and Practice of Voice Identification* (Washington, D.C.: National Academy of Sciences, 1979), pp. 8-9.



# HYPNOSIS

## The FBI's Team Approach

By RICHARD L. AULT, JR.

*Special Agent  
Behavioral Science Unit  
FBI Academy  
Quantico, Va.*

If you desire to involve yourself in a controversial subject, the "nature and use" of hypnosis will provide you an inordinate amount of debate, particularly on the use of hypnosis in law enforcement.<sup>1</sup> There exists today disagreement between police officers who are doing their own hypnosis on witnesses and victims of crimes and some medical and mental health professionals who believe unrestricted use of hypnosis is dangerous. Additionally, there are individuals in the legal profession who are concerned about the possible misuse of hypnosis by police.<sup>2</sup>

### Review of Controversy

The scientific community (those professionals, such as psychiatrists, psychologists, and physicians, who use hypnosis) takes the position that hypnosis can be dangerous in the hands of individuals who are not trained to judge the mental health of those persons they are hypnotizing. They argue that many witnesses, and more particularly victims of crimes such as rape, are often severely traumatized psychologically as well as physically. For police to hypnotize these individuals and have them relive

the incident could possibly cause further psychological harm. Moreover, these professionals are leery of the potential for "leading" or "cueing" individuals under hypnosis. That is, they fear that police may, wittingly or unwittingly, implant "clues" in the mind of the hypnotized witness or victim.<sup>3</sup> In a recent article in *The Police Chief* magazine, Bill Putnam states, "There is the possibility, however, that witnesses questioned under hypnosis are more suggestible and, therefore, are more likely to give the answers that they think the interrogator wants them to give."<sup>4</sup>

John Stratton, a psychologist with the Los Angeles Sheriff's Office, says:

"As the techniques of hypnosis can be quickly taught, so too can the basic techniques of surgical removal of an appendix. . . . However, the diagnosis, the numerous pre- and post-operative procedures, as well as the infinite possibilities of side effects, . . . require years of training and experience. This is also true in hypnosis.

The basic techniques are relatively simple; however, the ethical, professional and client-centered concerns are acquired over time. . . ."<sup>5</sup>

Harry Arons, a longtime proponent of law enforcement's use of hypnosis, quotes an article appearing in *Popular Mechanics* written by George J. Barmann:

"Dr. Gerber, who is one of the few coroners with both medical and legal degrees, says that police departments will want to use only the best men, properly trained medical people, either on the staff or on call, as hypnotists. To be truly effective they must know a great deal about medicine and human behavior."<sup>6</sup>

Law enforcement personnel do not disagree with the idea of the ethical use of hypnosis.<sup>7</sup> Their disagreement is with the idea that hypnotism is a dangerous tool. Supporters maintain they are not using hypnosis in a therapeutic context,<sup>8</sup> but rather, the use of hypnosis by law enforcement is limited to that area known as "hyperamnesia," which is "the retrieval of information or an increase in memory recall greater than that achieved at volitional or non-hypnotic levels."<sup>9</sup>



Advocates of law enforcement's use of hypnosis say that the fear of police creating or precipitating mental illness or implanting memories are baseless. These proponents state that they have noted no adverse reactions from those who have been hypnotized by police. Further, the evidence obtained under hypnosis must be corroborated. The fact that an individual is more receptive to suggestion under hypnosis is acknowledged,<sup>10</sup> but poor questioning or shoddy police work is just as likely without the use of hypnosis as with it. Hypnosis itself does not create slipshod investigation.

One fact does emerge from this controversy over who should conduct the hypnotic sessions: All involved agree that there is value in the use of hypnosis to elicit additional information from witnesses or victims who may not otherwise have it readily available to the conscious mind.<sup>11</sup>

### History

The history of hypnosis is adequately discussed in numerous books and articles.<sup>12</sup> From ancient Egyptians who practiced "faith healing" to Braid, who first named the phenomenon "neurohypnotism" in 1843, and from Braid to the present where the nature of "hypnotism" is still debated,<sup>13</sup> the use and abuse of hypnosis throughout history is well-documented.

Disagreements about the nature of hypnosis will continue, but whatever its nature or however it works, it does work with many people.<sup>14</sup>

### The Team Approach—FBI Policy

The FBI has adopted a "team" approach in its use of hypnosis. Formal FBI policy for the use of hypnosis, based on guidelines set out by the U.S. Department of Justice, has been in existence since 1968 and has remained virtually unchanged since then, although recent revisions in 1979 include the use of Special Agents who act as hypnosis coordinators.

The FBI's policy basically states that the FBI is to use hypnosis only in select cases. This would include bank robbery, where force is used or a large amount of money is involved, kidnapping, extortion, and crimes of violence which occur where the FBI has jurisdiction. Hypnosis is confined to use with key witnesses or victims of crimes only. No one who has the potential of becoming a suspect or subject in a case is to be hypnotized for any reason. For the sake of brevity, the term "witness" will be used in this article as a substitute for "witness/victim."

**"... there is value in the use of hypnosis to elicit additional information from witnesses or victims. ..."**

The FBI uses only highly qualified hypnotists to do the actual induction. The use of hypnosis must be discussed with the U.S. attorney and his permission obtained. The U.S. attorney must then obtain written permission from the Assistant Attorney General of the Criminal Division, U.S. Department of Justice. The current policy also states that no Agent may participate in a hypnotic interview without written permission from the Attorney General. Further, the hypnotic interview must be recorded in its entirety, either by audio or video tape, with video the preferred method.

The guidelines specify the use of a psychiatrist, psychologist, physician, or dentist who is qualified as a hypnotist. The use of a qualified health professional provides additional protection for the witness, the cost of which is minimal. Agents have used the services of professionals who have given generously of their time, or who have charged only a modest fee for the sessions, because of their desire to help in what is for some a new area of hypnosis. Furthermore, the FBI has found that this added protection has not restricted Agents in their use of hypnosis.

### Training of Coordinators

As with many new programs, the FBI had some early problems in its use of hypnosis. The results obtained were not consistent from field office to field office. Some Agents contacted doctors who did not want anyone present, except the witness and the doctor, during the hypnosis interview. Other doctors did not want video tapes made of the session. These and other problems were not in keeping with the legal needs of either the FBI or the prosecuting attorneys. With this in mind, the Training Division of the FBI instituted a program for 60 of its Agents from field offices throughout the United States. Its purpose was *not* to train Agents as hypnotists, but to teach them the theory, techniques, and hazards of the use of hypnosis. These Agents are the FBI's "hypnosis coordinators" and are trained to bridge that gap which exists between the professional, who does not always understand our legal needs, and the FBI, which does not always understand medical needs. The coordinator is responsible for setting up every hypnosis session. This assures more centralized control of the use of hypnosis in each FBI field office.

Members of the social science community assisted in this training by participating in this seminar which was designed to provide instruction to the 60 Agents.

On completion of the first 4-day seminar, the Agents were charged with the responsibility of returning to their offices and seeking a qualified professional to assist in future hypnosis sessions. Arrangements with this professional would include such items as the doctor's willingness to allow at least the Agent coordinator to be present at the hypnosis session, possible locations for interviews, an understanding that the entire interview must be recorded and recorded in a specific way (which will be discussed), arrangements for payment, and amount charged for the service.



## Specific Techniques

The area of greatest concern was the potential for "leading" witnesses. While "cueing" does exist with or without hypnosis, the suggestibility of a witness in a state of hypnosis may be even greater than when not hypnotized.<sup>15</sup> To offset this tendency, and to provide a record should the witness' information be used in court, recording the hypnosis session should be conducted in three parts.

In the first segment, the psychiatrist, psychologist, or physician explains to the witness what hypnosis is, what some misconceptions are, and what should happen during the course of the session. The professional will also determine that the witness has no particular problems which preclude hypnosis. The coordinating Agent is present and may also ask questions to assure that the witness knows why he/she is participating in the hypnosis session.

In the second phase, either the professional or the coordinator asks the witness to relax and attempt to remember as much as possible concerning the incident. This is done with no prompting. Neither the Agent nor the professional should ask questions until the witness has had a chance to "run down." Then, any questions asked would be based only on what the witness has remembered during this phase.

The last phase is the actual induction. After appropriate hypnotic induction, and then regression, the witness is again asked to tell what he can remember. Once more, questions should be based only on that information produced during the hypnotic session. It is better for the hypnotist, as well as the coordinator, to know as little as possible about the case, so that cueing is minimal. With the above method, there appears less chance for the questioner to "slip," even if he does have knowledge of the case outside the witness' memory of the event.

The time involved for all three phases is usually about 1-3 hours, depending on the details recalled by the witness and the length of the professional's explanation.

## Check List

To prepare the coordinator for the task of setting up a session, each Agent was provided with an informal check list which he could use in his operations. The check list is set out as follows:

### Preliminary

1) Only witnesses and victims should be hypnotized and only after other methods of investigation have been exhausted. (It should be noted here that the FBI does not intend hyp-

## **"... no Agent may participate in a hypnotic interview without written permission from the Attorney General."**

nosis to replace normal investigative procedures. It is not meant as a "hurry up" substitute for proper investigation.)

2) Refer to and follow existing FBI policy.

3) Video tape requirements will be planned in advance of the first interview and should include:

—Location (a quiet spot free from excess noise and large enough that those present will not crowd the individual being hypnotized; a comfortable chair; adequate heating or cooling; proper lighting).

—Equipment (video equipment; proper number of microphones; a time-date generator, if available).

—Properly cleared personnel to operate equipment.

—A proper briefing for camera crew (if any).

4) Choice of professional—only a psychiatrist, psychologist, physician, or dentist. (It should be noted that the use of the terms "psychologist" and "psychiatrist" is regulated by most States and the District of Columbia. The FBI currently uses only those properly trained individuals who are licensed or certified as psychologists, psychia-

trists, or physicians. Further, while our policy does include the use of dentists who are qualified as hypnotists, no dentists have been used as of this date. The qualifications of a hypnotist are somewhat vague. There is no standard for a "qualified" hypnotist *per se*. However, several societies, such as the American Society of Clinical Hypnosis and the Society of Clinical and Experimental Hypnosis, do set standards for the use of hypnosis and the training of hypnotists. It is to these standards the FBI refers when we speak of "qualified.")

5) Items to be discussed with professionals:

—FBI requirements (for recording sessions; for keeping tapes; and various legal requirements.)

—Dangers of cueing.

—Desire for coordinator to do the interviewing. (This is not an inflexible rule. At this time, many psychiatrists and psychologists have done enough work with FBI Agents that the professional himself can and does conduct much of the interview.)

—Agreement on payment. (Charges may be by the hour, by the session, by number of persons, or a flat rate.)

—Long-term arrangements, such as the possibility of obtaining security clearance for the doctor and the doctor's future participation in FBI cases.

—Comfort of witness.

### The Hypnosis Session:

1) The preinduction interview, that portion conducted on tape prior to the hypnosis session, should include:

—Discussion of hypnotist's background.

—Voluntary participation of witness. Signing consent form.

—Brief description of procedures.

—Removal of misconceptions.

—Discussion of basic health of witness (back trouble; contact lenses; color blindness; heart problems, mental disorders, blood pressure, if possible; diabetes). Any health problems must be resolved prior to interview.



2) Prior to taped interview, coordinating Agent will confer with others who may be present to advise them of the need for keeping quiet and unobtrusive.

3) Prior to hypnotic induction, the witness will be allowed to relax and recount all the details he/she can recall of the incident in question. Do not lead or question. Merely allow the witness to recount details in any order he desires.

4) The induction will be done by the professional. The coordinator should note for his records the doctor's opinion of the depth of trance and by what method the doctor estimates that depth.

5) The doctor may then transfer rapport to the coordinator for questioning about the incident. The coordinator will again simply let the witness recall the incident without prompting. After the witness has recalled the incident, the coordinator may go back and "zero in" on specific details.

6) Rapport will be transferred back to the doctor who will dehypnotize the witness. The doctor is in charge of the session. (If the Agent coordinator finds that the doctor's requirements do not meet the FBI's minimum legal standards, the Agent may find another doctor. In fact, he is required to do so. But once the session is started, the doctor is in charge.)

7) The original video tapes obtained from the interview are evidence and are treated accordingly. The chain of custody is maintained, and the tapes are stored in a secure location. Copies of the tapes are provided to the Behavioral Science Unit of the Training Division at the FBI Academy for assessment and research.

At this time, the FBI has used hypnosis in excess of 50 cases, and in 60 percent of those cases, the results show that additional information was obtained. Some of this additional information was relevant and provided immediate results, such as a very accurate artist's sketch made from the witness' recall under hypnosis. Some of the information is still open to question, since by its nature corroboration is made difficult.

Often overlooked as a member of the "team," an artist has often proved to be invaluable in a hypnosis session. Several cases in which the FBI was involved were resolved in dramatic fashion only because the artist was able to obtain a satisfactory composite sketch of the suspect. Artists assigned to the FBI Laboratory are available to travel to various field offices to work with the witness, coordinator, and doctor to produce composite drawings of the suspects. These artists are familiar with the use of hypnosis in aiding recall and the FBI's guidelines on hypnosis.

## **"... the FBI does not intend hypnosis to replace normal investigative procedures."**

### **The Future of Hypnosis**

While hypnosis will continue to be a minor tool in the investigator's repertoire, it is nevertheless an effective one. Preliminary study has already shown that hypnosis can save manpower in investigations. The potential exists for the use of hypnosis with Agents themselves to enhance their own recall of various items or events.

One area which may be explored is the use of hypnosis to reduce stress among Agents involved in undercover operations or other critical activities. While this could prove very valuable to Agents, it might also be argued that this particular use of hypnosis is actually "therapeutic" in nature and thus out of the FBI's purview. The "team" concept is designed to offset arguments such as this, because the fact that a psychologist or psychiatrist is working with the Agent would enable him to employ such a technique.

The team approach has proven to be of great value to the FBI. The nature of this approach is such that it has

introduced a "doctor-patient" relationship into the investigation, and its use assures the additional protection of witnesses and victims, as well as the minimization of any dangers, real or not, through the use of hypnosis. Further, while there is no doubt that there may be a few individuals in law enforcement who are unscrupulous in their techniques, this may also be true in the mental and physical health professions. The team approach may well help offset doubts about the professionalism of either party. The FBI does not tout its approach as the only method. However, law enforcement agencies may want to consider some of the Bureau's guidelines to improve their existing program or establish the place of hypnosis in their departments.

**FBI**

#### **Footnotes**

<sup>1</sup> Ron Alsop, "Clue That is Buried in Subconscious May Crack Case," *Wall Street Journal* (Midwest) June 27, 1978, p.1; R. W. Dellinger, "Catching Criminals Through Hypnosis," *The Washington Post*, March 26, 1978, Sec. C, p. 2; S. Johnson, "Hypnosis: Opening Crime Victims' Minds: Hopes and Fears," *Minneapolis Star*, February 8, 1979, p. 1; M. Reiser, "Hypnosis as a Tool in Criminal Investigation," *The Police Chief*, November 1976, pp. 36-40; R. Wilson, "Hypnosis: Investigating the Subconscious," *Police Magazine*, January 1979, pp. 14-20; Newsletter, Division 30: Psychological Hypnosis, American Psychological Association, December 1978.

<sup>2</sup> F. L. Bailey and H. B. Rothblatt, *Crimes of Violence: Homicide and Assault* (Rochester, N.Y.: Lawyers Cooperative Publishing Co.) p. 83.

<sup>3</sup> Alsop, note 1; Dellinger, note 1; Bailey, note 2; D. W. Shafer and R. Ramon, "Hypnosis to Aid Recall of Witnesses," *The International Journal of Clinical and Experimental Hypnosis*, April 1978, pp. 83-84; R. Reiff and M. Scheerer, *Memory and Hypnotic Regression*. (New York: International Universities Press, 1959) p. 61.

<sup>4</sup> B. Putnam, "Some Precautions Regarding the Use of Hypnosis in Criminal Investigations," *The Police Chief*, May 1979, p. 62.

<sup>5</sup> J. G. Stratton, "The Use of Hypnosis in Law Enforcement Criminal Investigations: A Pilot Program," *Journal of Police Science and Administration*, April 1977, pp. 399-406.

<sup>6</sup> H. Arons, *Hypnosis in Criminal Investigation* (New Jersey: Power Publications, Inc., 1977) p. 104.

<sup>7</sup> Johnson, note 1.

<sup>8</sup> Reiser, note 1, p. 36.

<sup>9</sup> W. S. Kroger, *Clinical and Experimental Hypnosis*, 2d ed. (Philadelphia, Pa.: J. B. Lippincott, 1977) p. 16.

<sup>10</sup> Alsop, note 1; Kroger, note 9.

<sup>11</sup> Arons, note 6; Kroger, note 9; Putnam, note 4; M. Reiser, Letter to Editor of American Psychological Association Division 30: Psychological Hypnosis—Newsletter, December 1978, p. 4; Stratton, note 5.

<sup>12</sup> R. G. Douce, "Hypnosis: A Scientific Aid in Crime Detection," *The Police Chief*, May 1979, p. 60; Kroger, note 9, pp. 1-7; L. J. LeCron and J. Bordeaux, *Hypnotism Today* (Hollywood, Calif.: Wilshire Book Co., 1976); M. M. Tinterow, *Foundations of Hypnosis—From Mesmer to Freud* (Springfield, Ill.: Charles C. Thomas, 1970).

<sup>13</sup> T. X. Barber and W. DeMoore, "A Theory of Hypnotic Induction Procedures," *The American Journal of Clinical Hypnosis*, October 1972, pp. 112-135.

<sup>14</sup> Alsop, note 1; Barber, note 13; K. S. Bowers, *Hypnosis for the Seriously Curious* (Monterey, Calif.: Brooks/Cole Publishing Co., 1976); M. T. Orne, "The Nature of Hypnosis: Artifact and Essence," *The Journal of Abnormal and Social Psychology*, May 1959, pp. 277-299.

<sup>15</sup> Kroger, note 9; Putnam, note 4.



# Automobile Theft

## AN INCREASING CRIME PROBLEM



By **SAMUEL J. ROZZI**

*Commissioner of Police  
Nassau County, N.Y.*

and  
**DET. SGT. RICHARD  
MUELLER**

*Police Department  
Nassau County, N.Y.*

### **The Chop Shop\***

On March 20, 1979, a 1978 automobile valued at approximately \$6,000 was reported stolen from a large, suburban mall located near New York City. At the time of the report, the owner indicated that he had parked the car at 10:30 a.m., and after shopping, returned at 11:15 a.m. to find it stolen.

The automobile, in this case, was recovered 4 days earlier as the result of a raid conducted on a "chop-shop" in Brooklyn, N.Y. The owner, who was a party to the scheme, left his auto there and had been told to wait several days before reporting the vehicle stolen. At the time of its recovery, the car was found to be in a partial state of disassembly, together with 29 other stolen late-model vehicles in similar condition. The value of the car, had it not been recovered, would have increased three-fold, from \$6,000 to approximately \$18,000, since it was about to be sold piece by piece.

\*A "chop-shop" is a facility, usually a body shop, that disassembles stolen autos for purposes of selling the parts, usually through an organized network.

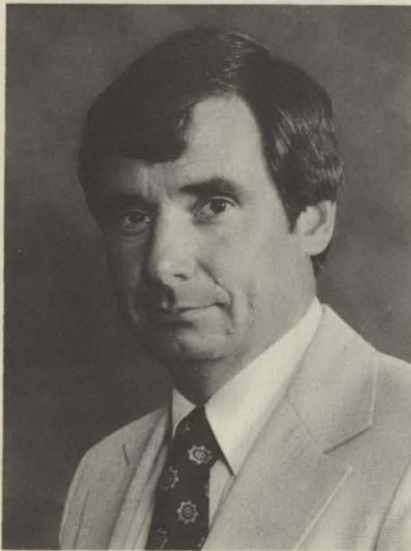
Had the parts been sold, several body repair shops would have been able to provide their unsuspecting legitimate customers with replacement parts secured at a fraction of their value without the inconvenience of a 1- or 2-week wait to receive factory-ordered parts.

The legitimate customer would have his car returned in perhaps a day or two. The body shop owner might purchase a \$2,800 "nose" (front-end assembly) for \$1,500, and yet would be able to bill the customer's insurance company at the going rate of \$2,800. Further, the body shop owner would not have his lot cluttered with cars waiting for ordered parts, enabling his business to operate on a quick turnover, high-profit basis. The "contact," who is the intermediary between the auto thief and body shop owner, would receive perhaps \$500 for the arrangement, while the individual who actually "stole" the automobile would receive approximately \$150. In short, with the exception of the legitimate customer, everyone would have a sizable financial gain.





*Commissioner Rozzi*



*Detective Sergeant Mueller*

## **The Dupe\*\***

Vehicles other than automobiles are not immune from the activities of the professional thief.

In November 1978, the local office of a nationwide automobile and truck rental company reported the theft of a 1978 diesel truck valued at approximately \$20,000 from its storage yard. In January 1979, the police were notified by the rental company that they had received an anonymous phone call indicating that employees of a company which held a service contract with the rental company had stolen several of the firm's trucks from the storage yard, re-registered them, and were using them for their own purposes.

The subsequent police investigation uncovered that in the latter part of 1977, "paper" (meaning a vehicle identification number and necessary ownership and registration material) was purchased from a salvage company that bought used, damaged, and mechanically unsound trucks from the rental company. In this instance, the paper was for a 1973 truck that was almost identical to the stolen 1978 truck. The company holding the service contract repainted the stolen 1978 truck and affixed the vehicle identification number (VIN) plate from the 1973 truck in the appropriate place. Since both vehicles are virtually identical in external appearance, one might ask how the stolen 1978 model disguised as a 1973 model was identified. Several things attracted the investigators' attention. First, exterior model markings indicated the truck to be a diesel when, in fact, it was registered as gas-driven. This alone was sufficient probable cause to look for identification numbers. Second, further inquiry determined that the 1973 model was a 4-cylinder, gas-driven vehicle. The 1978 truck, although identical in body shape, was a 4-cylinder diesel. In this case, the thieves had registered the diesel as a gas-driven vehicle. And last, the thieves repainted the vehicle to match their company colors and

affixed the 1973 VIN to its proper position on the truck door. The color of paint under the VIN plate should have been the original color of the truck had it not been removed prior to repainting. Since, in fact, it was the same as the present color of the truck, it was obvious that the plate was affixed after the repainting.

Each of these incidents is a variation of auto theft. Involvement may go beyond the local level, since there are frequent instances where stolen vehicles are, in their entirety or in pieces, shipped out of State and even out of the country.

The 1977 Uniform Crime Reports indicate that one automobile is stolen every 33 seconds in this country. No matter what variation occurs, there is profit to be made by those who are willing to violate the law, and money to be lost by honest citizens who must pay the higher insurance premiums caused by this criminal endeavor. The chance, incidentally, is not a grave one. If one conducts research into the sentences of auto thieves, it becomes quite obvious that the thief may expect a minimal sentence, and generally, the charge will only be a misdemeanor.

No jurisdiction is immune from the auto theft problem. In 1978, over 5,500 vehicles were stolen in Nassau County, with an equal number being stolen in neighboring Suffolk County. New York City, the western neighbor of Nassau County, recorded some 96,000 stolen vehicles in the same period. Nassau County's recovery rate was approximately 57 percent, up from 37 percent in 1977, but down from over 90 percent just 10 years ago. The 20-percent increase in recovery rate between 1977 and 1978 is a result of the police department's commitment to controlling the problem.

\*\*The "dupe" (duplication) refers to a stolen vehicle that has been legally registered as a result of the use of a VIN from a salvage vehicle (vehicle certified for destruction).

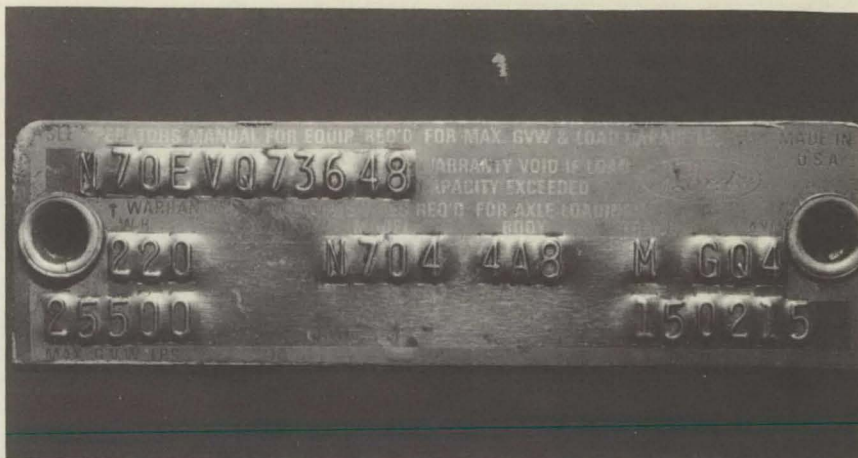


Joy-riding is no longer a major problem. Autos stolen for this purpose are, with few exceptions, recovered. The youth of our affluent population either own their own vehicles or have access to vehicles owned by their parents. The real problem centers around the professional thief who uses one of the methods previously described.

The chop-shop may work in conjunction with a car thief who steals cars only for parts, or with the automobile owner who wishes to dispose of his vehicle for some reason (debt, mechanical unsoundness, etc.). Teenage car thieves may be given \$50-\$150 to steal late-model cars which they deliver to chop-shops. These cars are dismantled, and parts are cataloged and sold either to body shops or auto parts dealers. There is a network organization to dispense these parts. It is estimated that the illegal parts business grosses \$4 billion annually—all of this tax free. It is no wonder that the insurance rates in urban areas, and particularly the New York metropolitan area, are among the highest in the Nation.

When dealing with a chop-shop, the automobile owner is usually required to leave the vehicle registration, and when the auto has been dismantled and the chassis crushed, the registration is returned to him by mail with the OK to report it stolen. Since at this point the car has been literally reduced to pieces, it can virtually never be recovered.

The contact purchases a salvaged (totally wrecked) vehicle for the express purpose of obtaining the VIN plate and the corresponding ownership documents. This individual pays top dollar for these "basket cases," excluding legitimate salvage buyers from making the purchase. Once the purchase is made, a thief is commissioned to steal a vehicle that matches the basket case in every way. Depending on the expertise of the contact, one or more of the vehicle identification numbers will be changed to make the stolen vehicle appear to be the salvaged vehicle. The remains of the salvaged vehicle are crushed, and the altered vehicle is resold to an unsuspecting buyer through one of several different ploys. Perhaps a



*VIN plate from a 1973 "salvaged" truck which was affixed to a stolen 1978 vehicle. The outward appearance of both vehicles is virtually identical.*



*VIN plate on a duped truck. In this instance, the duped VIN plate had been affixed after the stolen truck was repainted.*





*Interior view of a chop-shop. Note that all of the late model vehicles, some of which still bear registration plates, are in a partial state of disassembly. When this photo was taken, several of the vehicles had not been reported stolen.*

smooth-talking salesperson will befriend the owner of a service station or body shop and pose as a reposessor. The proprietor of these establishments will be asked if he could put a "nice car" with a "nice family" in return for a small finders fee. Other duped vehicles may be sold through small dealers or at auto auctions. Such vehicles may also come into the hands of major automobile dealers to be sold to unsuspecting buyers.

These illegitimate activities have the residual effect of inflating prices to legitimate body and fender repairmen, and even worse, they create the impression to the public that the entire industry may be involved in illegal behavior.

### **Dealing with the Problem**

What can law enforcement officers do to control the auto theft problem?

The answer is to undertake an aggressive and progressive management approach whereby all related resources are identified and used. Specifically, the following can be of assistance:

- 1) Prevention through education. Act *before* the fact. This is the most meaningful approach. Law enforcement agencies must strive to raise the level of consciousness of the public so that they will make the necessary effort to reduce theft opportunities. Such cautions as not leaving the key in the ignition, remembering to lock the vehicle, and not becoming involved in "chance of a lifetime" automobile purchases must be emphasized. While these cautions seem to be somewhat obvious, they apparently are not since almost 40 percent of auto thefts involve situations where keys are left in the ignition and almost 80 percent involve unlocked vehicles.

A second dimension is to raise the level of awareness of law enforcement officers in terms of the problem, the techniques involved, and what to look for in addressing this problem.

- 2) Aggressive and active auto theft investigation. Law enforcement agencies must encourage aggressive and active investigation on the part of their officers, whether they be patrol officers or detectives. Do your officers routinely monitor body shops with an eye toward observing rapid repairs? Do they routinely stop unmarked flat-bed and conventional tow cars which are transporting late model vehicles that appear to be undamaged? In regard to the burgeoning truck theft problem, a productive technique might be to encourage patrol officers to pay close attention to truck identification numbers when dealing with disabled vehicles, accidents, traffic stops, and truck weighing facilities.

As a bit of agency introspection, has your auto theft reporting procedure been reduced to simply taking an affidavit and then filing it?

- 3) Liaison with other law enforcement agencies. Task force and regional models are the most productive in dealing with organized auto theft because of the absolute necessity for interagency cooperation and information sharing. Isolationist policies are counterproductive in auto theft investigations, and indeed, in most facets of police work.

- 4) Relations with the insurance industry. Are you familiar with the services of NATB? Have you considered forming an ACT committee? If you are unfamiliar with these organizations, it is an indication that you have not tapped one of the active resources available to you in connection with auto theft enforcement. ACT committees (Anti-Car Theft) have been formed in several regions of the United States under the sponsorship of NATB (National Auto Theft Bureau) to launch auto theft



campaigns in which social and community groups are encouraged to join forces with representatives of law enforcement, government, and industry. Relationships such as these can produce something as simple as the rewording of insurance claim form terminology or improvements in the form's caveat, both of which can be of invaluable assistance in improving your ability to enforce fraud and "falsely reporting" statutes. The ultimate goal of such law enforcement-industrial cooperation may be to seek reductions in insurance rates for the citizens in your jurisdiction.

5) Legislative suggestions and support. Do you support legislation related to auto theft, and more importantly, have you contributed suggestions to the legislative process? Are you famil-

iar with the provisions of the Motor Vehicle Theft Prevention Act of 1979, which is presently pending before the U.S. Congress? Among other things, this act would require manufacturers to number all component vehicle parts made in this country, as well as those parts which are imported. It would further require any person, be it the operator of a salvage yard, body and fender shop, or auto dealer, to record by number each identifiable part he receives. Other provisions would allow for the seizure of any parts which show evidence of number alteration or removal.

In conclusion, whether one chooses to recognize the growing problem of auto theft, it is a reality. Aggressive enforcement and the ability to control auto theft are limited only by the degree of administrative commit-

ment and the motivation and imagination of law enforcement personnel. It is the responsibility of the police manager to establish the proper climate in the organization. **FBI**

*The Nassau County Police Department's Televue Unit has prepared a short video cassette program to train its patrol officers to recognize the indicators of a "duped" vehicle. Copies of the program are available to interested law enforcement agencies by writing to the Nassau County Police Department, 1490 Franklin Ave., Mineola, N.Y. 11501, and enclosing a blank 3/4-inch video cassette.*

## 1978 Crime Statistics

Final 1978 figures extracted from the annual publication, "Crime in the United States," show that more than 11 million Crime Index offenses were reported to law enforcement agencies, indicating a 2-percent rise from 1977 and a 9-percent rise from 1974.

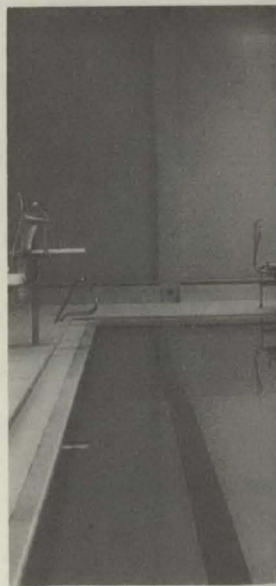
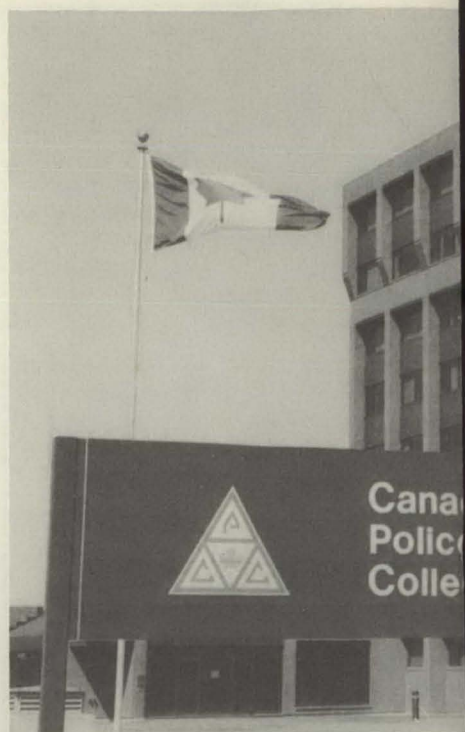
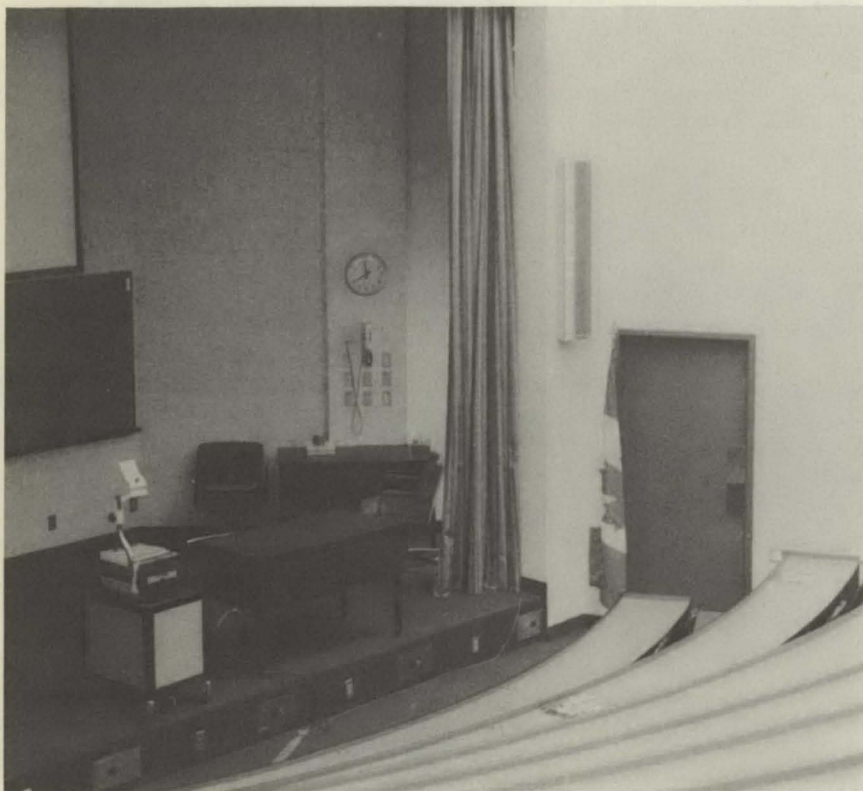
There was an average of 5,109 offenses per each 100,000 persons residing in the United States. The violent crimes of murder, forcible rape, robbery, and aggravated assault, representing 10 percent of the total volume of Index offenses, increased 5 percent. Property crimes of burglary, larceny-theft, and motor vehicle theft were up 2 percent as a group.

In 1978, law enforcement agencies were successful in clearing 21 percent of the reported Index crimes—46 percent of the violent crimes and 18 percent of the property crimes. An estimated 10.3 million arrests were made for all crimes except traffic violations. Of those arrested, 40 percent were under 21 years of age and 57 percent were under age 25. Arrests of males outnumber those of females by 5 to 1.

Other highlights from the 1978 publication are:

- Murder offenses were up 2 percent over 1977, but decreased 6 percent from 1974.
- Forcible rape rose 7 percent from the previous year.
- Although robbery offenses increased 3 percent over 1977, there were 6 percent fewer of these crimes than in 1974.
- Incidents of aggravated assault were up 7 percent over 1977 and 22 percent over 1974. An average of 62 per 100 cases of aggravated assaults were cleared.
- The total loss resulting from burglary offenses was estimated to be \$1.6 billion, an average of \$526 per burglary. Residential burglaries accounted for 65 percent of all burglaries, and 73 percent involved forcible entries.
- An estimated average of 1 of every 145 registered motor vehicles was stolen in 1978.
- The most voluminous Index crime was larceny-theft which accounted for 5,983,401 offenses in 1978, more than half the Index total, and resulted in total losses estimated at \$1.3 billion. **FBI**







# The Canadian Police College

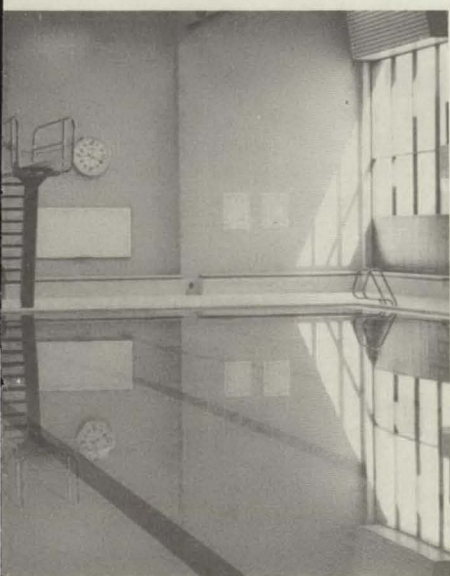
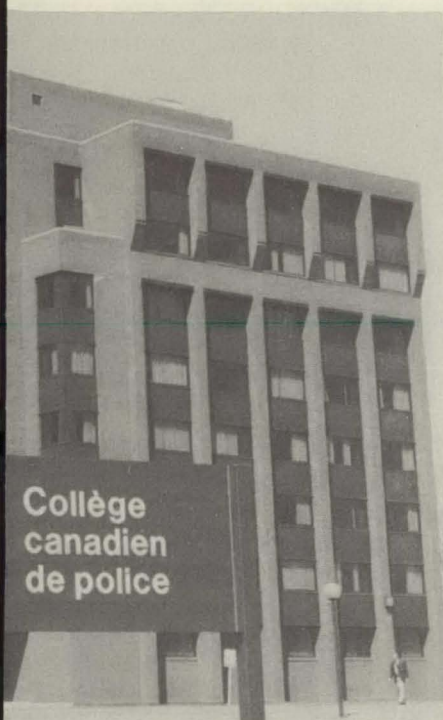
By CHARLES W. STEINMETZ

*Special Agent*

*Education and Communication Arts Unit*

*FBI Academy*

*Quantico, Va.*



The Canadian Police College (CPC) is located along the Ottawa River in Ottawa, Ontario, the capital city of Canada. In every sense of the word, it is a college for law enforcement professionals. Students come from Federal, Provincial, and municipal police forces, the Canadian Armed Forces, and other countries. Eleven years before the official opening of the college on November 10, 1976, it was premised that the college should provide "experienced police officers with every essential form of police training, from organization and administration at the highest level to sophisticated investigative techniques." Further, it was noted that "this police college is to be open to qualified members of any Canadian police force."<sup>1</sup> This original planning goal has been achieved and expanded nationally to complement the law enforcement training programs not only of the Provincial and municipal police agencies but also Canadian civilian academic institutions as well.

Today, strides toward the integration of professional education and police training are made under the overall mission of the Canadian Police College, which is to encourage, guide, and stimulate both individual and organizational effectiveness within all of the Canadian law enforcement agencies. Achievement of this mission is being realized through planning, development, and implementation of specialized and general training; development of related educational programs; and the provision of research, information, and advisory services to support and supplement the mission.

An advisory committee, which is composed of representatives of the Provinces, the Federal Ministry of the Solicitor General (equivalent to the U.S. Attorney General), and the police profession, meets semiannually to review the progress and objectives of the college. In their efforts to set long-term objectives and priorities for police education, the committee is not content to merely serve as a review board. The committee members, well-acquainted with the system of criminal justice in Canada, have encouraged the establishment of specific objectives which clearly recognize the need for change that has become such a critical facet of quality police education and training.



These objectives are:

- 1) Continuous review of training, education, and management development needs;
- 2) Translation of those identified needs into effective programs and courses of learning;
- 3) Development and implementation of systems for monitoring the environment in anticipation of future needs for change;
- 4) Implementation of program evaluation systems to measure effectiveness against standards; and
- 5) Recruitment and development of expert human resources to meet program development and implementation demands.<sup>2</sup>

## History

It is interesting to note the similarity between the early stages of the Canadian Police College and the original National Police Academy, which was sponsored by the Federal Bureau of Investigation in the United States. The CPC course was established in 1938 to fill a need for advanced training for Canadian police officers, whereas the FBI's program, prompted by President Franklin D. Roosevelt, was established in 1935. The early CPC course and FBI-sponsored training were both developed in response to each Nation's need to provide education for its police officers. The Canadian course was convened by the Royal Canadian Mounted Police (RCMP).

Since the late 1930's, the CPC course has evolved into a sophisticated college, although the location has changed from Regina to Ottawa for advanced training. The American National Police Academy, in turn, has developed into the FBI National Academy (NA). The FBI program has also expanded, both in enrollment and instructional scope, and its physical location has been moved from Washington, D.C., to the FBI Academy at Quantico, Va.

The original CPC course was an advanced course for police officers with the rank of sergeant or higher and was concerned with instruction in the law and related police procedures. A visit to the college today would reveal a much broader and sophisticated curriculum that includes all facets of contemporary law enforcement.

## Instructional Staff

The instructional staff is drawn from various sources. However, a cadre of RCMP members is permanently stationed at the college. These men are senior noncommissioned officers (NCO) and are selected for their ability as instructors, as well as for their experience in various aspects of policing. In addition to having and continuing to develop their education in the areas of administration, management, and communication, some instructors have extensive experience in drug investigation, photography, identification procedures, instructional techniques, explosives, and gambling investigation.

In addition to the permanent staff, which numbers approximately 40, the college invites police agencies throughout Canada to send NCO's or officers to act as course directors for the duration of a specific executive development course or senior police administration course (SPAC). These course directors perform a role similar to the counselors at the FBI's National Academy. For comparative purposes, the SPAC program is not unlike the FBI NA, both in mission and scope.

Other guest speakers have been invited from the academic, business, and government sectors because of their individual knowledge and expertise. Prof. William Kelloway of the CPC anticipates that this phase of education will assist the police officer in meeting the challenges of complex social systems and increasingly sophisticated forms of crime.<sup>3</sup> The college insists that its lecturers in all areas of training and education be among the best in their respective fields. This requirement is part of a broad-based future objective of linking continuing education with the professionalization of police in Canada.

## Faculty Exchange Program

A new phase of the professional development of the college staff was initiated in 1978 during a conference conducted with representatives of the FBI Academy at Quantico. This conference resulted in a formal mutual agreement for an exchange of faculty members on a periodic, one-for-one basis. The basic exchange is normally for 2 weeks, which allows each visiting instructor the opportunity to step directly into the classroom and teach, monitor classes, engage in exchange of ideas and materials, and otherwise function as a full staff member of the host institution with all of the inherent privileges and responsibilities.

Occasionally, instructors who have specific expertise on a topic which would benefit the counterpart institution are invited for a less extensive period of time, specifically for the purpose of delivering appropriate lectures.

The CPC recognizes that "the major foundation of police effectiveness and of their responsiveness in providing a community service" must be through sound education and training.<sup>4</sup> This concept is clearly compatible with the goals of FBI-sponsored training and education and is realized through the faculty exchange program. It is a program that is viewed by both the RCMP and the FBI as a significant step in achieving the rapid exchange of information and concepts in the vast and always expanding area of law enforcement education.

## Curriculum

The college recognized early that much of the benefit of a police training curriculum could be derived only if programs were flexible in response to change. This meant that the need for change must be respected and that the curriculum should evolve according to the needs of all of Canada's police forces. The actual scheduling of courses at the college is set according to the stated training needs of the various departments.



Courses are offered in both French and English to meet regional cultural variances. For example, an instructional techniques course, which is offered both on location at the college and to the various police departments with the purpose of developing and certifying qualified instructors, was completely translated into French by members of the staff. This course is taught by bilingual staff members from the college, complete with all training aids and handouts duplicated in the French language. This high standard of commitment and excellence permeates the atmosphere of the CPC.

The two principal administrative courses which form the nucleus of training and education for police executives and managers are the following:

- 1) Executive Development Course. This is a 6-week course for senior police executives which is designed to present ideas, situations, and theories for analysis through class interaction and through dialogue with resource persons and seminar leaders. Material presented is expected to give class members a fresh perspective from which to view their duties as senior police executives.
- 2) Senior Police Administration Course. This course is specifically designed to meet the needs of the middle management level of Canadian police forces and is attended by members of the senior noncommissioned and junior officer ranks who are currently serving or about to be appointed to supervisory positions. Communication skills, managerial concepts relating to human resource development, overview of crime trends, and the role of the police officer in a complex society are major segments of the 5-week curriculum.

Specialized courses, offered on an inservice basis away from or at the college, range in duration from 4 days to 12 weeks. These are:

- 1) Identification Methods and Techniques includes fingerprint comparison, photography, crime scene search, and presentation of evidence. (8 weeks in duration)

- 2) Advanced Identification Course involves collection of evidence, forensic pathology, arson investigation, and photography. (3 weeks in duration)
- 3) Drug Investigational Techniques is designed to develop skills, knowledge, and investigative techniques essential to the investigation of drug-related offenses. (2 weeks in duration)
- 4) Instructional Techniques Course teaches current and potential instructors both theory and technique of instruction. (2 weeks in duration)
- 5) Police Explosives Technicians Course gives instruction on the recognition, handling, and use of various types of explosive materials. (5 weeks in duration)
- 6) Counterfeit Investigational Techniques develops knowledge and skills necessary to successful counterfeit investigation duties. (2 weeks in duration)
- 7) Criminal Intelligence Course deals with investigative techniques for use in combating various types of criminal activity. (2 weeks in duration)
- 8) Intelligence Analysis Course treats methodology through which seemingly unrelated information and data are transformed into meaningful intelligence. (1 week in duration)
- 9) Gambling Investigational Techniques provides skills and information required to enforce legislation related to illegal gambling activities. (2 weeks in duration)
- 10) Commanders Course, Hostage/Barricaded Persons Situations is instruction which enables the person in charge to direct effectively operations using proper deployment of manpower and use of the negotiating team. (4 days in duration)
- 11) Negotiators Course, Hostage/Barricaded Persons Situations is intended for those who would be negotiators in these situations, including coverage of psychotic and criminal behavior. (4 days in duration)

- 12) Crime Prevention Coordinators Course emphasizes the management and planning of crime prevention programs, as well as developing and managing specific programs. (3 weeks in duration)
- 13) Fitness Leadership Course is for those who are engaged in an official health or physical fitness position. It presents lifestyle modification and life quality enhancement programs, with emphasis on leadership in various fitness and health promoting activities. (5 days in duration)
- 14) Effective Presentation Course is for personnel required to give formal presentations to groups. (1 week in duration)
- 15) Polygraph Examiners Course deals with criminal investigative interviews; 5 years' police experience required. (12 weeks with 2 weeks training in the field)
- 16) Human Relations Instructors Course is for those who will deal with instruction in job stress, interpersonal perceptions, crisis intervention, and communication in police/citizen encounters. (1 week in duration)
- 17) Multicultural Education Instructors Course offers instruction in cultural awareness, history of Canada's minority people, multiculturalism, and ethnicity. (1 week in duration)

In keeping with the challenges of growth and change, it should be noted that aspects of several of these courses are incorporated throughout various programs at the college. The physical fitness program, for example, is an integral part of both the Executive Development Course and the SPAC. Another course with aspects that are directly related to the Executive Development Course and SPAC programs is the Effective Presentation Course. The college's continuously developing curriculum clearly makes use of the concept of interaction among subject areas and recognizes the need for a well-educated police professional.



## Research and Development

A necessary component of any comprehensive educational institution, the research and program development branch of the CPC, was formed to conduct research in police personnel management and training areas. Their research results provide a flow of information directly to the police community.

One of the latest achievements of the college is the CPC information service. This is a readily accessible source of information for police agencies that is based primarily on an expanding college library. The information service concentrates on police force management and police personnel administration, and it extends into matters related to operations.

Another important contribution to the information field is the publication of the *Canadian Police College Journal*. The *Journal* publicizes college programs, as well as printing significant articles of major police interest. An important feature of this magazine is the review of new books and law enforcement journal information.

Research activities at the CPC are geared toward the practical. They are viewed as a process for achieving expansion of experience which relates to issues of current interest to those in law enforcement.

## Conclusion

The comments in this article are based on the personal experience of the author, a faculty member of the FBI Training Division, who participated in the exchange program with the CPC. The tangible results of this program abound, such as the exchange and implementation of sound ideas to enhance each agency's training program. The intangible results are equally important. The informal discussions, the participation as coequals in each institution's programs, and the sharing of intercultural outlooks about the future of education for the law enforcement profession were invaluable.

The exchange program promotes a healthy perspective about law enforcement in general. Its valuable results encourage exchanges of similar types, not only between different countries but also among the various agencies within a country. The National Advisory Commission on Higher Education for Police Officers stated that the best way to educate the police institution for change is to develop the capacity of the police to use knowledge to solve problems. They were, in effect, alluding to programs of this type. Using knowledge to solve problems includes the use of information gathered from many sources in order to produce or test new conclusions. In addition, it can and should include an

educational program which provides brief, intensive residential periods at various institutions.<sup>5</sup> These objectives can be broadened and interpreted to include the type of exchange programs addressed in this article.

Those of us in law enforcement cannot afford a myopic view of our influence and contribution to society. Free-flowing and open-ended discussion among our colleagues is essential to the advancement of criminal justice administration and responsible law enforcement. The professionalism of the Canadian Police College exemplifies the continuing endeavor toward such a goal.

### Footnotes

<sup>1</sup>"The Canadian Police College." *Royal Canadian Mounted Police Gazette*, 39 (January 1977).

<sup>2</sup>Canadian Police College Brochure, November 1976 (Liaison Branch of the Royal Canadian Mounted Police, LIA. 026) p. 3.

<sup>3</sup>Dr. William Kelloway, *A Continuing Education Program for the Police Profession* (Liaison Branch of the Royal Canadian Mounted Police, 1978), p. 2.

<sup>4</sup>"The Canadian Police College," p. 2.

<sup>5</sup>Lawrence W. Cherman and the National Advisory Commission on Higher Education for Police Officers, *The Quality of Police Education* (San Francisco: Jossey-Bass Publishers, 1978), pp. 1-166.

## Guide to Police Pursuit Tires

The Law Enforcement Standards Laboratory at the National Bureau of Standards has published a *Guide to High Speed Patrol Car Tires*, which is designed to assist police departments in selecting tires for patrol cars involved in high-speed pursuit driving. It stresses that regular passenger tires should not be used on vehicles involved in high-speed police work. Regular tires require certification for speeds up to only 85 mph (136 km/h), whereas pursuit tires should be tested and certified for use at road speeds up to 125 mph (200 km/h).

In addition to considering the speed factor, the guide also reports on tire construction, proper inflation, the

use of snow tires and chains, and the types of tires available. It encourages police departments to examine the types of roads driven, weather conditions, and special hazards and discusses other considerations, such as treadwear, braking traction, cornering traction, and driving and spinning traction. The guide also covers all aspects of maintenance, including proper tools, correct mounting and balancing procedures, alignment, and tire rotation.

The *Guide to High Speed Patrol Car Tires* (NBS S.P. 480-33) is available for \$2.00 a copy from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Order by Stock No. 003-003-02073-7.

FBI



# Higher Education for Police Officers

## Editor's Note:

With the publication of *The Quality of Police Education* by Lawrence W. Sherman and the National Advisory Commission on Higher Education for Police Officers in early 1979, a lively debate has ensued in the academic and law enforcement communities concerning the nature of higher education for law enforcement officers in the future. One point of view in this debate was presented by Dr. Thomas Reppetto, John Jay College, New York City, in a lecture before the fourth National Executive Institute at the FBI Academy. This article presents Dr. Reppetto's analysis of what he believes should be the nature of higher education for law enforcement officers.

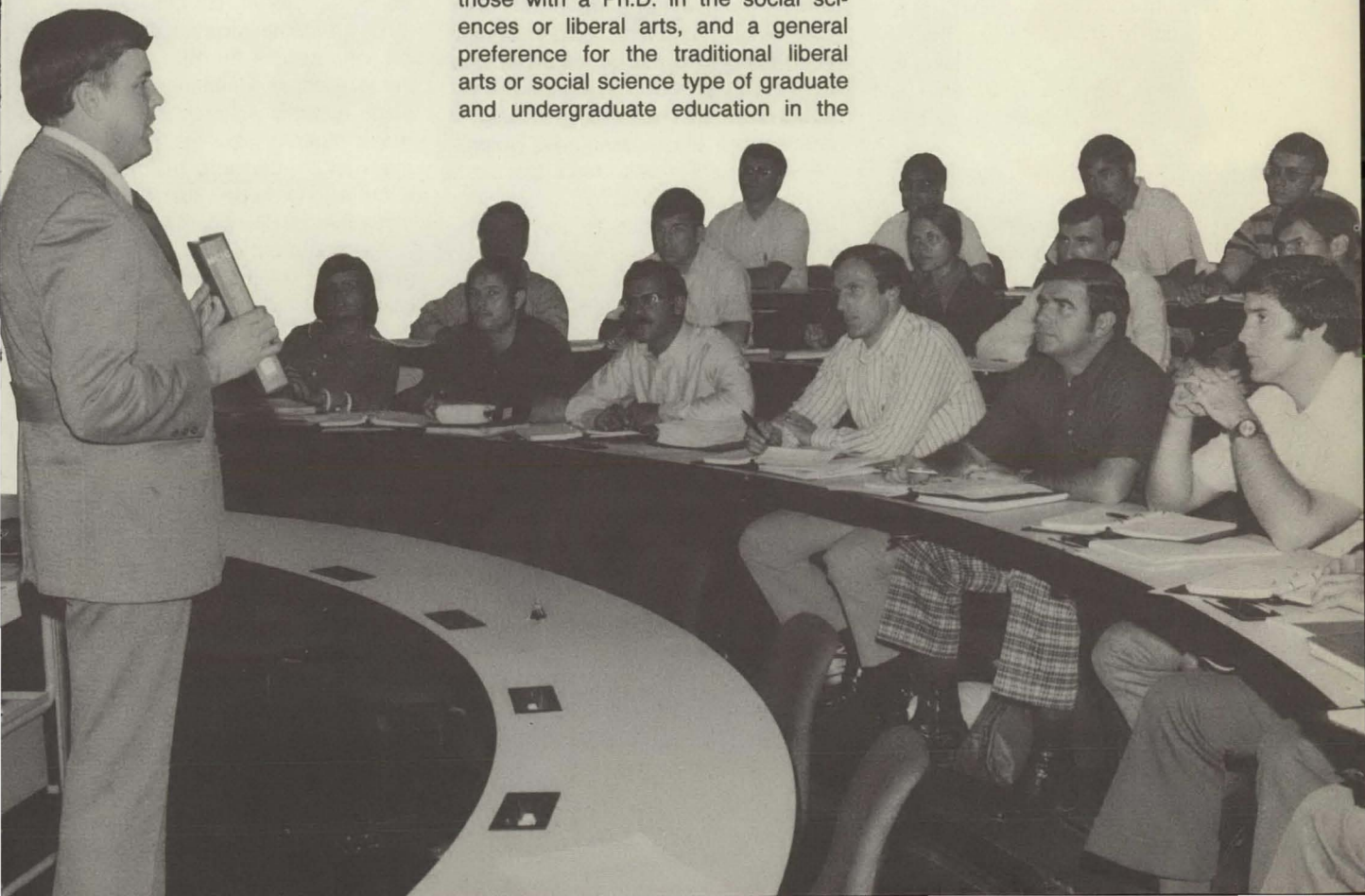
\* \* \*

These comments are prompted by the publication of the very useful and provocative report of the Commission on Higher Education for Police Officers (HEPO), which was sponsored by The Police Foundation. The essence of the report's findings is that police education is of low quality, even dismal. Specific findings are that the caliber of faculty is low because they lack appropriate higher education for college professors (too many of them being expolice officers), the course content is often found to be too technical, and there is allegedly too much influence by police departments.

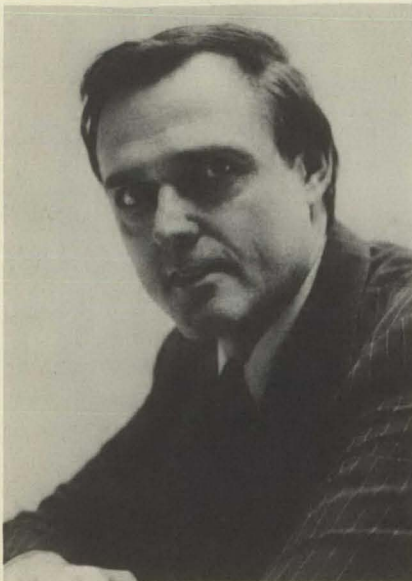
Among the recommendations are an end to 2-year degrees in police science or criminal justice, replacement of many of the present faculty by those with a Ph.D. in the social sciences or liberal arts, and a general preference for the traditional liberal arts or social science type of graduate and undergraduate education in the

By THOMAS A. REPPETTO,  
Ph. D.

*Vice President and  
Professor of Criminal  
Justice Administration  
John Jay College  
New York, N.Y.*







*Dr. Reppetto*

preparation of individuals for police service. One of the catchy slogans of the commission's report was, "Don't educate the recruited but recruit the educated." That is, don't educate the present generation of police officers, but attract the already educated, particularly those with liberal arts degrees from the more prestigious institutions, into police service. It is thought that these individuals will constitute change agents to deal with the myriad of problems now existent in the police field.

The reaction to the report had been predictable. Some police officials and academics have been very critical, while others have praised it. I should like to address myself to the general problems of educating individuals for the police service, and to some extent, the whole question of the relationship between the academic world and the police.

#### **Evaluation of Quality**

Let us step back a bit from the name-calling in the current controversy over the HEPO report and look at two basic factors that underlie higher education in criminal justice. In the United States, the study of crime or the practice of criminal justice has traditionally been the wrong side of the intellectual tracks. Law schools have generally devoted very little time to the study of criminal law and procedures, typically one or two courses in 3 years of work. Historically, individuals who practiced criminal law, whether for the defense or the State, were the less prestigious members of the bar.

In the social sciences, the study of criminology has also been the wrong side of the tracks. Professors who studied criminal behavior generally taught at the less prestigious institutions and received fewer rewards from their disciplines. In the fields of political science or public administration, for example, it was fashionable to study the Presidency, Congress, or international affairs, but rarely criminal justice in one's own city.

There, of course, have been exceptions. At one time in the 1920's and early 1930's, the Harvard Law School, under the leadership of Dean Roscoe Pound and Professor Felix Frankfurter, later a Supreme Court Justice, undertook a number of studies in criminal justice, but they soon tired of the game. The University of Chicago's Department of Sociology in the 1920's studied crime and criminals extensively, but later sociologists opted for the construction of major theories of social organization. Thus, in the academic world, the quality of criminal justice studies is usually suspect.

The second basic factor in criminal justice education is that in the last 10-15 years, it has expanded enormously in the United States. In 1964 there were approximately 125 college programs offering 2- or 4-year or graduate degrees in criminal justice or criminology. Ten years later, there were over 1200, a 10-fold expansion.

This vast expansion explains, in part, the charges of low quality in academic criminal justice education. This has been one of the largest, most fantastic developments in American higher education in all its history. Indeed, there are some knowledgeable observers who believe that the expansion of criminal justice education that has taken place recently will provide a model for many other disciplines in the rest of this century and into the next. Given such an enormous expansion, it is obvious that quality would suffer.

No doubt, if only a handful of programs had been formed earlier with a handful of students, the quality of academic criminal justice might be much higher than it is, but it would still not reach the vast number of persons engaged in the criminal justice enterprise. At present, there are a half a million police officers and a half a million other professionals in probation, parole, or corrections, not to mention many more in private security. Indeed, all college education in America has declined in quality, because since World War II, it has become a mass enterprise rather than the preserve of a small elite. Many would regard this as a positive development for American democracy.



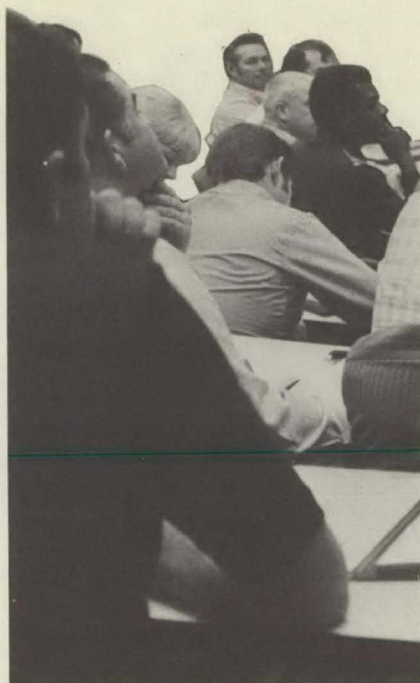
## **Crux of the Problem**

The essential argument regarding academic criminal justice contains three parts. Who will do the teaching, who will be the students, and what will be the course content? Should the faculty be composed of ex-practitioners or traditional Ph.D.'s? Should the students be inservice or preservice? Should the courses be professional, social science, or liberal arts? I rule out vocational courses sometimes described as "how to put on the handcuffs," although in places where there are no police academies, community colleges may well take up the slack in response to their historic mission to render vocational education to the local population.

If we can determine what the course content should be, that is, what constitutes appropriate education for police service, then we can probably determine who should teach it and what sort of students might be involved. I am reminded of the quote by Alfred North Whitehead, the great philosopher and mathematician:

"The antithesis between a technical and liberal education is fallacious. There can be no adequate technical education which is not liberal, and no liberal education which is not technical; that is, no education which does not impart both technique and intellectual vision."

The argument for a liberal arts education says essentially that one should study English, history, or one of the traditional disciplines, and upon completion of one's education, enter into a professional field. Such an education does not make one an expert in English or history, but rather, it teaches a person how to think and to analyze a problem. Presumably, such individuals can apply these talents to almost any situation and do better than individuals who have had a more technical education. Under this theory, the person who has been an English or history major will quickly learn the practical duties of a police officer in the police academy and on the job and will then use his superior intellectual equipment to become a first-rate officer.



**"If change is to occur  
in police service . . . it  
will, indeed must, come  
from within."**

A social science education as preparation for criminal justice is seen as enabling the student to major in one or a combination of social science disciplines. The student would study criminology, urban sociology, deviant behavior, and other similar courses, as well as the usual liberal arts foundation. He or she would not, however, study such things as police patrol, criminal investigation, or police administration. In this way, the student prepares for police service by studying the nature of social problems and the methods of the social scientist in order to acquire an understanding of the various problems that a police officer faces, and building on this foundation, will be able to deal successfully with those problems.

The professional major would, of course, require the student to take the usual liberal arts foundation, but it would emphasize the professional problems of the criminal justice field. For example, a student might study police patrol, criminal investigation, or even police administration. Here the theory is that the student who has actually been introduced to the terminology, methods, and major questions of the field is much better qualified to undertake the duties of a police officer. We note that in an applied field, such as engineering, no one would argue that a liberal arts or a social science education would be appropriate for one who seeks to be an engineer. That is, if one is going to go out and build bridges, one should study how bridges are built, i.e., take professional courses.

We are asking, then, "Should police officers prepare directly for the job by studying criminal justice matters or by studying social problems?" Or, should they simply take a liberal arts degree which is not preparation for any particular area?

Two groups would tell us that you cannot study directly in an academic setting to do police work. The first group are those career policemen who have always said, "You learn police work in the streets, not in a classroom." I can recall when I came out of police academy after 10 weeks of training, I was told, "Forget everything you learned there. One day in the street will be worth more to you than all of that." Still, I realized over a long period of time that while the street was a great teacher, it did not teach everything that one needs to know.

The second major group that would tell us that you cannot learn police work in an academic setting are the liberal arts elite group, and here they borrow from the British upper class. In the great days of the British Empire, individuals took a degree at Oxford or Cambridge in Greek, Latin, or medieval history and were immedi-



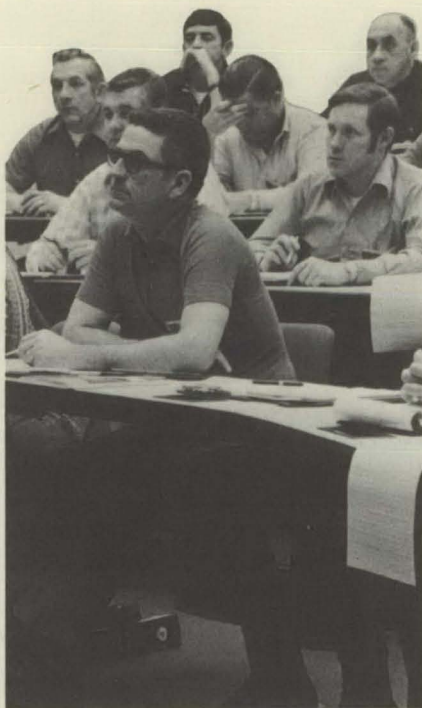
ately sent out to India to administer the waterworks or to Africa to collect the taxes, because it was argued that the educated generalist was vastly superior to the technical person. Of course, in the case of the great British universities, one did not go there unless one came from an upper-middle class or higher family, and great stress was laid on developing the character of a "gentleman." In general, we in the United States have not adhered to the viewpoint that individuals cannot be educated for specific occupations or that education should be the preserve of a small elite.

Of course, many fine professionals in policing and elsewhere have never attended college. In the 19th century, lawyers learned by apprenticing themselves to other lawyers, or engineers learned by going out with a survey crew and picking up the rudiments of civil engineering. But in the 20th century, most of the professions or technical disciplines have concluded that it is more efficient and effective to educate people in the classroom before they go into the field.

#### Findings From Another Field

For purposes of my response to the HEPO report, I examined other professional fields where undergraduate education is often professional in nature. I have, for example, studied undergraduate programs in journalism, an area where holders of the professional B.A. start "on the beat" as it were. My method was to examine the catalogs of some of the leading schools which offer degrees in this area. In this regard, I think we have something to learn from the journalists.

If we examine one of the most prestigious schools of journalism in the United States, that operated by the University of Missouri at Columbia, we find in their catalog a flat statement of their commitment to professionalism:



**"The development of a fully reasoned meaning of the police role in society . . . must be worked out from within the occupation; it cannot be imparted to it by outsiders'."**

"The Bachelor of Journalism degree is a professional degree, and the undergraduate program, with its operating media, is the foundation of the school. . . . The Missouri concept of journalism education deeply involves students in the practical day-to-day work of the communications media. . . . Thus, working shoulder to shoulder with experienced professionals on the faculty and elsewhere, the students learn the professional discipline which can be mastered only in the crucible of daily performance under pressure."

This sounds like the refrain that one can not know police work without walking the beat. However, the Univer-

sity of Missouri's catalog also makes the statement that the journalism student must ". . . be well grounded in the humanities, the social sciences, and the natural sciences." And they allow no more than one-quarter of the student's credits to be taken in professional journalism courses. One also finds similar statements in other catalogs. Yet, the journalism programs also require considerable practical work in the field. Thus, while only one-fourth of the student's course work may be devoted to professional matters, much more than one-fourth of the student's time is so dedicated.

In journalism, one also finds that the professional courses are, in fact, professional. For example, it is common to permit individuals to major in subfields, such as newspapers, magazines, radio, and TV, and courses have titles such as editing or advanced reporting. That is, they are analogous to police patrol or criminal investigation.

The HEPO commission argued that police administration should not be studied by most individuals preparing for the police service. I don't believe individuals who are going to enter the service at the recruit level should be taking extensive management courses, but I see no reason why police trainees cannot study police administration in the same way that those who are going to enter Government service as interns study the American Presidency or the work of the Cabinet. No one suggests that these people are going to be President of the United States, or even in the Cabinet, but only that it will help them in their work if they understand the theory of the Presidency or the Cabinet. In the same way, a patrol officer who understands the theory of police administration will be better able to carry out the work of the organization.



In my view, it is clear that criminal justice, like fields such as business, education, and journalism, will continue to provide professional education at the undergraduate level and that a significant amount of that education will, in fact, be composed of technical courses, as well as applied work in the field. Indeed, as the HEPO commission has pointed out, 58 percent of American undergraduates are enrolled in professional programs. I would also direct attention to a 1971 report on higher education by the Department of Health, Education and Welfare (HEW), which stated:

"The rigid and uniform structure of higher education has prevented the dynamic development and adaptation of training for the professions. For an increasing number of professions, a student must complete 4 years of liberal arts education in order to enter a professional school such as law, medicine, or social work. Once in, he must pursue courses of study which are often unrelated to the practical requirements of his profession, and that frequently make him less interested in the people whom his profession serves. This long academic road often fails to engage students in their work, or to show them the relevance of their studies to their career aspirations.

"We therefore recommend the creation of professional institutes devoted to human service, which will serve two broad goals: to begin professional training during the 1st year of college; and to reflect a new emphasis on training for human service. These innovations will require a number of new operating policies affecting the content and structure of the curriculums."

### **The Professional Content of Policing**

To argue for the abolition of professional courses in criminal justice requires us to posit, among other things, that there is no professional content to policing. I would dispute this view.



**"To argue for the abolition of professional courses in criminal justice requires us to posit . . . that there is no professional content to policing."**

In the first instance, I would cite the necessity for a student who is aiming for a police career to have a fairly comprehensive grasp of criminal law and procedure. I have no doubt that the foundation for such understanding lies in courses in constitutional history and American government. However, these alone are not sufficient to give one the understanding necessary to perform the duties of a police officer. Criminal law and procedure is complex and is based on shifting court decisions. I would also submit that it is beyond the ability of the police academy to truly teach criminal law and procedure unless an inordinate amount of time, beyond that normally spent in police academies, is devoted to the subject. Nor is the teaching of criminal law and procedure in a police academy

without a foundation in history and government necessarily wise. Here we are reminded that a little learning is a dangerous thing, because a student who lacks close familiarity with the spirit and concepts of the law, and yet who is invested with the broad powers of the law enforcement officer, may in fact be dangerous to the society he serves.

Second, I would suggest that a police aspirant become familiar with the area of investigation. Here I am referring to more than criminal investigation or crime scene searches. Rather, I would hope that the courses would deal with the means by which one conducts an inquiry in the broad sense. Again, this requires an underlying foundation of courses in scientific methodology, psychology, public speaking, and other areas. And again, while these are essential, they are not sufficient in themselves. Here we think of the journalist learning the who, what, where, when, why, and how and other facets of his craft.

The next appropriate area of study is what I would call counseling or applied behavioral science. The essence of this area would be how to deal with people and their problems. Again, it is clear that the social sciences in themselves do not give one the essential techniques for dealing with the citizen who has been a crime victim or offender or for dealing with family crises and the disturbed.

The fourth area I would consider essential would be for preservice students to have a very extensive and structured exposure to criminal justice systems of the type given in intern and community laboratory courses. Here the student can apply investigative and counseling techniques and observe the law in action. Again, we draw an analogy with the practical work in journalism.



## Conclusion

Let me say in conclusion that I compliment the HEPO commission and the Police Foundation for their work, and my remarks are directed more at some of the responses which others have made to it. In this respect, I take exception to the views of some individuals who attempt to drive a wedge between practice, that is the profession of policing, and the teaching of criminal justice. For example, one eminent criminal justice educator is quoted as saying that field experience not only is unnecessary but actually undesirable in a faculty member, declaring that "second-career faculty tend to be second class." In this respect, I would ask what constitutes a second career. Is an individual who has been a police officer for a number of years and then decides to teach criminal justice at the college level in his second career, or is he continuing with his first career, namely, criminal justice? Is an individual who is trained as a professor of history or English who cannot find a job and then goes into criminal justice as a second or third choice continuing in his profession, or is that his second career?

At the university level, we do not produce teachers *per se*, that is, people who can teach any subject, as is sometimes done in kindergarten or primary grades. We produce people who are masters of a discipline. An English professor would never be asked to teach history at any decent college or university. Therefore, I would argue that the people who are experienced criminal justice professionals, hold

graduate degrees, and go into the academic world, are continuing their primary careers, and the liberal arts retread, the individual who decides to change fields, may be the one in the second career. Again, I do not argue that police experience is essential, only desirable, or that individuals who change disciplines cannot be successful. But I would think the burden of proof on them is as great as the burden on the individual who leaves police service and goes into the academic world.

**"The content of education for the police will not be determined by a handful of academics with no ties to the profession, but rather by cooperation between police and academics."**

In relation to the question of who should be the students of academic criminal justice, I would argue for a mix of pre and inservice. But I would never choose the former to the exclusion of the latter. If change is to occur in police service, I suggest it will, indeed must, come from within. In this respect, the views of Professor Egon Bittner, as cited by the HEPO commission, are apropos:

"It is clearly not for lawyers, sociologists, or psychologists to develop an intellectually credible version of

what police work should be like. This must be left to scholarly policemen, just as the analogous task is left to scholarly physicians, social workers, or engineers. . . . For the main reason for having professional schools of police work is to make a home for police work-study. It must be their own home, or the enterprise will be dispirited and doomed to failure. The development of a fully reasoned meaning of the police role in society, that might give rise to a range of rationally methodical work procedures, must be worked out from within the occupation; it cannot be imparted to it by outsiders. Outsiders can help in this task, but they cannot take it over. The main reason for this is not that outsiders are not adequately informed but that supplying knowledge from external sources would leave police work intellectually inert."

The content of education for the police will not be determined by a handful of academics with no ties to the profession, but rather by cooperation between police and academics. In sum, I disagree with those in the police profession who say there is nothing to learn from the academic world, but I also disagree with those in the academic world who say there is nothing to learn from the police. And, I strongly oppose the effort to separate police education from police practice. **FBI**

## Law Enforcement Aids

Subject bibliographies on law enforcement (SB-117) and crime and criminal justice (SB-036) are available through the Government Printing Office to interested law enforcement personnel or agencies. Each contains several listings of available government documents dealing with individual topic matters. There is no charge for

the bibliographies, and quantity copies will be provided. Copies may be obtained by written requests directed to C. A. LaBarre, Assistant Public Printer, Superintendent of Documents, Government Printing Office, Washington, D.C. 20401. **FBI**



# The Constitutionality of Routine License Check Stops

## A review of *Delaware v. Prouse*

By DANIEL L. SCHOFIELD

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

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

A fundamental law enforcement activity traditionally used to promote highway safety is stopping motorists for the purpose of determining whether they have a valid driver's license and whether their vehicle is properly registered and inspected. This police practice, often characterized as a routine license check, is frequently accomplished through different procedures. For example, in some instances, a roadblock or license check lane is employed in which all or a predetermined number of vehicles are checked.<sup>1</sup> In other cases, a random stop is made, wherein a particular vehicle is selected by an officer and stopped.<sup>2</sup>

The constitutional propriety of routine license check stops has continued to be the subject of substantial litigation. As outlined in a previous issue of the *FBI Law Enforcement Bulletin*,<sup>3</sup> State and Federal courts have often been inconsistent in their assessment of the constitutional issues raised by these stops. In apparent recognition of the uncertainties generated by those conflicting judicial assessments and the importance of the constitutional and law enforcement objectives implicated, the U.S. Supreme Court recently decided the case of *Delaware v. Prouse*,<sup>4</sup> which involved the constitutionality of a routine license check stop.

It is the object of this article to examine in detail the *Prouse* decision and assess its impact on the frequently used law enforcement practice of stopping motorists to check for license and registration. Furthermore, several recommendations are offered to assist law enforcement agencies in implementing procedures that are consistent with the requirements enunciated by the Supreme Court in the *Prouse* decision.

### Summary of the Facts

The facts of the *Prouse* case are rather simple. At 7:20 p.m. on November 30, 1976, a New Castle County, Del., patrolman in a police cruiser stopped an automobile occupied by Prouse. The patrolman testified that prior to stopping the vehicle he had observed neither traffic or equipment violations nor any suspicious activity, and that he only made the stop in order to check the driver's license and registration. As the patrolman was walking toward the stopped vehicle, he smelled marijuana smoke. The patrolman then observed in plain view some marijuana on the car floor. Prouse was subsequently indicted for illegal possession of a controlled substance. He alleged that the marijuana was seized pursuant to a stop which violated the Constitution and moved to suppress the evidence.



## **“ . . . stopping automobiles and detaining its occupants constitutes a ‘seizure’ within the meaning of the 4th and 14th amendments. . . . ”**

The trial court granted the motion to suppress, finding the stop and detention to have been wholly capricious, and therefore, violative of the fourth amendment. The Delaware Supreme Court affirmed the trial court's decision, noting that “ ‘a random stop of a motorist in the absence of specific articulable facts which justify the stop by indicating a reasonable suspicion that a violation of the law has occurred is constitutionally impermissible. . . . ’ ”<sup>5</sup>

In granting certiorari, the U.S. Supreme Court framed the issue as follows:

“ . . . whether it is an unreasonable seizure under the Fourth and Fourteenth amendments to stop an automobile, being driven on a public highway, for the purpose of checking the driving license of the operator and the registration of the car, where there is neither probable cause to believe nor reasonable suspicion that the car is being driven contrary to the laws governing the operation of motor vehicles or that either the car or any of its occupants is subject to seizure or detention in connection with the violation of any other applicable law.”<sup>6</sup>

Eight Justices of the U.S. Supreme Court affirmed the decision of the Delaware Supreme Court and ruled that the stop in *Prouse* had violated the U.S. Constitution. Essentially, two fundamental questions were addressed by the Court in its opinion. First, does a routine license check stop constitute a warrantless seizure of the person within the context of the fourth amendment to the U.S. Constitution?<sup>7</sup> Second, under what circumstances is a routine license check stop constitutionally reasonable?

### **Does a Routine License Check Constitute a Seizure Within the Fourth Amendment?**

The Supreme Court had little difficulty deciding that stopping automobiles and detaining its occupants constitutes a “seizure” within the meaning of the 4th and 14th amendments, even though the purpose of the stop is limited and the resulting detention quite brief.<sup>8</sup> Accordingly, such stops must meet the constitutional standard of reasonableness, which is designed to safeguard the privacy and security of individuals against arbitrary invasions by Government.<sup>9</sup> The Court noted that in determining whether a particular warrantless seizure is reasonable, the intrusion on an individual's privacy interests must be balanced against both the importance of the governmental objectives to be served and the potential for governmental abuse.<sup>10</sup>

With respect to the competing interests involved in routine license check stops, the Court concluded that a law enforcement officer's signal to pull over to the side of the road may in some instances create substantial anxiety, and at a minimum, constitutes an interference with an individual's freedom of movement and may be both inconvenient and time-consuming. However, the Court also recognized the State's vital interest in insuring that only those who are licensed to operate a motor vehicle do so, and that vehicles be properly registered and fit for safe operation.

With regard to the potential for Government abuse, the legal safeguards generally relied upon to achieve nonarbitrary seizures are: (1) A warrant; (2) articulable facts giving rise to probable cause; and (3) for limited seizures like brief investigative stops, articulable facts amounting to reason-

able suspicion of criminal activity. However, in instances such as the stop in *Prouse*, where the balance of interests precludes the insistence upon some quantum of factual support, the Court ruled that other safeguards are constitutionally required to insure that a motorist's reasonable expectation of privacy is not subjected to the unbridled discretion of a law enforcement officer.<sup>11</sup>

Accordingly, the Court ruled that the discretionary spot check used in *Prouse* was illegal, because there were alternative mechanisms involving less potential for abuse which were adequate to serve the important elements of Delaware's highway safety program.<sup>12</sup> Moreover, the Court did not find very persuasive the argument that spot checks were substantially productive in discovering improperly licensed drivers or unsafe vehicles.<sup>13</sup>

### **Under What Circumstances is a Routine License Check Stop Constitutionally Reasonable?**

While the *Prouse* decision clearly places outside the scope of constitutional permissibility those routine license check stops that are made at random without any articulable suspicion of criminal activity or vehicle code violations, the opinion does provide some guidance as to procedures that might legally be employed to conduct such stops.

For example, a law enforcement officer may check a driver's license and registration whenever a vehicle is otherwise legally stopped as a result of an observed violation of the law. The officer would need an appropriate factual basis to the level of reasonable suspicion to justify a stop under these circumstances.<sup>14</sup>



Moreover, in the absence of an observed violation of law, the Court indicated that a State could develop other objective methods of conducting routine license checks which do not involve the unconstrained exercise of discretion.<sup>15</sup> While not intended to be an exhaustive listing of those possibilities, the *Prouse* opinion seems to suggest that procedures involving either the stopping of virtually all cars by means of a roadblock<sup>16</sup> or the stopping of every 10th car<sup>17</sup> would pass constitutional muster.

### Implications of the *Prouse* Decision

It seems clear from *Prouse* that law enforcement agencies with mandated responsibilities involving highway safety must conduct routine license check stops in accordance with constitutionally acceptable procedures. To assist in implementing these procedures, the following suggestions are offered:

1) Written guidelines should be prepared by a qualified legal adviser and used as part of an ongoing training program so that all law enforcement officers are knowledgeable of the legal limitations on their authority to conduct routine license check stops. In this regard, State statutes which are worded to arguably authorize the random stopping of motorists to conduct routine license check stops should be carefully interpreted so that actions taken pursuant to those statutes do not exceed the constitutional limitations outlined by the Supreme Court in *Prouse*.

2) A complete written report of the facts surrounding the stopping of a motorist should be maintained. This is imperative, because if a particular vehicle is singled out for a stop as a result of an observed violation of law and evidence of criminal activity is subsequently discovered, the admissibility of that evidence will be contingent on the officer's ability to articulate a reasonable suspicion of criminal activity justifying the initial stop.<sup>18</sup>

3) The facts surrounding a routine license check stop should clearly indicate that the stop was made in good faith,<sup>19</sup> and that the primary purpose was to check for a valid license and registration, and not as a pretext or subterfuge for investigating other activity.<sup>20</sup> In that regard, the reasonableness of a seizure is generally determined by making a dual inquiry: (1) Was the officer's seizure justified in its inception? and (2) was the seizure reasonably related in scope to the circumstances which initially justified the intrusion? Applied to a routine license check, this inquiry would essentially be: (1) Was the stop justified in the first place? and (2) was it limited in scope to the sole purpose of checking for a valid license and registration?

### Conclusion

The constitutionality of a particular routine license check stop involves the balancing of legitimate State interests in highway safety against an individual's interests in privacy and freedom of movement. While the *Prouse* decision may have narrowed somewhat the range of procedures that can legitimately be used by law enforcement to conduct routine license check stops, it is clear from the Court's opinion that alternative methods are available which can be both constitutionally acceptable and operationally effective.

Moreover, the position a reviewing court ultimately adopts with respect to a particular stop may in large part depend on the professionalism and fairness demonstrated by the officers making that stop.

**FBI**

### Footnotes

<sup>1</sup> See, e.g., *People v. Andrews*, 484 P. 2d 1207 (Colo. 1971).

<sup>2</sup> See, e.g., *Kraft v. State*, 305 A. 2d 489 (Md. App. 1973).

<sup>3</sup> See, Schofield, "Routine License Checks and the Fourth Amendment," *FBI Law Enforcement Bulletin*, September 1976, pp. 27-31.

<sup>4</sup> 59 L. Ed 2d 660 (1979); See also, *Id.* at 666 n. 2 & 3 for citations to cases illustrating the conflicting results reached by different jurisdictions.

<sup>5</sup> *Delaware v. Prouse*, 382 A. 2d 1359, 1364 (1978).

<sup>6</sup> 59 L. Ed 2d at 665.

<sup>7</sup> U.S. Const. Amend. IV provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

<sup>8</sup> 59 L. Ed 2d at 667.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 668.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 671.

<sup>13</sup> In that regard, the Court said, "Absent some empirical data to the contrary, it must be assumed that finding an unlicensed driver among those who commit traffic violations is a much more likely event than finding an unlicensed driver by choosing randomly from the entire universe of drivers." *Id.* at 671-672.

<sup>14</sup> *Id.* at 673.

<sup>15</sup> In a footnote, the Court made clear that its decision did not cast doubt on the permissibility of roadside truck weigh-stations and inspection checkpoints, where some vehicles may be subject to further detention for safety and regulatory inspection than others. *Id.* at 674, N. 26.

<sup>16</sup> *Id.* at 674.

<sup>17</sup> *Id.* at 674 (Blackmun concurring).

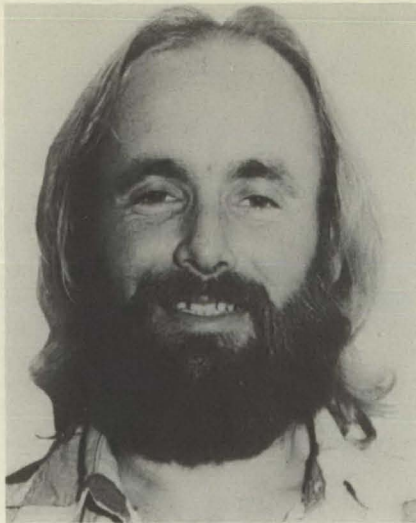
<sup>18</sup> See, *United States v. Soto-Soto*, 598 F. 2d 545, 547 (9th Cir. 1979).

<sup>19</sup> In the recent case of *United States v. Dunbar*, 470 F. Supp. 704 (D. Conn. 1979), a Federal district court ruled that a police officer's good faith belief that defendant was lost was not a sufficient basis for the officer to stop the defendant's vehicle. The court therefore suppressed evidence that the officer observed in plain view as a result of the stop.

<sup>20</sup> See, *United States v. Cupps*, 503 F. 2d 277 (6th Cir. 1974).



# WANTED BY THE FBI



Photograph taken 1975.

## Jackie Lee Lindsey

Jackie Lee Lindsey, also known as Jack Lindsey, Jack L. Lindsey, Jack Lee Lindsey, Jackie Lindsey, "J," "Jay," Jumpin' Jack, Jumping Jack.

## Wanted For:

Interstate flight—Murder.

## The Crime

Lindsey, who is believed to be heavily armed with automatic weapons including .380-caliber and .22-caliber pistols, is being sought for the shooting murder of a Missouri police officer. While stopped for a routine traffic stop, Lindsey allegedly opened fire and shot the officer in the head, killing him instantly. Lindsey is also being sought by Missouri authorities for the sale of a controlled substance.

A Federal warrant was issued for Lindsey's arrest on August 18, 1978, at St. Louis, Mo.

## Criminal Record

Lindsey has been convicted of selling a controlled substance.

## Description

Age .....	32, born June 17, 1947, St. Charles, Mo.
Height .....	5'10".
Weight .....	160 pounds.
Build .....	Slender.
Hair .....	Dirty blond or light brown.
Eyes .....	Blue or green.
Complexion .....	Fair.
Race .....	White.
Nationality .....	American.
Occupations .....	Heavy equipment operator, hoisting engineer, operating engineer.
Remarks .....	Reportedly alters style and color of hair, as well as beard and mustache; wears turquoise rings and bracelets.
Social Security No. Used .....	488-48-3158.
FBI No. ....	325, 464 Pl.

## 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.

## Caution

Lindsey is to be considered heavily armed and extremely dangerous.

## Classification Data:

NCIC Classification:

PO631828242012152520

Fingerprint Classification:

13 O 1 R 000 24

L 17 U 000



Right thumb print.



# Change of Address

Not an order form

# FBI LAW ENFORCEMENT BULLETIN

**Complete this form and return to:**

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

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

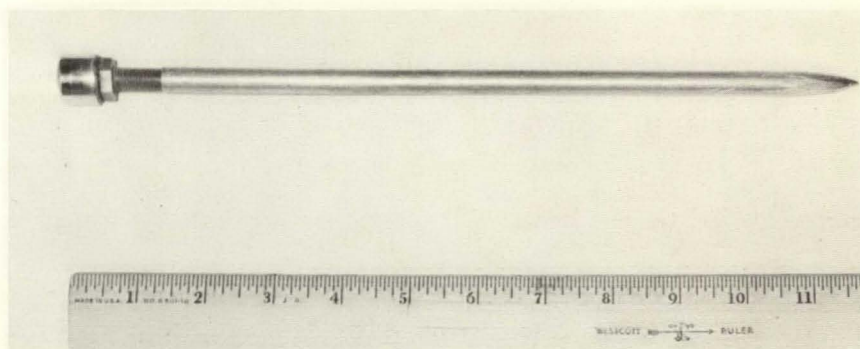
## Custom Plumbing

Department of Correction officials in Valhalla, N.Y., advise that a recent penitentiary search produced a crude, concealed weapon, handmade from a 12-inch brass lavatory valve rod.

Normally, the rod, which has a time-release water valve pushbutton at one end, extends downward through the fixture and into the wall. The opposite end is linked by a cotter key to internal plumbing.

Once the key has been broken, however, the rod can be extracted and easily honed to a point by manually rubbing it against an abrasive surface, such as a concrete floor.

Law enforcement authorities should recognize that these plumbing fixtures can present a potential danger.





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

Official Business  
Penalty for Private Use \$300  
Address Correction Requested

Postage and Fees Paid  
Federal Bureau of Investigation  
JUS-432

Controlled Circulation Rate



## Interesting Pattern

This pattern presents no problem as to classification. The overall configuration of the formation, with the three loops and three deltas, is most unusual and interesting. It is classified as an accidental whorl with an inner tracing.

