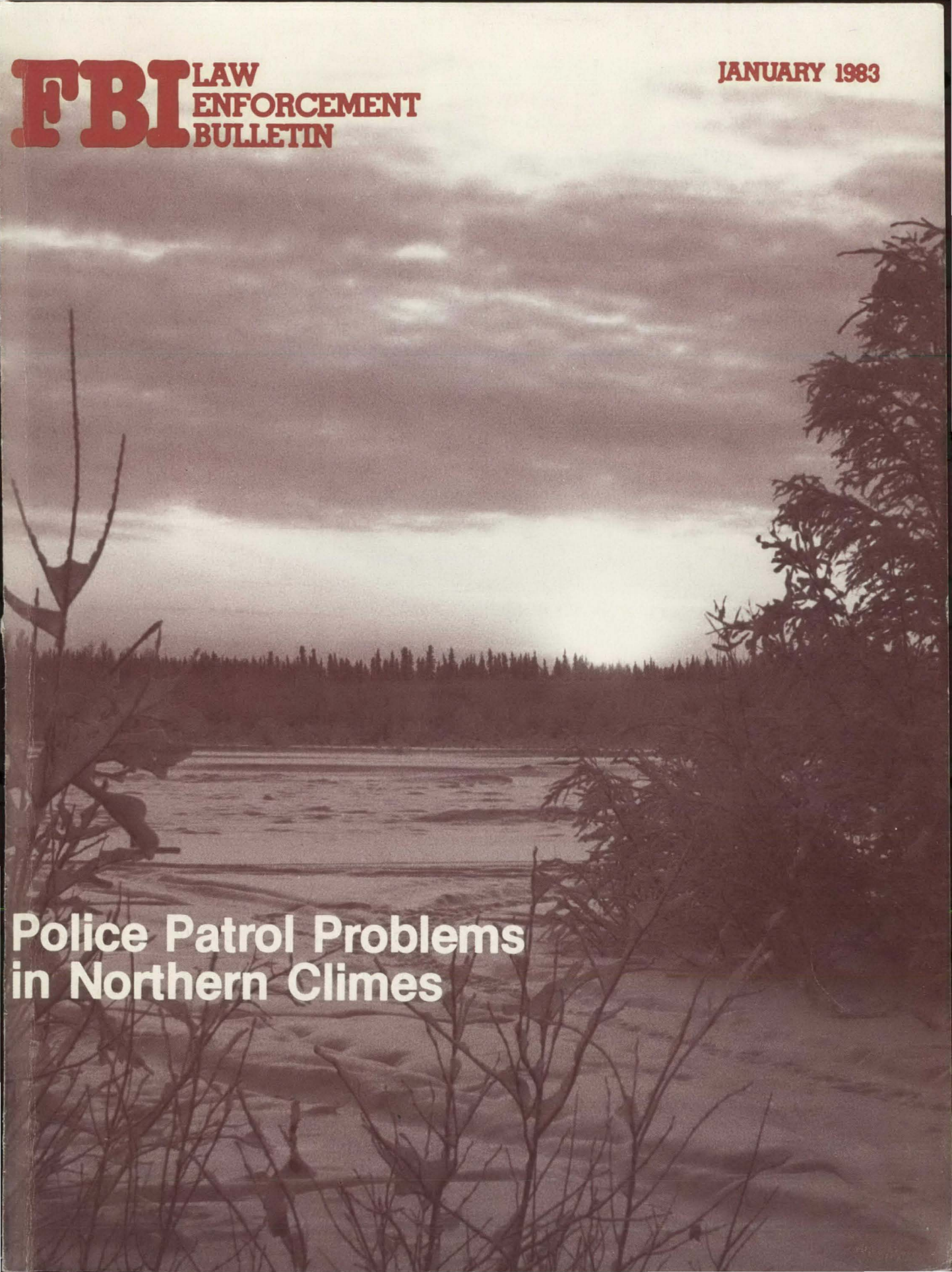
FBI LAW ENFORCEMENT BULLETIN

JANUARY 1983

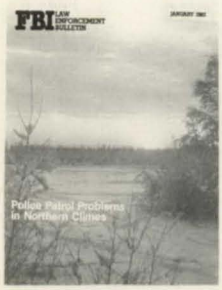


Police Patrol Problems in Northern Climes

FBI LAW ENFORCEMENT BULLETIN

JANUARY 1983, VOLUME 52, NUMBER 1

Contents



The Cover
The equipment used while patrolling during severe winter weather merits special attention. See article p. 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 February 21, 1983.

Published by the Office of Congressional and Public Affairs,
Roger S. Young, *Assistant Director*

Editor—Thomas J. Deakin
Assistant Editor—Kathryn E. Sulewski
Art Director—Kevin J. Mulholland
Writer/Editor—Karen McCarron
Production Manager—Jeffrey L. Summers
Reprints—Mary Ellen Drotar

ISSN 0014-5688 USPS 383-310

Police Patrol Problems in Northern Climes

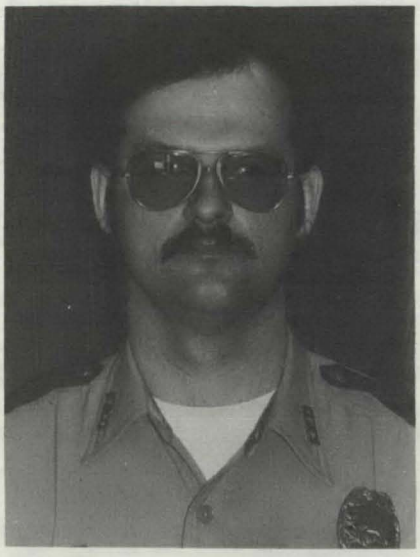
By
JOHN C. KAIRIS
Training Officer
Police Department
Fairbanks, Alaska

No! There's the land. (Have you seen it?)
It's the cussedest land that I know,
From the big, dizzy mountains that screen it
To the deep, deathlike valleys below.

Some say God was tired when He made it;
Some say it's a fine land to shun;
Maybe; but there's some as would trade it
For no land on earth—and I'm one.

You come to get rich (damned good reason);
You feel like an exile at first;
You hate it like hell for a season,
And then you are worse than the worst.

It grips you like some kinds of sinning;
It twists you from foe to a friend;
It seems it's been since the beginning;
It seems it will be to the end.[1]



Officer Kairis

Matthew K. Kiernan
Chief of Police

Law enforcement is a demanding profession calling for alertness and foresight in performing tasks associated with public safety. Compound this task difficulty with adverse arctic environmental conditions and the term "public safety" takes on new meaning.

For the police officer assigned to patrol, personal equipment and attire are extremely important. With temperatures plummeting to 40° to 60° F below zero for weeks at a time, remaining safe and able to function becomes vital.

In 1981, the Alaska Department of Public Safety conducted 427 search and rescue operations throughout the State of Alaska. Based upon an approximate population of 400,000, this is a ratio of 1 search and rescue operation for each 937 citizens.

Officers are instructed to be prepared to be outside for up to 1 hour before relief. Some extended situations include major traffic accident scenes, off-the-road plane crashes, barricaded gunmen, or traffic control and direction.

This article will discuss the adaptation techniques of law enforcement personnel to the arctic conditions in interior Alaska, with emphasis being placed on the practical methods of meeting unfavorable conditions. These methods may also be applicable to other jurisdictions facing severe winter conditions.

Eyeglasses

After being in the cold, eyeglasses fog upon entering a warm room. There are commercially prepared glycerin/alcohol sprays that may be applied to clean lenses to reduce this fogging. Contact lenses are an alternative for those who must have their vision corrected. Metal-rimmed eyeglasses will transmit cold and may cause localized frostbite on the cheeks.

Gloves

Gloves are a personal choice. The thin, metalized inner gloves commonly found in sporting goods stores are effective when worn under another pair of gloves. When necessary, the outer glove may be flung off and the thin inner glove protects the officer from having his flesh stick to cold objects, such as door handles, and provides some warmth. Also available is a thin, semisheer, dark nylon glove that may be used as the inner glove. Dexterity is not significantly hindered when wearing these inner gloves.

Undergarments

The classic cotton blend "longjohns" have met the test of time. Officers should dress using the theory of "layering." As temperatures change, or when the officer is indoors for an extended period, he may alter his outer garments to compensate. A further advantage is realized as the officer may patrol in moderate temperatures of 0° to 30° F above zero without outer garments and remain comfortable.

Weapon Preparation

A clean and dry weapon is essential. The recommended procedure is to clean and dry the weapon thoroughly and use gun oil only when necessary. Gun oil will freeze and result in sluggish or inoperable weapons. A wise rust preventative measure is to wipe the weapon, prior to or after patrol, with a silicone-impregnated cloth.

Flashlights

Battery performance decreases when the batteries are subjected to cold temperatures. The standard "D" cell flashlight does not pierce the winter darkness or provide bright illumination for long periods of time. Most officers use a flashlight that is rechargeable and projects approximately 20,000 candlepower. An orange plastic flashlight cone assists in traffic control and direction.

Personal Items

In cold climates, low humidity can cause skin to dry and chap. A small tube of chapping preventative, easily carried in a pocket, can prevent chapped lips. Hand ointment, carried in the patrol vehicle, assists in preventing chapping. Any items subject to freezing which are carried in the patrol vehicle must be taken indoors at the end of the shift. "Seat organizers" prove to be invaluable in these situations.

Officers are issued both a duty jacket for temperatures of down to −20° F and a parka for temperatures below −5° F, depending upon individual tolerance level. There will be occasions on patrol that the duty jacket is preferable for investigations, service calls, traffic stops, etc. However, the parka may be necessary for periods of prolonged exposure at the scene of a traffic accident. The parka is easily stored in a sleeping bag "stuffsack." This keeps the parka clean while being stored in the patrol vehicle for immediate use.

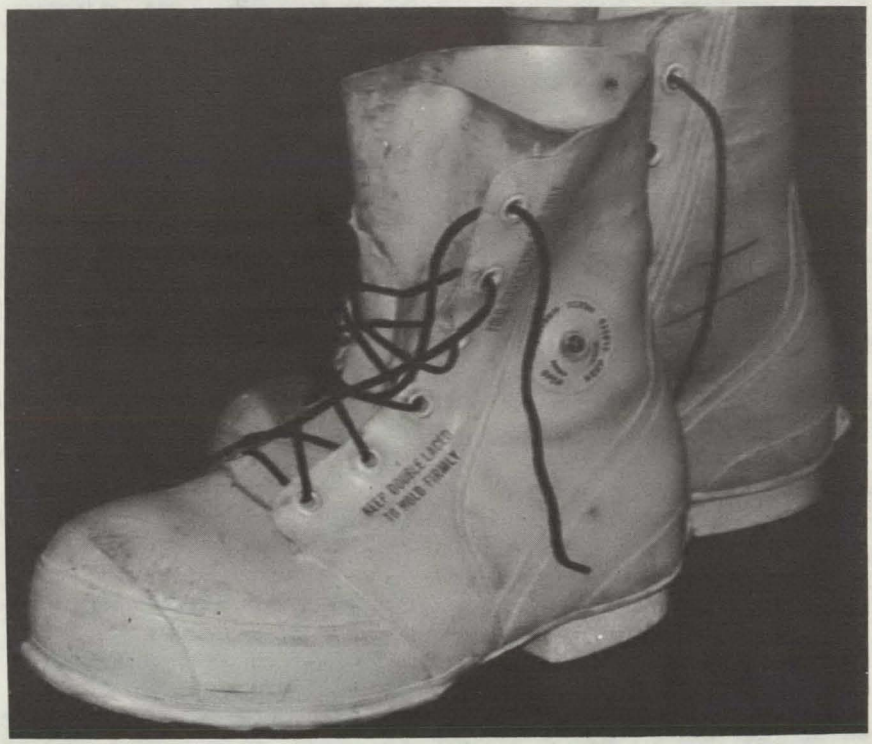
A parka for field use is down-filled and includes a mouton collar that may be "bunched up" to cover the neck and ears. Note the zippers at the sides to allow weapon and equipment access.

For patrol duties requiring extended periods outdoors, an officer may wish to wear insulated pants (also known as "flight pants") and "VB" boots. "VB" boots, also known as "bunny boots," are water vapor, transmission-resistant arctic boots used by the military. "VB" boots give a bulbous appearance that may not meet regulation but they do prevent frostbite. All footwear, regardless of type, become worthless insulators should they become moist or wet by either perspiration or immersion. Dry and well-maintained footwear is essential for comfort and safety.

A knit pullover hat or face mask lessens exposure of flesh to the elements. Down-filled face masks and ear-warmer headbands are also available through selected stores or specialty catalogs. A duffle bag is a convenient way to carry these garments for easy storage and access.

Flares

Flares or fusees are excellent



"VB" boots

A patrol vehicle "plugged-in" to keep the engine warm. Note the cord extending from the grille area.

warning devices for winter use. However, at bitterly cold temperatures, the simple act of igniting a flare is made more difficult by the cold hardening the flare's striker. It becomes almost impossible to summon the digital dexterity and strength to expose the striker. Therefore, the officer should carry in his duty jacket or parka pocket a striker from a used flare available for instant use.

Patrol Vehicles

An emergency vehicle must operate reliably at extreme temperatures. Additives to reduce moisture within the fuel system are advised to prevent line freezing in both gasoline and diesel engines. A canvas-type fabric cover on the vehicle's grille will prevent air flow through the radiator, produce a smoother operating engine, and increase interior cab temperatures. The cover should be removed when temperatures start climbing above 0° F to prevent overheating.

Canister-type engine block heaters are installed as part of the coolant system to keep the engine warm through convection heating. When a patrol vehicle is parked for an extended period of time, the vehicle is plugged into a source of 120 VAC to ensure it starts.

High-quality crankcase oil should be used in patrol vehicles throughout the year. These oils work well unless a vehicle has been left "unplugged" for days at subzero temperatures. After this, the oil thickens and the vehicle's cranking power is rapidly used to overcome internal engine resistance. The vehicle must be towed to a warm garage to thaw or be heated in the field by a portable, high-capacity forced air heater.

When driving, a window should be left partially open to reduce fogging. Prisoner screens may prevent the free circulation of warm air within the cab if they are of solid material. Some screens are made of solid, clear material behind the driver, with expanded metal screening for the passenger side, allowing air circulation without interior fogging.

To prevent premature wear of the carpet or floormat areas, carpet samples may be purchased at nominal prices from retail carpet outlets. These samples fit the floor areas well and are cheaply and easily replaced.

Vinyl vehicle seats become brittle in the cold and crack. Cloth-covered seats are preferable for both comfort and durability.

Radial studded snow tires have been adopted in our department because they improve starting traction; however, they are no better than "all-weather" tires in stopping on ice-covered roads.

All tires develop a "flat" spot when parked. Moderate driving soon warms the tires, and they function normally. During spring and summer, radial highway tires are used.

Since officers spend much time on patrol, hazards of carbon monoxide poisoning are very real. Officers should recognize some of the symptoms, including a low-grade, throbbing headache, flushed appearance with "cherry-red" lips, lack of energy, faintness, dizziness, ringing in the ears, and vomiting.

Field Work

The ink in a common ballpoint pen freezes in extremely cold temperatures. Officers should use a mechanical lead pencil to make field diagrams and notes and later rewrite the infor-

At extreme temperatures, moisture as expelled by heating units or vehicle exhaust crystallizes and is suspended in the air giving a unique manmade "ice fog." Traffic hazards that are present in any fog situation are only compounded by the cold.

mation in ink.

Double-paned and triple-paned windows are becoming more common. Thus, when using an irritant gas, it is necessary to break the glass prior to delivering the gas cannister(s). Portals to many residences and stores have "artic entries" which are enclosed entryways that act as an "airlock" to limit the release of warm air to the outdoors and the infiltration of cold air. For officer safety, tactical entry plans must be modified for such constructions.

When used in the cold, gas masks must also be modified to prevent fogging and water condensation/freezing. On the eye lens, an outer lens may be added to create an effective double-paned window. A winterizing kit, with rubber disc valves and a fabric cover over the air intake, is available upon special order. As the officer breathes, ice crystals form on the outer fabric.

When breathing becomes difficult, the officer merely pulls the velcro-tabbed cover, shakes the crystals off, and replaces the cover.

Investigation of footprints or tire tracks in snow has spawned a technique of casting using a hot sulfur slurry. Bulk sulfur, which may be purchased from a chemical supply house or pharmacy, is heated in a pan over a field heater or hotplate until it melts. The slurry is removed from the heat and when recrystallization begins, the slurry is quickly poured into the track or print, providing an excellent cast without melting the snow. Plaster casting is feasible because of the latent heat content and long setup time. Silicone casting techniques may be used at warmer temperatures.

Occasionally, metal objects such as keys or weapons are disposed of beneath the snow by suspects. A portable metal detector is valuable in these cases. However, measures to ensure battery warmth or additional fresh batteries may be necessary.

If all of these measures fail to aid the patrol officer in combating crime during winter, a final panacea is recommended—HAWAII!

FBI

Footnote

Robert Service, "The Spell of the Yukon," *The Collected Poems of Robert Service* (New York: Dodd, Mead and Company, 1944).

Writing for Managers

By
NANCY C. HOFFMAN
Administrative Officer I
Staff Development
and Training
and
GLEN PLUTSCHAK
Administrative Officer I
Maryland Division
of Parole and Probation
Towson, Md.

"A well-written letter or memo is one in which you hear the writer talking."

BUREAUCRATIC: The ensuing dissertation has been deliberatively formulated in order to call the peruser's attention to the fact that there exist a myriad of methodologies for maximizing the effectiveness of his or her written manuscripts as well as provide a vehicle for said peruser's personal edification.

TRANSLATION: This article outlines a set of rules to make your writing more readable.

How many times have you read a bureaucratic sentence like the one given above and wished that someone had provided a translation? If you are like most of us, the answer is "too often." Unfortunately, many criminal justice professionals learn this bureaucratic style of writing early in their careers. As a result, their message is often obscured or totally lost.

The importance of the written word in documenting and sharing information in the criminal justice system is well established. Writing which most effectively fulfills this function is that which adheres to the 4 C's—clear, concise, complete, and correct. The literature on the subject of effective writing contains numerous sets of rules. The following guides to good writing represent the basic concepts found in this literature.

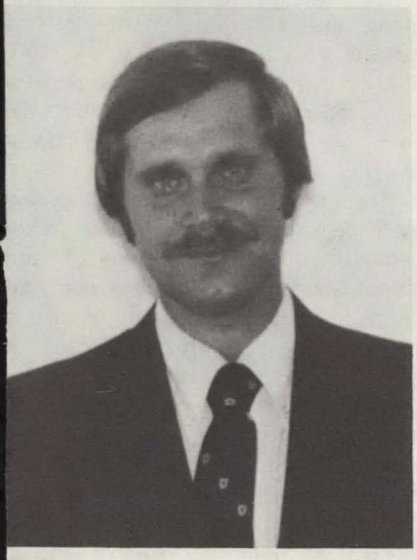
Know Your Reader

Knowing your reader is the first rule of any written communication. In part, this involves being aware of some general reader characteristics. Readers are lazy—on an average, they spend only 20 seconds reading each typewritten page. If the document looks like it is hard to read, the reader will not read it at all. Furthermore, readers usually have other things on their minds and are generally not interested in what you have to say.

You should also consider the level of difficulty at which you write. Some of the most widely read publications, such as *Time, Newsweek,* and *Reader's Digest,* are written on a 10th and 11th grade level. Naturally, our readers could read anything if forced to; however, because the competition for their time and attention is so great, readers appreciate clear and concise writing. According to Robert Gunning, author of *How to Take the Fog Out of Writing,* "too many of us write for the filing cabinet instead of for the reader."[1]

The reader's knowledge of the subject matter is another important variable. In some cases, it may be

Ms. Hoffman



Mr. Plutschak

necessary for you to give background information to get your meaning across. Conversely, you may lose your reader by providing unnecessary details. The point is not to frustrate your reader by giving too little or too much information.

Know Your Purpose

Have you ever received a letter or memo which caused you to pause and ask yourself one or more of the following questions:

1) What does this mean?
2) What am I supposed to do?
3) Why am I being told?

This problem arises when a writer has not taken the time to give prior thought to his purpose so that he can be sure it is expressed clearly. Generally, the purpose of any writing is to inform, persuade, document, and/or request. A good rule is to state your purpose early in your writing. This will avoid the "mystery story" approach, which keeps the reader in suspense. Remember that one of the reader characteristics is that readers are lazy and may tire and lose interest in what you have to say before you even have a chance to state your purpose. Therefore, a good writer will state his purpose in the first sentence or paragraph. This is what is referred to as "prime time" and is intended to grab your reader's attention.

The concluding sentence or paragraph is the second most important part of your writing. It is called the "pitch" because it should leave the reader with specific instructions, feelings, or an impression.

Write The Way You Talk

A well-written letter or memo is one in which you hear the writer talking. You should picture the reader standing before you and then ask yourself, "What do I want to say to him?" This will help you to use simple words and sentences, avoiding obscure and bureaucratic writing.

Bureaucrats have a habit of selecting a longer word when the more natural and simple word would get the message across better. For example, bureaucratics never:

—Read your proposals—they always take them under *advisement*.
—Speed up the work of government—they *expedite* it.
—Lower requirements—they *minimize* them.
—Increase a program's effectiveness—they *maximize* it.

Take a deep breath and read the following:

Dear Nancy:

Please be advised that on 4/15 Messrs. Jim Cohn and Dale Denton are scheduled to attend the task force meeting on the recent integrated time phased reorganization and it should also be noted that on that date I will be unavailable for my regular duties due to scheduled leave. It is respectfully requested that you consider this matter and determine if either of these gentlemen could be excused from attending the task force meeting.

Can you imagine talking to Nancy this way if you spoke to her in the office? Not only are the words too bureaucratic, but the sentences are too long. As a rule, readers will have to reread sentences of over 17 words. Therefore, it is a good idea to keep your sentences short.

"One way to keep your writing concise and specific is to use as few words as possible."

Naturally, in writing the way you talk, avoid the use of slang and more loose expressions.

Be Concise And Specific

This story shows how important it can be to keep your writing concise and specific.

Plumber's Story

A plumber wrote to Washington saying that he had been using hydrochloric acid for cleaning clogged drain pipes, had found it very effective, and wanted to know if this was all right.

The bureau in Washington wrote back and said, "The efficiency of hydrochloric acid is indisputable, but the corrosive residue is incompatible with metallic permanence.

The plumber sent a postcard: "Glad to see you agree with me."

Another letter from the bureau came: "We cannot assume responsibility for the production of noxious residue with the use of hydrochloric acid." The plumber wrote back saying he was glad they accepted his suggestions.

Then the bureau sent him this message: "Don't use hydrochloric acid. It eats hell out of the pipes."

As the plumber's story illustrates, writing that is not concise and specific may cause the reader to miss totally the intended message.

One way to keep your writing concise and specific is to use as few words as possible. For example, a phrase such as "in view of the fact that" should be shortened to one word—"since." Other examples include:

At the present time—now
In the event that—if
In the near future—soon

It is also a good idea to use terms your reader can picture by using the most concrete word or phrase possible. By so doing, you will be sure your message is not confused. Don't ask your reader for a reply in a couple of weeks when you really mean to say that you need it by March 3d.

Use Action Language

Action language refers to sentence structure in which the subject is the doer of the action. Without going into the grammatical rules involved, it is suggested that the writer should use the active rather than the passive voice, where possible. We can best illustrate what we mean by example.

Passive—It has been recommended by the committee.
Active—The committee recommends.
Passive—The client was seen by me.
Active—I saw the client.

There are several reasons for preferring the active over the passive voice. The passive voice makes writing boring while the active voice is more direct, vigorous, and emphatic. In addition, the active voice uses fewer words.

The passive voice is often used to avoid taking responsibility. Sometimes it is obvious that the writer is "pussyfooting," as in the following statement: "After careful consideration, your request for reimbursement has been denied." The passive voice is used here so that the writer can avoid saying *who* denied the reimbursement.

Use Variety

Robert Gunning said, "No prose suffers more from sameness than American business English. Nearly every letter and report has the same high level of dullness and unnecessary complexity." [2] How, then, can we add variety to our writing? Basically, we have only four tools—words, sentences, punctuation, and format.

We have encouraged you to use simple, natural, concrete words and sentences. However, do not let this restrain your creativity. Be yourself! Allow your style and personality to be reflected in what you write. In this way, your writing will always have an individual flair.

Your individualism can be expressed through variations in word selection, sentence structure, and punctuation. Do not become overly attached to "pet" words or repetitious sentence structure. Review the rules of punctuation so you can vary your sentence structure even more. Make full use of dashes, parentheses, colons, semicolons, exclamation points, and quotation marks.

The only other method you have of adding variety to your writing is through good use of format. By format we are referring to the appearance of the written document. A reader can be motivated by format alone.

Have you ever hesitated to read a document only because it looked difficult to read? If so, the author could have benefited by better use of format. What about those college textbooks with no illustrations, minute print, and pages that appear to have millions of words on them?

Two important parts of format are appropriate margin size and the proper use of paragraphs to break up your writing. As a rule of thumb, try to limit the size of paragraphs to 12 typewritten lines. When the material covers several different topics, group your paragraphs under topic headings. Other helpful tools for improved format include the use of charts and graphs which can often explain your thoughts more effectively than a narrative approach. Likewise, the use of lists can also be effective. Finally, to add emphasis to your writing, don't forget the benefits of underlining, different ink color, and all capital letters.

Keep Your Tone Appropriate

Tone refers not to what we say, but how we say it. Inappropriate tone usually results from failure to consider how our writing will sound to the reader. Here are some examples that show how easily inappropriate tone can creep in:

—Your statement about the treatment you received from one of our employees is indeed surprising because we instruct all our employees to be civil, kind, and thoughtful, even under the most trying circumstances.

—You misunderstood the statement in our memorandum of November 25th.

While what is said in the examples may very well be true, both statements imply that the reader is at fault. This approach will obviously alienate the reader. Always keep in mind that the written word can express feelings almost as well as the spoken word. Written communications can be friendly, courteous, thoughtful, and professional, or they can be abrasive, angry, and sarcastic.

One good way to keep your tone appropriate is to make your language positive. For example, why say, "I cannot come to your home before August 8th" when you could say, "I can come to your home after August 8th." Why say, "Certification will not be issued until you complete item 9" when you could say, "Certification will be issued when you complete item 9." There is a certain weakness inherent in the word *not.* Readers generally are more interested in being told what *is* as opposed to being told what *is not.*

Always Reread

Rereading is the most important guide to good writing. Always revise and edit. Never send out something without rereading and taking it apart and rewriting, if necessary. Remember your writing is a reflection of yourself. Many times, you do not have the opportunity to meet your reader. Consequently, any impression the reader makes of you may be based strictly on your written work.

It is a good idea to walk away from something you have written before rereading. A time lapse between the completion of the document and the rereading may help the writer detect errors originally overlooked. This happens because the writer has distanced himself from his work and is, therefore, more objective.

You may also want to have someone else review your writing. This is particularly helpful in picking up inappropriate tone. For example, when we write something in anger, another person may be better able to detect this inadvertent expression of anger.

Although you may think that you have complied with all the guides to good writing, it is this guide—rereading—that will insure this.

A final word: When reviewing anything you have written, always ask yourself this question, "Is this something *I* would want to read?" MAKE YOUR ANSWER HONEST. **FBI**

Footnotes

[1] Robert Gunning, *How to Take the Fog Out of Writing* (Chicago: The Dartnell Corp., 1964).

[2] *Ibid.*

The Performance Appraisal Interview

By
CAPT. EDWIN L. MOREAU
Police Department
Winston-Salem, N.C.

Performance evaluations have prevailed since the time one man began working for another. While these evaluations have developed just recently into written, structured documents, questions pertaining to an employee's job performance have always been asked. How is the employee doing? Could this employee do more? What are his career goals? What can we do to make this employee perform better? These questions, spoken and unspoken, are presented daily and are actually performance evaluations.

Although structured performance appraisals have been used by private industry and law enforcement since the 1960's, it wasn't until the early 1970's that these evaluations became the basis for determining merit increases, promotions, transfers, and decisionmaking.[1] Early evaluations complied with the growth of American industry and the managerial motivation theories that abounded at the time. Managers looked at Abraham Maslow's Hierarchy-of-Needs Theory and set forth evaluation systems to determine where their employees placed on the hierarchy, where they were going, and how the satisfaction of these needs were actually affecting employee performance. Evaluations also tested the employees' performance against the Motivation-Hygiene Theory of Frederick Herzberg.

Managers quickly realized that structured performance evaluations were excellent for documenting their decisionmaking activities. As labor became more organized, managers were forced to "show cause" for their various personnel decisions, e.g., raises, denials of raises, promotions, denials of promotions, requests for additional personnel, transfers, etc. Almost every decision made by management could be supported by a reliable performance appraisal system.

As performance evaluation systems evolved, they took many forms. Basically, two forms are currently used by managers. With the structured, written form, the employee is evaluated toward set standards, criteria, and goals concerning the job assignment. In the second part, the supervisor/employee evaluation interview, the employee is made aware of how the supervisor perceives his job performance. The supervisor discusses the written evaluation with the employee and provides feedback on how the employee is doing in his present position. This is also a time for feedback to the supervisor of the employee's feelings, desires, goals, and fulfilled and unfulfilled job expectations. This evaluation interview is one of the main supervisory tools available to management today. It can be a rewarding experience for both the employee and supervisor.

Preparation

The employee performance appraisal interview is usually not one of the duties a supervisor looks forward to, unless he is fortunate to manage only high-quality performers as employees. Unfortunately, there are few supervisors in law enforcement or business who enjoy this luxury, and these are normally supervisors of "special" units who have had the opportunity to hand pick their subordinates. Most supervisors have a mixture of high, marginal, and low performers. Interview sessions involving marginal and low performers can be very disconcerting and stressful to the supervisor. Douglas McGregor once said that supervisors have "a normal dislike of having to criticize an employee." [2] Additionally, a supervisor, like anyone else, does not like to hear uncomplimentary remarks about himself and his unit, which frequently is the case in interviews with low performers as their defensive mechanisms are set in gear to combat the supervisor's criticism of their job performance.

Even though the appraisal may present unpleasant moments for the supervisor and employee alike, it is an extremely important tool. One bad interview can destroy a favorable relationship that has existed for some time and quite possibly set an unfavorable climate for the future. However, one good interview can establish a relationship of mutual trust and understanding that could carry on forever.

Captain Moreau

L. A. Powell
Chief of Police

The appraisal interview presents a unique opportunity for two-way communication at that particular level of the organization. It is an opportunity to recognize the quality performance of an exceptional employee. Likewise, it is an opportunity to assist or coach the marginal- or low-performance employee to improve job performance. To some supervisors or managers, the appraisal interview is "forced" communication, and they have strong feelings against such circumstances. However, other than the cursory communication in the hall, locker room, or line-up room, many supervisors communicate very little with their employees, and this forced communication is often better than none at all.

The appraisal interview could possibly be one of the most important training sessions an employee or supervisor, in some cases, has during the year. There is actual one-on-one, face-to-face dialog between the instructor (supervisor) and the student (employee). This would be considered the ultimate training session by any instructor or student. For the period of time the two are together, they have each other's undivided attention. There is no sharing of each other's time with third-party problems. The "instruction" can proceed at the pace of the employee, not, as in classroom settings, as slow as the slowest student or as fast as the sharpest student. As an instructor for over 15 years, I have yet to encounter this opportunity outside the interview setting.

Handled properly, the appraisal interview can provide several advantages for the employee, the supervisor, and the organization. The interview provides personal feedback to the employee. Personal feedback has almost universally proved to have a strong relationship to job satisfaction and productivity. The interview can provide the employee a broader understanding of why and how he needs to modify work behavior or performance to improve both personal and organizational effectiveness. The interview can instill self-confidence in the employee, as well as more confidence or trust in the supervisor and the supervisor's actions. This self-confidence can lead to greater creativity by the employee which, in turn, leads to greater creativity in problem solving for the organization because of increased employee input. A cooperative climate develops which increases individual and subsequently group motivation toward achieving performance and organizational goals. Increased employee self-confidence and self-reliance improve as an employee develops the ability to recognize problems and act upon them without additional supervisory assistance. This allows the supervisor to concentrate on other management functions and activities. The sum of these positive effects results in less supervisory reluctance to discuss problems and possible solutions to these problems with the employees.

"The appraisal interview presents a unique opportunity for two-way communication. . . ."

"Handled properly, the appraisal interview can provide several advantages for the employee, the supervisor, and the organization."

Another possible benefit of properly conducted interviews is that reports of these interviews provide documentation for the reasons behind many of the supervisor's decisions. The transfer of personnel is often linked directly to the evaluation interview where managers attempt to work with employees in formulating career paths. After a positive exchange between the supervisor and employee, often new or self-enriching assignments are needed to motivate an employee. The appraisal interview and its subsequent documentation will support the move.

Additionally, with the growth of a breed of questioning, rights-conscious workers, organizations and managers can expect to be challenged in their decisions. The performance appraisal documentation is being introduced increasingly into court proceedings to combat discrimination claims. Assignments, attitudes, and performance records agreed on by both management and the employee are often prima facie evidence of fair employment practices.[3]

Before getting into a discussion of the interview itself, there are several areas which a supervisor/manager must fully understand in order to make the interview worthwhile. Perhaps the most basic is understanding and subsequently avoiding the several obstacles which stand in the way of a rewarding interview.

Failure to accept a subordinate as a person can ruin a supervisor or manager. The supervisor/manager must realize that regardless of the position held, the employee has individual opinions and ideas. These ideas should be listened to, accepted, and considered. Whether they are useful or constructive, it is important that the employee have the opportunity to express them. Additionally, each employee has prejudices, likes and dislikes, and fears. By understanding these, the astute manager can improve the working environment, thus improving the chance of increased performance.

Not to be contradictory, the supervisor must also not be overly concerned with why a subordinate acts the way he does, rather he (the supervisor) must seek answers for improving the employee's performance.

A supervisor/manager often falls into the trap of playing amateur psychologist by trying to label employees into certain categories. Examples of this are tagging employees with "bad attitudes," "hot tempers," or "poor self-image." Since most managers do not have the background to make such prognostications, they fall into the trap of trying to treat the "illness" without having fully diagnosed the disease. Labeling an employee and subsequently treating the disease can lead to a form of self-fulfilling prophecy on the part of the employee. His exposure to the manager's cure can give him the disease.

Once a supervisor understands that the employee is a person with individual beliefs and feelings, it is the supervisor/manager's responsibility to develop listening and interviewing techniques to determine an employee's problems without developing the appearance of prying. The feeling of having someone peer into your personal life is one of the great turnoffs for most people. Open, responsive communication can bring out this information without inducing the feeling of prying.

The final obstacle is that of using the interview to punish the employee. The interview is to be a fact-finding, information-sharing, problem-solving intercourse, not a place for disciplinary actions. Once the criteria are set, discussed fully, and agreed upon, the failures can be dealt with later. If the employee believes he is going to the interview to be reprimanded, he will begin to set his defensive mechanisms in order and the interview will be worthless, as it will be with either a one-way conversation or a two-way shouting match.[4]

The Interview

The interview itself, as previously mentioned, is one of the most important actions of a supervisor/manager. The atmosphere/setting must be structured to ensure everything is covered correctly and in a positive manner; yet, not so structured as to stifle the employee's input. Three activities should be done by the supervisor prior to the interview.

First, the supervisor/manager should notify the employee of the upcoming interview, designating both the time and location. Advance notification gives the employee time to make any necessary changes in his schedule, as well as any personal adjustments (haircuts, clean brass, polish shoes, etc.). The employee also should be given copies of the interview form or the job classification/criteria of his particular duties. Most departments issue the above material to all personnel so the notification may simply refer to the specific sections of the material upon which the appraisal is being based. Providing the employee with advance notification and information will help reduce anxiety about the interview.

Second, the supervisor should select a proper location for the interview. A location free of telephone and visitor interruptions conveys a feeling of importance to the employee. A "neutral ground" concept is preferred. A conference room, a small library room, or a third person's office fits this concept ideally. The supervisor should avoid using the employee's office since he can be distracted easily by unfinished work, family pictures, etc. In turn, the supervisor's office is often considered "holy ground" by employees and can present a sense of awe. Additionally, any display of personal awards, diplomas, pictures of high officials, etc., could emit a sense of power or superiority.

Third, the supervisor should select the proper time for the interview. There is no hard and set rule as to the length of the interview, as there are too many variables. However, a proper appraisal interview should take at least an hour. It is also recommended that the interview be set for early in the work day when both the supervisor and employee are fresh and alert and have yet to become involved in the business of the day.

The interview is best started with a short period of informal conversation. This unstructured period will help dissipate feelings of anxiety and apprehensiveness usually experienced by both the employee and supervisor. Besides placing both at ease, this procedure often encourages normally quiet or reserved persons to express themselves and their thoughts.

Once the employee is at ease, the formal appraisal interview can begin. There are five basic questions which will be at the heart of the interview, although they are probably not officially stated by either the employee or supervisor.

1) "How am I doing"?
2) "What am I doing right"?
3) "Where do I need to improve"?
4) "What can be done to help me do my job better"?
5) "Where do I want to go from here, and what should be done to prepare me for it"?

The answers to these five basic questions should be included in practically every point discussed on the evaluation form. [5]

The employee should have a blank copy of the evaluation form, while the supervisor should have a copy completed in pencil, since it is subject to change after discussion of each evaluation factor with the employee. This is not to be viewed as saying every factor is subject to change depending upon the persuasiveness of the employee. Rather, it indicates the possibility of modification or adjustment on the part of the manager. If the manager exhibits inflexibility, then the employee thinks "what's the use" and does not communicate his feelings. However, if the supervisor is willing to listen, it gives the employee the opportunity to influence the evaluation. It gives him the chance to offer personal ideas for improvement. It also provides the employee an opportunity to enlighten the supervisor on activities he possibly missed or misunderstood. [6]

As the employee will be evaluated against a set of standards for each evaluation factor, it is important that the standards be written and made available to personnel. For each activity or task performed and thus evaluated by the supervisor/manager, there must be a standard, an acceptable quantitative or qualitative level of performance. These standards must be made available to the employee early in his assignment to the position. The employee must understand the standards thoroughly in order to satisfactorily perform the work or task. Therefore, great care should be taken in formulating, wording, and communicating these standards. Presently, many departments through the use of task forces or other participatory management actions get the employees themselves involved in formulating performance standards. In fact, one of the offshoots of the appraisal interview is the redesigning of standards which are found to be questionable, unclear, restrictive, or too liberal for effective measurement. A very effective tool in this process is to seek the employee's definition of standards with which he seems to be having problems. It would possibly not affect the current evaluation, but could assist with the future performance if only because the employee had some input into the formulation of the new standard.

Another important factor of the appraisal form will be the rating scale for each performance factor evaluated. Again, precise definitions of each rating should be published and be familiar to the employee. An important tool is having the employee define each rating in his own words prior to discussing the performance factors. This description and the discussion that follows as to the supervisor's definition of each rating places both parties on "common" ground. Once both parties agree to the meaning of each rating, then

there is little room for argument once the facts are presented. In many rating systems, documentation is required for rates outside the satisfactory ranges, both high and low. The interview phase will bring out "verbal" documentation for each rating, and therefore, let an employee understand the particular rating for each factor evaluated.

Often, supervisors will rate employees in the satisfactory ranges to avoid having to document reasons for a particular rating. During the appraisal interview, however, the supervisor and employee discuss the rating of each factor. Because he will have to document "verbally" each rating, a supervisor will give a more complete or honest evaluation. He cannot hide laziness or disinterest in the evaluation by staying in the satisfactory (or undocumented) level since he will be questioned by the employee on the ratings of all performance factors.

Once the standards are fully understood and the rating scale for each factor is agreed upon by both parties, the interview can formally begin. It is recommended that the supervisor initially read the performance factor and then ask the employee to rate himself verbally, giving reasons for the rating. One often finds that employees rate themselves lower than the supervisor in almost every factor when given a chance. Once the employee finishes his dialog concerning the rating, the supervisor then advises him of the actual rating, documenting the reasons "verbally." If the supervisory rating is higher, the employee is relieved and often surprised and begins to develop confidence in the supervisor's "good judgment." Of course, there is usually very little discussion on the part of the employee for a change in the rating. In instances of higher employee self-rating than supervisory rating, the situation is usually reversed. Employees may attempt to persuade the supervisor to change the rating or may lose confidence in the supervisor's judgment. This situation brings about the key to a good interview, which is "the ability to involve the interviewee in two-way communication." This is a prerequisite for acceptance of the evaluation and therefore establishment of goals for the future.[7]

Since the goals of the appraisal interview are to let the employee know his efforts are recognized and appreciated, to inspire the employee to improve his performance, and to discuss the quality of his performance,[8] the dialog over disagreeing ratings is important. Since the participants have previously reached "common" ground on the value of each rating, the facts or details can now be brought out. There are often pitfalls to both sides of the discussion. Supervisors and employees alike often take into consideration the time frame of the evaluation. Often, prior history or previous personal feelings are involved. Additionally, recent history (last week or two) is considered and thus can confuse or corrupt the validity of the evaluation. This discussion can bring both parties back into line.

Other factors can also cloud the issue. Supervisors may not be aware of all the activities of the employee. Often "good" jobs are not brought to his attention as regularly as the "screw-ups," and the dialog will bring these to the surface. The supervisor could possibly have his own ideas about the performance of certain tasks and can suggest activities which would improve the performance of the "unknowing" employee. The interview can "sell" the employee on the idea that he could improve after all.

The supervisor assumes two roles in this appraisal interview, the judge and the coach. The role of the judge should be down played, although it is important. As judge, the supervisor must make decisions concerning the results of the employee's work, measuring the results against the set standards. As judge, however, the supervisor must remember to be fair and impartial in his personal feelings about the employee and keep both the goals of the organization and future of the employee in mind. The supervisor, as judge, must remember the results of a study conducted in private industry that pointed out the effects of criticism in an evaluation:

1) Criticism has a negative effect on achievement of goals.
2) Criticism sets up a defensive state in the employee and thus produces inferior performance.[9]

The second role, that of coach or counselor, is the most important in the interview process. As ratings are discussed for individual performance factors, the coach can assist the employee in setting goals for improvement. He can offer suggestions for avenues in obtaining those goals and point out weaknesses which interfere with attaining them. Praise for the employee has short term effects, lasting only as long as the interview. However, the employee will remember the criti-

". . . the goals of the appraisal interview are to let the employee know his efforts are recognized and appreciated, to inspire the employee to improve his performance, and to discuss the quality of his performance. . . ."

cism long after the interview has ended. Telling an employee his good or superior points helps ease the impact of inferior points.

The role of the coach is very important to setting goals. Allowing the employee the opportunity to participate in determining his goals and the goals of the department is critical for today's managers who have to confront problems which become more complex with each passing day. Employee input often provides the feedback needed to combat this complexity. Not using employee input and suggestions would be tantamount to having a research staff and not using the fruits of their efforts. Employees should be encouraged by supervisors to offer suggestions for improvement, weigh alternatives, and make recommendations. Participation by the employee in the goal-setting procedure improves job performance which, in turn, results in improved organizational operations.[10]

After listing the factors separately with the individual ratings, the supervisor should provide a composite rating of how the employee is doing overall. Any comparison with other employees should be avoided. The employee should be evaluated only against the set standards. The supervisor should again point out the strong and weak areas of the evaluation and reiterate the goals and the avenues to obtain them that were mutually set. He should then ask for any final comments or suggestions concerning the evaluation or interview.

As soon as possible, the completed evaluation form should be provided to the employee with comments, suggestions, and goals documented. The employee should also have an avenue for appeal if he believes the evaluation is unfair.

Followup after the interview is equally important, since several comments and suggestions may arise which should be reported back to the employee. This followup can be provided through a formal memorandum or a set meeting by informal conversation with the employee. It will determine whether the goals and needs of the department and employee are being met and ensure that the employee is attempting to obtain mutually agreed on goals. Followup also gives clues as to the effectiveness of the interview, as well as demonstrates to the employee that the supervisor is seriously considering his recommendations and suggestions.

Summary

Only recently has management begun to use the appraisal interview to its fullest benefit. It is still looked upon unfavorably by many supervisors and employees, but it can be a very useful tool for supervision. The interview, when properly conducted, can present face-to-face discussion between the employee and supervisor. This discussion provides an opportunity to compliment the employee for his contributions to the job and organization, as well as point out his shortcomings. In addition, the interview is a time for coaching/counseling the employee on methods for improvement, as well as setting future goals for both the employee and the organization.

The performance appraisal interview presents an opportunity for the supervisor to enhance self-esteem in the employee, to establish a good work relationship and a foundation for a better work environment, and to increase productivity through increased job satisfaction and participation in decision-making functions. In addition, followup procedures to the appraisal interview show the employee that his supervisor is interested in his input into the affairs of the department. These procedures also provide feedback as to the effectiveness of the interview and the attainment of individual and organizational goals. The properly conducted appraisal interview is one of the most valuable management tools available today.

FBI

Footnotes

[1] Cal W. Downs, G. Paul Smeyak, and Ernest Martin, *Professional Interviewing* (New York, N.Y.: Harper and Row, 1980), p. 161.

[2] Paul R. Timm, *Managerial Communication: A Finger on the Pulse* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1980), p. 163.

[3] DeVries, Morrison, Shullman, and Gerlach, *Performance Appraisal on the Line* (New York, N.Y.: John Wiley and Sons, Inc., 1981), p. 15.

[4] Supra note 2.

[5] *State of Maine Employee Handbook,* 1978, pp. 36–39.

[6] J. R. Gibb, *Leadership and Interpersonal Behavior* (New York, N.Y.: Holt, Rinehart and Winston, Inc., 1961), pp. 66–81.

[7] James M. Lahiff, "Interviewing for Results," *Readings in Interpersonal and Organizational Communication,* (Boston, Mass.: Allyn and Bacon, Inc., 1977), p. 405.

[8] Ibid, p. 404.

[9] H. H. Meyer, Emanuel Kay, J. R. P. French, Jr., "Split Roles in Performance Appraisal, *Readings in Interpersonal and Organizational Communications* (Boston, Mass.: Allyn and Bacon, Inc., 1977), p. 339.

[10] Ibid.

[11] N. F. Iannone, *Supervision of Police Personnel* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1975), p. 281.

First 6-Month Figures Show Crime in U.S. Down

The volume of reported crime measured by the FBI's Crime Index was 5 percent lower during the first 6 months of 1982 than during the same period of 1981, the first 6-month decrease the Nation has experienced since 1978.

The number of crimes of violence—murder, forcible rape, robbery, and aggravated assault—declined 3 percent between January–June 1982, while the property crimes of burglary, larceny-theft, and motor vehicle theft fell by 6 percent from the level of a year earlier. At the same time, there was a 17-percent decrease in the number of arsons committed, when compared to the first 6-month arson statistics of 1981.

The 1982 semiannual figures for the violent crimes showed murder was down 8 percent in volume, robbery decreased 7 percent, and forcible rape declined 6 percent. The only Crime Index offense to experience an increase in volume was aggravated assault, which rose 1 percent. With regard to the property crimes, the number of burglaries declined 11 percent, while larceny-theft and motor vehicle theft each decreased by 3 percent.

Geographically, the Northeastern and North Central regions of the country each reported a 9-percent drop in recorded Crime Index offenses, followed by a 3-percent decrease in the Western States and a decline of 2 percent in the Southern States. The Nation's rural areas recorded an 11-percent decline in the number of Index crimes; the suburban areas, an 8-percent decrease; cities with populations over 50,000, a 3-percent drop; and cities outside metropolitan areas, a 6-percent decline.

Bombings in United States Drop

During the first 6 months of 1982, 412 bombings, 266 explosive and 146 incendiary, occurred in the United States and Puerto Rico, according to preliminary statistics compiled by the FBI's Uniform Crime Reporting Program. This represents a 29-percent decrease from the 581 bombings which were reported during January–June 1981. Explosive bombings and incendiary incidents each fell 29 percent in volume.

This year's incidents resulted in 6 deaths, 37 injuries, and property damage estimated at $55 million. Five of the six persons killed were the intended victims; one was a bombing perpetrator. Of those injured, 14 were intended victims, 12 were innocent bystanders, 8 were perpetrators, and 3 were law enforcement officers. The number of deaths and injuries was down 50 percent from the semiannual 1981 total.

Of all the incidents, 29 percent were directed at residences, the most frequent targets, followed by commercial operations and office buildings (25 percent), vehicles (16 percent), and schools (9 percent). Three attacks were directed at law enforcement facilities or equipment.

The Western States recorded the most bombings (151), while 108 attacks took place in the Southern States, 76 in the North Central States, and 61 in the Northeastern States. Puerto Rico had 16 bombing incidents.

Comprehensive Study of Uniform Crime Reports Undertaken

A revolution in the collection of crime statistics may be in the offing. A joint venture of two Department of Justice agencies has been launched and may well prove to direct the course of law enforcement crime statistics in the 21st century.

The Uniform Crime Reporting Program, conceived and later implemented by the International Association of Chiefs of Police, is scheduled for an indepth study. By act of Congress in 1930, the FBI assumed administrative responsibility for the operation of what was then the only measure of crime in the United States.

During the intervening years, this statistical series developed into one of the major social indicators of our country. The enactment of laws, the allocation of resources, and the sensitivity toward crime on the part of the American public were influenced by the crime statistics generated through this program. In the early years of the program's operation, a mere few hundred law enforcement agencies were able to originate crime statistics which met the standards of the system. As law enforcement grew professionally, more and more agencies participated, lending credibility and accuracy to the overall product. In the mid-1970's, law enforcement recognized that while the Uniform Crime Reporting Program had served them well for nearly 50 years, it was time to review the entire effort and develop recommendations for the collection of crime information which, if implemented, would give a better understanding of the nature and extent of criminal activity. Responding to this highly professional mandate, the Department of Justice put into motion the machinery to conduct such a review.

Late in 1982, representatives of the FBI and the Bureau of Justice Statistics joined forces to effect the letting of a contract to a firm highly respected and competent in conducting systems review and design. This major undertaking will encompass several years' duration. It is presently conceived that the project will be comprised of several phases. The first phase will address the historical perspective of Uniform Crime Reporting and attempt to measure its effectiveness in serving the constituency which has evolved over the years of the program's operation.

The second phase will springboard from the first and develop a series of alternative futures for the program. It is clear the Uniform Crime Reporting Program, as it presently exists, serves a worthwhile role for the Nation. What must be determined is whether its present configuration will suffice as we close out this century and embark on the next. The third and final phase of this endeavor will develop the necessary computer programing needed to support the newly devised system.

Throughout the course of the program's review, law enforcement's needs will be the focus of developing the so-called "alternative futures." The views of law enforcement executives from suburban and rural areas, as well as large urban centers, will be solicited, and law enforcement representatives will serve on the advisory board monitoring the project. As an adjunct, various types of law enforcement records systems will be studied to determine the capabilities for producing crime data not currently being captured.

Of main concern to the FBI and the Bureau of Justice Statistics is that the end result of this undertaking will provide better service to law enforcement. Secondary to this is the wish that an improved system will give meaningful information to observers of the crime problem and better prepare the Nation to deal with crime and its ramifications.

BA
VK

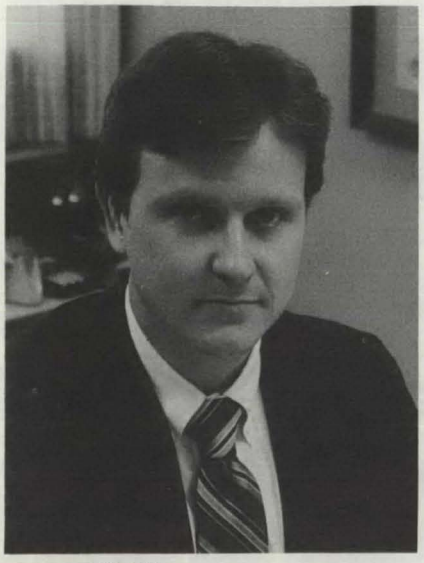
"Hostage seizures have been one of the most sensational and politically charged criminal acts of the last decade."

A Behavioral Approach to Hostage Situations

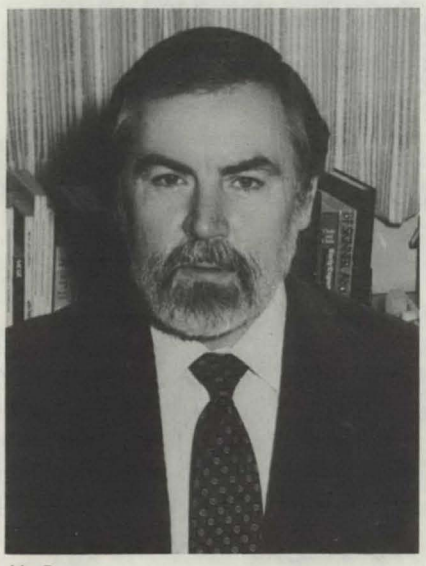
By
W. RONALD OLIN
Assistant Chief of Police
Lawrence, Kans.
and
DAVID G. BORN
Professor
University of Kansas
Lawrence, Kans.

Hostage seizures have been one of the most sensational and politically charged criminal acts of the last decade. Publicity surrounding these events has helped to generate an interest in studying what occurs between criminals and victims in such an environment. An interesting phenomenon observed in some of these hostage incidents is an intimacy that develops between a hostage and hostagetaker. This phenomenon is commonly called the "Stockholm Syndrome." [1] The name comes from a bank robbery attempt in Stockholm, Sweden, on August 23, 1973. During the incident, a woman hostage had a conversation with the Prime Minister and stated her fear of the police. When assured by the Prime Minister of the desire for a safe resolution of the situation, she replied, "Of course they (the police) can't attack us. . . . He (the robber) is sitting here and protecting us from the police." [2] This and other similar statements were widely reported by the media and were viewed as expressions of sympathy by victims for the criminals. Law enforcement officers who read accounts of the Stockholm incident noted still other cases in which certain hostages had expressed unusual sympathy for the criminal.

Although a great deal of discussion has been generated about the Stockholm Syndrome, much of this discussion has occurred in the absence of a body of known facts about the phenomenon. This article examines the Stockholm Syndrome and poses questions, the answers to which will clarify the importance of the syndrome in hostage situations. In addition, it suggests a behavioral analysis of the Stockholm Syndrome as an alternative to traditional ways of viewing the phenomenon, offer a variety of techniques of potential use to law enforcement officers, and conclude with recommendations for continued study of hostage situations.



Assistant Chief Olin



Mr. Born

The Importance of the Stockholm Syndrome

The Stockholm Syndrome is considered to be a positive and useful element in a hostage situation because it may reduce the chance for the unprecipitated killing of hostages.[3] Law enforcement officials have concluded that the longer the incident is prolonged, the greater the probability of a safe resolution, provided the hostage(s) and hostagetaker(s) have interacted favorably during the time period. Few explanations have been offered to account for this increase in safety except for rapport developing between participants.

The Study of the Stockholm Syndrome

The study of the Stockholm Syndrome is complicated by a myriad of data problems about hostage incidents. There are no requirements to report hostage situations to any central repository. As a result, there are few detailed summaries of the wide variety of hostage incidents that have occurred, and most of the relevant information is available only to the law enforcement agencies which actually handled the call. Few incidents have been investigated by the same personnel. This leads to inconsistent or even biased interviewing and reporting. There are no experimental studies of the occurrence of the Stockholm Syndrome. All of these conditions contribute to serious data interpretation problems.

Investigations of the Stockholm Syndrome have relied almost exclusively on postincident interviews of hostages about their recollection of events which occurred. Thus far, it is not clear that this method of study (i.e., interviews) has furthered the understanding of the Stockholm Syndrome or how the results of this method of inquiry have assisted law enforcement officers in resolving hostage incidents.

Theoretical Interpretations of the Stockholm Syndrome

Recent law enforcement literature suggests that the Stockholm Syndrome occurs when hostages and hostagetakers are isolated by authorities and there are:

1) Positive "feelings" from the hostages to their captor(s);
2) Negative "feelings" toward authorities by both hostages and captor(s); and
3) Positive "feelings" returned by the captors to the hostages.[4]

There is a widespread expectation that these three conditions may be enhanced in some circumstances by the actions of the authorities. Research has attempted to demonstrate that some of these conditions may be present in hostage situations. For example, a recent study by Mirabella and Trudeau indicated that fear and anger toward authorities were reported in 82 percent of the hostage incidents examined.[5] Unfortunately, the reader is not told if this percentage is a normally occurring level of antipolice sentiment or if the authorities in these cases took specific steps to promote this hostage hostility.

The Stockholm Syndrome has sometimes been attributed to defense mechanisms, regression, weakness of the ego, and identification of the hostage with the aggressor.[6] In fact, most

". . . the Stockholm Syndrome is a more complex phenomenon than was initially believed."

law enforcement articles written about the Stockholm Syndrome rely on Freudian interpretations of "inner feelings" reported by the hostages and their captors. Few alternative interpretations have been offered. While the Freudian approach provides one explanation for a limited number of hostage incidents, it has not yet provided a framework to assist law enforcement personnel. To make such an approach useful, persons espousing *post hoc* analyses of the underlying personality dynamics of hostages and captors have to show how these analyses can be translated into guidelines for officers trying to resolve a hostage incident with lives at stake.

An Alternative View of the Stockholm Syndrome

Applied behavior analysis provides another perspective for the examination of hostage incidents. The focus of this approach is not on underlying personality dynamics, or ". . . on what people report they do, but on how they actually behave and the conditions under which the [behavior] occurs." [7] The study of the Stockholm Syndrome, as an outcome of some hostage incidents, may also be facilitated by this approach. From this position, the Stockholm Syndrome is viewed as a particular way in which hostages and hostagetakers interact (e.g., they make positive statements concerning each other), and the interest shifts to the identification of conditions under which Stockholm Syndrome phenomenon is observed.

Behavioral definitions of criminal acts are not a recent development. Researchers Sutherland, Jeffrey, Burgess, and Aker [8] have all used a behavioral approach to describe the causes of criminal conduct. They agree with other behaviorists, such as Skinner,[9] that there is a direct relationship between the environment and behavior.

In an attempt to clarify the importance of the Stockholm Syndrome for hostage incidents, there are several important questions to be answered. How often does the syndrome occur? Does occurrence of the Stockholm Syndrome actually increase the safety of persons involved in hostage incidents? Assuming that it occurs in a significant portion of hostage incidents and that it increases participant safety, one might then ask under what circumstances does the Stockholm Syndrome occur? Can it be facilitated? How? Is the Stockholm Syndrome more likely to occur in some hostage situations, such as those involving family members, and less likely to occur in others, such as in incidents of political terrorism? While many other questions might be asked, this brief list provides a starting point for understanding whether/how the Stockholm Syndrome will be of use to law enforcement officers.

Although there is little evidence that bears directly on the preceding questions, a review of the original incident in Stockholm, Sweden, makes it clear that the Stockholm Syndrome is a more complex phenomenon than was initially believed. The complexity in this case arises from the fact that all of the hostages and hostagetakers were subjected to the same police pressures, and yet, not all exhibited the Stockholm Syndrome. As defined earlier, the Stockholm Syndrome was observed only between one captor and some of the hostages. Thus, the phenomenon does not necessarily occur to all individuals exposed to virtually identical conditions. A brief summary of the Stockholm incident may highlight some of the problems in the case.

On August 23, 1973, Jan-Erik Olsson attempted to rob the Sveriges Kreditbank. The incident was prolonged after a rapid police response trapped the robber inside. The resulting incident lasted 131 hours. The other criminal participant in the situation, Clark Oloffsson, was delivered from prison to the bank as the result of a demand by Olsson to the police.

During the initial stages of the robbery, Olsson fired an automatic weapon inside and outside of the bank, wounding a police officer. He made demands and pointed his submachine-gun at a woman hostage, threatening to kill her. When Oloffsson joined the group, the situation changed. Olsson no longer shouted, he allowed bindings on the hostages to be loosened, and the situation calmed. The hostages were moved into the bank vault. There was more shooting and another police officer was wounded. The police finally trapped the participants in the vault and shut the door. Police decided to drill into the vault, knocking out electricity and flooding the vault floor with water from the drill. There was more shooting. Human waste accumulated in wastebaskets. Authorities stopped delivery of food and water into the vault, forcing the hostages to strain the water on the floor through cloth to filter it before drinking. Local radio stations, which were being monitored by the hostages and hostagetakers, reported actions being considered by the police, including the use of nerve gas

"The law enforcement response should always be designed to increase the likelihood of caring behavior by the hostagetaker."

and assault. Hostages were subsequently tied into nooses so that if they fell unconscious they would strangle.[10]

Not surprisingly, these conditions resulted in both the hostages and hostagetakers fearing the actions of the police. Further, some of the hostages had favorable interactions with Oloffsson who, in at least some instances, protected them from Olsson. Throughout the incident, the hostages feared Olsson. A positive rapport developed in this environment between the women hostages and Oloffsson.[11] Strentz and Ochberg[12] delineate this distinction. However, some of the literature and many speeches have widely misunderstood the circumstances and have suggested that the Stockholm Syndrome is a more generally occurring phenomenon than is probably the case.

These misunderstandings may be avoided by a simple restatement of the Stockholm Syndrome. The syndrome is the positive rapport which occurs between a hostage and hostagetaker when they both engage in interactions which are of mutual benefit and when the participants express greater fear of the police than of each other. This rephrasing may provide a better guide for actions taken by law enforcement personnel than the other explanations for the phenomenon. For example, a law enforcement supervisor faced with a hostage situation must make numerous decisions about which hostagetaker demands to honor during a negotiation. Should authorities negotiate for concessions in trade for additional weapons, ammunition, food, drink, alcohol, drugs, cigarettes, publicity demands, or a hostage exchange (substituting a law enforcement officer for a hostage)? In the past, a law enforcement supervisor would make these decisions based on past experience and commonsense. Using the previous description of the syndrome, the supervisor should determine whether this decision would encourage interactions of mutual benefit to the participants? A supervisor would then examine the list of options and would probably negotiate for exchanges of food, drink, publicity demands, and cigarettes, while rejecting demands for weapons, ammunition, alcohol, drugs, or hostage exchanges. The first items could be expected to encourage rapport if delivered in a timely fashion; the last items probably would not. These individual interactions could possibly reduce the probability of injury to hostages.

Given the circumstances of the Stockholm Syndrome it seems likely that the occurrence of the Stockholm Syndrome depends upon specific participant interactions, and perhaps, the interactive styles of the individuals. Thus, some hostage situations are probably more amenable to the Stockholm Syndrome than others. For example, there might be a smaller likelihood of the phenomenon developing in kidnaping or politically motivated hostage seizures. Some terrorist incidents appear to have been deliberately structured by the terrorists to limit the possibility of any interpersonal relationships developing between hostages and their captors. Such actions have been used by the South Moluccan terrorists in the Netherlands and by the Japanese Red Army. Interpersonal relationships are inhibited by hostage segregation, blindfolds, language barriers, and other methods. Similarly, some hostages may avoid any potential for rapport with a hostagetaker by sleeping, performing repetitive actions, writing, etc.

In considering ways to promote the occurrence of the Stockholm Syndrome, it may be helpful to recognize that a hostagetaker's responses toward hostages could be placed on a continuum which ranges from threatening behavior toward hostages on one end, through indifferent behaviors, to caring responses. The law enforcement response should always be designed to increase the likelihood of caring behavior by the hostagetaker. To accomplish this objective, negotiators should make judicious use of all available resources to reinforce the hostagetaker when he responds in a desirable way. Some resources may be provided (positive reinforcement) and others withdrawn (negative reinforcement) as a consequence of specific actions taken by the hostagetaker. Providing or withdrawing these resources must be coordinated between tactical and negotiations personnel.

A Behavioral Strategy for Law Enforcement Response

The initial actions taken by officers upon arrival at a hostage scene set the stage for the incident. It is of critical importance for law enforcement personnel to demonstrate immediate absolute control of the outer perimeter to establish the maximum limits of the hostagetaker's conduct. A hostagetaker may initially attempt to escape. A confrontation such as this requires that the authorities be able to use force if the escape attempt does not cease. The certainty and immediacy of punishment will assist law enforcement personnel in controlling the hostagetaker in many of the same ways it assists the hostagetaker in controlling the hostage. The options remaining to the hostagetaker are very limited. He may attack, do nothing, or surrender. Thus, the hostagetaker operates under conditions that closely resemble those of the hostage(s). The initial police objec-

tive should be limited to forcing the hostagetaker to abandon his escape attempts.

After tactically securing a hostage scene, law enforcement officers should allow time for the situation to stabilize. The initial confrontation between the hostagetaker and the hostage is the most dangerous time period for all participants.[13] The hostagetaker will be operating under a variety of emotionally or politically charged reinforcers as a result of the failure to escape, the arrival of the police, the conditions of the hostage(s), etc. This may produce "frustrated expectation which refers specifically to a condition produced by the termination of accustomed reinforcement." [14] These conditions are favorable to the introduction of negotiators on the scene.

Negotiators must be aware of the need for a direct, immediate relationship between hostagetaker caring behavior and reward. A negotiator must begin by modifying verbal behavior. Several different techniques may be used to do this. For example, differential reinforcement should be given during conversations. Positive comments by the hostagetaker should be responded to with warmth, understanding, and encouragement, while negative statements should be ignored. It is very important that the negotiation process be reinforcing to the hostagetaker so that there is a reason to continue talking. The more skillfully and appropriately a negotiator uses these techniques and the available resources to shape verbal behavior, the more likely negotiations will proceed toward the desired outcome.

The negotiator may ask specific questions or manipulate existing conditions in an attempt to force caring behavior between the hostage(s) and hostagetaker. The negotiator should always attempt to discuss the medical problems of the hostage(s).[15] This gives the hostagetaker the opportunity to ask about or view the physical condition of the hostage(s). Naturally occurring physiological conditions, such as hunger, sleep, thirst, etc. may also be used advantageously.

Tactical unit personnel should be used to provide control over other resources which may be used to shape behavior. Food, water, medication, electricity, natural gas for heat, light, selected noises, obvious police activity, media releases, the threat of assault, and other options may be used to help manipulate environmental conditions at the scene.

In addition to activities and resources under the direct control of law enforcement personnel, there may be other significant aspects of the situation which could be influenced indirectly. For example, if a food box is delivered containing a plate of cold cuts and garnishes instead of ready-made sandwiches, the result may be discussion, decisionmaking, compromise, etc., between hostage and captor. If these interactions provide the hostage with opportunities to behave in ways which are reinforcing to the captor (e.g., providing limited assistance), the potential for violence against the hostage may be lessened. Throughout the incident, hostages should be encouraged to behave in ways which would help them avoid violence. Some resources may be used to divert the hostagetaker's attention in the case of particularly threatening behavior toward the hostage. Spotlighting windows in darkness may illuminate the scene to the tactical disadvantage of the hostagetaker. Pounding on walls or drilling may give the impression of vulnerability or that an assault is imminent. These activities could then be terminated as a consequence of specific hostagetaker concessions. One important consideration suggested by the review of the original Stockholm incident is that the increasing level of sophistication of police tactical assault, i.e., silent drilling for eavesdropping, invisible police deployment, etc., may lessen the fear necessary to stimulate favorable negotiations during the incident. The judicious use of negotiators and tactical personnel to develop a coordinated, timely response creates the optimum conditions for a favorable resolution of the incident.

Conclusion

Although hostage incidents appear to have received increased attention in recent years, little is known about the dynamics of these situations, and there are only vague outlines to guide appropriate law enforcement response. The Stockholm Syndrome has been widely discussed as a significant outcome of many hostage incidents, yet almost nothing is known about how often it occurs, what causes it, or whether it actually enhances the safe resolution of hostage incidents, and if so, how to promote its occurrence. At least part of the problem appears to be related to how the Stockholm Syndrome has been investigated, and perhaps, the related theoretical interpretations of the phenomenon.

Behavioral theory offers many new ways for law enforcement personnel to approach hostage situations. This study may lead toward the future development of specific techniques which may help control hostage situations. However, it is necessary to conduct further research before generalizations may be considered. Archival data should be collected and examined to define further the phenomenon of hostage(s) and hostagetaker(s) devel-

"Although hostage incidents appear to have received increased attention in recent years, little is known about the dynamics of these situations, and there are only vague outlines to guide appropriate law enforcement response."

"By identifying selected classes of behavior and using established techniques for bringing about behavior change, it may be possible to resolve successfully a higher proportion of hostage situations."

oping a favorable rapport and to validate statistically the assumption that the rapport is a useful condition in hostage situations. Past incidents should also be studied to determine what specific actions were taken by hostages and hostagetakers. In describing these events, writers should be careful to note that the Stockholm Syndrome is only a label for the rapport that may develop between the involved parties, and it is not an entity which produces the rapport. The phenomenon can be observed and studied in the same ways used to examine other behaviors.

Several administrative steps may be taken to facilitate the study of the Stockholm Syndrome and hostage situations. A central repository for hostage information, perhaps at the FBI Academy, should be established and all reports of hostage incidents should be forwarded to that location. A more consistent reporting procedure must be established to guide data collection. This procedure should encourage:

1) A detailed, chronological police incident report;
2) Tape recording all negotiations while the incident is in progress; and
3) The completion of a detailed questionnaire by the participants.

This debriefing questionnaire should focus on the negotiator, tactical commander, witness(es), hostage(s), and hostagetaker(s). Using existing behavioral research methodologies and the detailed information which would be gathered by the system noted above, it may be possible to begin to evaluate hypotheses suggested by the incident reports.

Behavioral psychology provides a consistent, innovative rationale for viewing the dynamics of a hostage situation. This kind of analysis is a radical departure from the descriptive work done in the past. By identifying selected classes of behavior and using established techniques for bringing about behavior change, it may be possible to resolve successfully a higher proportion of hostage situations. By virtue of its empirical emphasis, behavioral psychology suggests strategies for appropriate law enforcement response and simultaneously suggests methods for evaluating the usefulness of many law enforcement techniques. It is the emphasis on observable events and the accompanying challenge to monitor and evaluate an assortment of techniques (which have been developed in other fields) that make behavioral psychology a potentially useful tool for the study of law enforcement in general and the study of hostage situations in particular. **FBI**

LEB Readership Survey

The FBI Law Enforcement Bulletin conducted a mail survey to determine the overall opinion our readers have of the magazine and the estimated readership. Survey forms were sent to 20,000 LEB recipients who were asked to respond to questions regarding the size of their law enforcement agency, the number of people who read their copy of the magazine, and the usefulness of the magazine's contents to their role in police work. The number of survey cards returned totaled 11,486.

Of those who responded to the survey, 54.4 percent consider the Bulletin to be a "very useful" publication, 34.2 percent believe the Bulletin to be "useful," and only 4 percent see the publication as having "little use." Seven percent failed to respond to this question.

The survey also revealed that the Bulletin has an estimated monthly readership of over one-half million, based on survey respondents' projections. This is a considerable increase over the last survey conducted which showed a readership of approximately 300,000. The Bulletin staff appreciates the cooperation of our readers who responded to this survey.

MICHIGAN v. *SUMMERS*: DETENTION of OCCUPANTS DURING SEARCH WARRANT EXECUTION (Part I)

By
JEROME O. CAMPANE, JR.
Special Agent
FBI Academy
Legal Counsel Division
Federal Bureau of Investigation
Quantico, Va.

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.

Any real estate agent knows that the resale value of a home is based on three key factors—location, location, and location. A law enforcement officer should realize by now, as the 15th anniversary of the U.S. Supreme Court decision of *Terry* v. *Ohio*[1] approaches, that the legality of an investigative detention, or "stop and frisk," is frequently predicated on the same three factors. In *Terry*, decided in 1968, the Supreme Court brought on-the-street confrontations with suspicious pedestrians under the authority of the fourth amendment to the U.S. Constitution and evaluated them under the standard of reasonable suspicion.

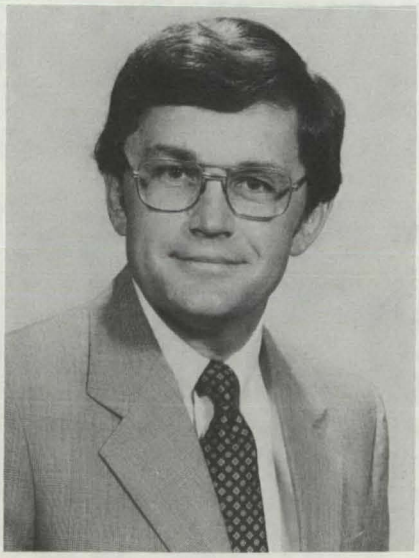
The intervening years have shown the Supreme Court's willingness to find detentions reasonable in a variety of factual settings. The Court's decisions show that the location of the police-citizen encounter is a significant element in each instance where a stop is justified. In 1981, the Supreme Court decided *Michigan* v. *Summers*,[2] a case which considered the location element in a search of a private residence under the authority of a warrant for contraband. The decision bears close scrutiny by the law enforcement community because it expands the investigative detention authority into an area of frequent police activity. Moreover, the concept of "seizure"[3] and when it can lawfully occur without probable cause is a frequent subject of litigation.

Part I of this article surveys Supreme Court decisions where the location of the detention appeared to be a consequential aspect in the officer's suspicion of criminal activity. It then examines the *Summers* decision as the latest case applying the investigative detention authority to the occupant of a private residence. The conclusion will consider a number of questions left unanswered by the Supreme Court in *Summers*, but which a law enforcement officer must consider when approaching a private location with search warrant in hand. Specifically, is a guest at a private residence an occupant? If the building is other than a private residence, such as a business open to the public, are customers or employees also considered occupants? If so, does their mere presence prohibit detention? Can you detain those who leave while you approach or enter while the search is underway? How long may the detention last without requiring probable cause to arrest? Does the *Summers* rule only apply to searches for contraband?

TERRY AND ITS PROGENY

On the Street

The fourth amendment, on its face, prohibits only those searches and seizures that are "unreasonable."[4] However, from the adoption of the Federal exclusionary evidence rule in 1914[5] until 1968, the general standard for determining the legality of a search and seizure turned on whether the law enforcement officer obtained a warrant supported by probable cause.[6] In *Terry,* the Supreme Court carved out a narrow exception to the warrant requirement by permitting a police officer



Special Agent Campane

to detain people temporarily on the street and pat them down for weapons when the officer's articulable suspicion reasonably suggests the detainee's participation in criminal activity.

A Cleveland plainclothesman with 39 years' experience, including 30 years on the beat, observed three men in the middle of the afternoon engaged in a casual but repeated reconnaissance of a retail store in downtown Cleveland. The officer suspected they were "casing a job, a stick-up," and believed it his duty as a police officer to investigate further. He approached the three men, identified himself, and asked their names. When they "mumbled something" in response, the officer spun Terry around, patted down the outside of his clothing, and felt a pistol in a pocket. Terry was subsequently arrested and convicted of carrying a concealed weapon. The Supreme Court upheld the actions of the officer, notwithstanding Terry's objection that probable cause to arrest was needed to detain and search him. The Court agreed that Terry was seized and searched without cause to arrest, but took the novel position that in at least this instance, the fourth amendment proscription against unreasonable seizures was separate and apart from the warrant clause:

> "We deal here with an entire rubric of police conduct—necessarily swift action predicated upon the on-the-spot observations of the officer on the beat—which historically has not been, and as a practical matter could not be subject to the warrant procedure. . . . [A] police officer may in appropriate circumstances and in an appropriate manner approach a person for purposes of investigating possible criminal behavior even though there is no probable cause to make an arrest." [7]

The Cleveland police officer was discharging this legitimate investigative function when he decided to approach Terry and his companions and "make reasonable inquiries." [8] However, the Court imposed several limitations on this detention authority. The officer must be able to justify his actions with "specific and articulable facts taken together with rational inferences." [9] The reviewing court must compare the officer's conduct to that of "a man of reasonable caution" [10] and must balance the need to investigate and detect crime and insure the officer's safety against the citizen's right to be left alone. Although the Supreme Court was primarily concerned with the legality of the ensuing search, *Terry* v. *Ohio* has come to stand for the proposition that reasonable suspicion will justify a detention as well.

In a Parked Vehicle

The Supreme Court first elaborated on the kinds of "appropriate circumstances" that would justify a detention in the 1972 case of *Adams* v. *Williams*.[11] The Court held that a passenger in a vehicle, parked on the street in a high-crime area, like a suspicious pedestrian walking the street, is a proper object of an investigative detention.

A sergeant, while alone on patrol in a high-crime area of Bridgeport, Conn., received a tip at 2:15 a.m. from an unnamed but allegedly reliable informant that a man was sitting in a nearby car with narcotics in his possession and a gun at his waist. The officer approached the car, tapped on

"'A brief stop of a suspicious individual to determine his identity or to maintain the status quo momentarily while obtaining more information may be most reasonable in light of the facts known to the officer at the time.'"

the window, and asked the sole passenger to open the door. As Williams rolled down the window, the officer reached in and grabbed a loaded pistol from his waistband, which was located precisely where the informant had indicated. The officer arrested Williams for unlawful possession of a weapon, and a search incident thereto located heroin, a machete, and a second weapon. After his conviction for weapons and drug offenses, Williams, like Terry, appealed the admissibility of the evidence on the ground that probable cause was required to detain and search him. The Court affirmed his conviction and held that the officer's actions constituted a limited intrusion and were reasonable. With respect to the stop, the Court stated:

> "The Fourth Amendment does not require a policeman who lacks the precise level of information necessary for probable cause to arrest to simply shrug his shoulders and allow a crime to occur or a criminal to escape. On the contrary, *Terry* recognizes that it may be the essence of good police work to adopt an intermediate response. A brief stop of a suspicious individual to determine his identity or to maintain the status quo momentarily while obtaining more information, may be most reasonable in light of the facts known to the officer at the time." [12]

Terry and *Adams* were, in many respects, narrow decisions.[13] They dealt with a particular government interest—protection of police officers in street encounters where preventive action resulted in the confiscation of a weapon. In such settings, the balance of competing interests clearly weighs against the pedestrian or driver's right to privacy.

At the Borders

Three border area cases illustrate the point that the reasonableness of a detention of motor vehicle occupants can depend, to a significant degree, on the location of the vehicle at or near an international border, for although no immediate physical danger to the officer is present, an equally important government interest stands out. In *United States* v. *Brignoni-Ponce,*[14] border patrol agents conducting a roving patrol, at night some 60 miles from the Mexican border, stopped a car driven northbound by Brignoni-Ponce because its three passengers appeared to be of Mexican descent. The officers questioned the occupants and learned that they were illegal aliens. Brignoni-Ponce was arrested and convicted of transporting illegal immigrants. This practice was held to violate the fourth amendment, but the Supreme Court did not invalidate all warrantless automobile stops upon less than probable cause. The Court stressed the unique government interest in preventing the illegal entry of aliens and held that brief stops and inquiries based on less than probable cause to search or arrest were necessary because undocumented aliens create "significant economic and social problems, competing with citizens and legal resident aliens for jobs, and generating extra demand for social services." [15] The Court observed that such intrusions are "modest" [16] and thus reasonable, under the *Terry* standard, because no search occurs and because the stop usually takes no more than a minute; the occupants are asked a question or two and may have to produce a document indicating that they have a right to be in the United States.

Border patrol activities were again questioned in 1976 in *United States* v. *Martinez-Fuerta.*[17] This decision addressed the legality of border checkpoint operations that involved: (1) The slowing of all oncoming traffic to a halt at a highway roadblock, and (2) the referring of vehicles chosen at the discretion of the agents to an area for secondary inspection. Recognizing that the governmental interest involved was the same as that furthered by roving patrol stops, the Supreme Court sustained the constitutionality of checkpoint detentions. The Court held that while there is some privacy invasion, it is arguably so *de minimis* as not to require fourth amendment protection. The brevity of the procedure, the limited, subjective intrusion where all cars are stopped and no one is singled out, and the attendant lack of discretion involving little danger of official arbitrary action were all important factors cited by the Court.

The most recent border area case, *United States* v. *Cortez,*[18] reaffirms the importance of the border location to help justify a motor vehicle stop. Border patrol agents discovered human footprints in the desert and deduced that on a number of occasions small groups of persons had been guided from Mexico into an area of the Arizona desert known to be heavily trafficked by illegal aliens entering the country. They also surmised from patterns of time, distance, and location

". . . *Dunaway* v. *New York* . . . clearly marked the police station as a place where the reasonable suspicion standard of *Terry* does not justify an involuntary detention."

that the probable pickup point was near a numbered milepost sign on a major east-west highway. On an appropriate night, a nearby stakeout resulted in the detention of a pickup truck with a camper shell, the only vehicle suitable for carrying sizeable groups of people observed that evening. Cortez, the driver, voluntarily opened the camper door and the officers discovered illegal aliens. After Cortez's conviction on Federal charges of transporting illegal aliens, the Ninth Circuit Court of Appeals reversed, holding that the officers lacked a sufficient fourth amendment basis to justify stopping the vehicle. The Supreme Court disagreed, however, and affirmed the conviction, making note to compliment the officers on a fine investigative effort:

> "We see here the kind of police work often suggested by judges and scholars as examples of appropriate and reasonable means of law enforcement. Here, fact on fact and clue on clue afforded a basis for the deductions and inferences that brought the officers to focus on [the vehicle]. . . . [T]he test is not whether [the officers] had probable cause to believe that the vehicle stopped would contain . . . illegal aliens. Rather the question is whether, based upon the whole picture, they, as experienced Border Patrol officers, could reasonably surmise that the particular vehicle they stopped was engaged in criminal activity. On the record, they could so conclude." [19]

The Court recognized that there are particular enforcement problems inherent in patrolling the 2,000-mile long Mexican border. The intrusion was modest as the duration of questioning was for a minute or two and designed to verify alienage. On balance, the Court found reasonable suspicion to be the appropriate standard for detention at this unique location.

On the Open Road

The Supreme Court addressed the propriety of stopping motor vehicles being driven on the public highway in two decisions. One involved an observed motor vehicle infraction; the other concerned random license and registration checks.

In *Pennsylvania* v. *Mimms,*[20] two Philadelphia police officers observed a motor vehicle being driven with expired license tags. After stopping the car to issue a traffic summons, one officer ordered the driver and owner, Harry Mimms, to step out. After he complied with the request, the officer noticed a bulge under his coat. The officer, believing Mimms to be armed, frisked him and discovered a gun and five rounds of ammunition. His subsequent arrest and conviction on weapons charges were overturned by the Supreme Court of Pennsylvania. On appeal, the U.S. Supreme Court reversed. With respect to the initial stop, the Court made clear that there is "no question about the propriety" [21] of an officer pulling a car over to the side of the road when he or she observes a motor vehicle code infraction. Focusing next on the intrusion resulting from the request to get out of the car after it was lawfully stopped, the Court stated:

> "We think this additional intrusion can only be described as *de minimis.* The driver is being asked to expose to view very little more of his person than is already exposed. . . . What is at most a mere inconvenience cannot prevail when balanced against legitimate concerns for the officer's safety." [22]

These "concerns" are directly related to the detention's location—on an open road—for the Court went on to note:

> "Rather than conversing while standing exposed to moving traffic, the officer prudently may prefer to ask the driver to step out of the car and off onto the shoulder of the road where the inquiry may be pursued with greater safety to both." [23]

In *Delaware* v. *Prouse,*[24] decided in 1979, the Supreme Court made clear that *random* motor vehicle stops were not reasonable seizures. The State of Delaware argued that patrol officers should not be subject to any constraints in deciding which automobiles to be stopped for a license and registration check because discretionary spot checks were a necessary means of ensuring the safety of its roadways and outweighed any intrustion on the privacy of the persons detained. The Court, however, was not convinced of the necessity for such standardless and unconstrained discretionary seizures. Distinguishing the border area cases as presenting a different problem at a different location, the Court stated:

> "The marginal contribution to roadway safety . . . cannot justify subjecting every occupant of every vehicle on the roads to a seizure. . . . Accordingly, we hold that except in those situations in which there is at least articulable and reasonable suspicion that a motorist is unlicensed or that an automobile is not registered, or that either the vehicle or an occupant is otherwise subject to seizure for violation of law,

stopping an automobile and detaining the driver in order to check his driver's license and the registration of the automobile are unreasonable under the Fourth Amendment." [25]

During the late 1970's, lower courts began to extend the investigative detention authority to other particular locations such as airport boarding areas,[26] courthouse entrances,[27] military reservations,[28] and prison visitor areas.[29] But border area cases aside, a question still not fully resolved by the Supreme Court was whether the investigative detention authority was limited to patrol officers who must react to quickly unfolding situations on the street and on the highway. The Court seemed to suggest, but did not rule directly, that such diverse locations as an apartment hallway,[30] a restaurant,[31] and a public tavern [32] were appropriate settings for investigative detentions.

At the Police Station

On the other hand, the Supreme Court in *Dunaway* v. *New York,*[33] decided in 1979, clearly marked the police station as a place where the reasonable suspicion standard of *Terry* does not justify an involuntary detention. Dunaway was "picked up" for questioning by Rochester police officers on the strength of an informant's tip in regard to a robbery-murder that had taken place several months before. He was brought to police headquarters without his consent and interrogated. He made several admissions that led to his arrest and conviction.

The Court, in holding that the defendant had been seized unlawfully on less than probable cause, rejected the government's argument that this police action was reasonable under the circumstances and ordered the suppression of the incriminating statements.

> "Detention for custodial interrogation—regardless of its label—intrudes so severely on interests protected by the Fourth Amendment as necessary to trigger the traditional safeguards against illegal arrest." [34]

The Court reviewed its prior investigative detention decisions and explained how limited this exception to the warrant requirement must remain. The Court confined the balancing approach to "narrowly defined intrusions," noting that for the broad range of intrusive government behavior, the requisite balancing is embodied in the principle that seizures are reasonable only if supported by probable cause.

> "*Terry* itself involved a limited, on-the-steet frisk for weapons. Two subsequent cases which applied *Terry* also involved limited weapons frisks [citing *Adams* v. *Williams* and *Pennsylvania* v. *Mimms*]. *United States* v. *Brignoni-Ponce* [cite omitted] applied *Terry* in the special context of roving border patrols stopping automobiles to check for illegal immigrants. The investigative stops usually consumed less than a minute and involved 'a brief question or two' [cite omitted]. . . . [T]he court [*Brignoni-Ponce*] there stated: 'The officer may question the driver and passengers about their citizenship and immigration status, and he may ask them to explain suspicious circumstances, but *any further* detention or search must be based on consent or probable cause.'" [35]

After *Dunaway,* a growing number of lower courts and legal commentators began to read *Terry* narrowly, recognizing that a proper investigative detention consists only of: (1) A stop on the street, (2) for a brief time, and (3) involving no more than a few identifying questions designed to resolve specific suspicious circumstances.[36] They have read the Supreme Court as explicitly rejecting a balancing approach to investigative detention, believing intrusions on less than probable cause to be the exception, not the rule. In *Michigan* v. *Summers,* the Supreme Court reaffirmed that rule, but at the same time created a broad exception to it.

MICHIGAN* v. *SUMMERS

A common police practice involves the detention of people present at a location where a search warrant is executed and where there are no grounds to make arrests. *Summers* involved just such an event. Detroit police arrived at a private residence to execute a search warrant for narcotics and encountered Summers descending the front steps. One officer determined that he lived in the house, showed him a copy of the warrant, and asked him to open the door. Summers replied that he could not because his keys were inside, but he did ring someone over the intercom. One of seven people inside came to the door, but slammed it shut when the purpose of the visit was announced. The officers then gained entry by force and detained Summers and his companions inside while the warrant was executed.

Summers was arrested when the officers found the narcotics in the basement and ascertained that he owned the house. A search of his person following arrest resulted in the discovery of heroin in his pocket. The trial

" 'A warrant to search for contraband founded on probable cause implicitly carries with it the limited authority to detain occupants of the premises while a proper search is conducted.' "

judge granted his motion to suppress this heroin, an order affirmed by the Michigan Supreme Court, on the ground that it was seized as a fruit of a detention of Summers unlawful at its inception. However, the U.S. Supreme Court reversed, holding that:

> "A warrant to search for contraband founded on probable cause implicitly carries with it the limited authority to detain occupants of the premises while a proper search is conducted." [37]

The sole issue in the case involved the constitutionality of Summers' prearrest detention, which was assumed to be a seizure unsupported by probable cause. The Court reaffirmed the general principle of *Dunaway* v. *New York,* that all fourth amendment seizures must be based on probable cause, but also further explained the *Terry* exception:

> "[S]ome seizures significantly less intrusive than an arrest have withstood scrutiny under the reasonableness standard embodied in the Fourth Amendment. In these cases the intrusion on the citizen's privacy 'was so much less severe' than that involved in a traditional arrest that 'the opposing interests in crime prevention and detection and in the police officer's safety' could support the seizure as reasonable." [38]

The Court then reviewed its border area and motor vehicle stop decisions, where the investigative stops were not confined to momentary on-the-street detentions accompanied by frisks for weapons, and explained that they were justified by special law enforcement interests. The Court next examined the character of the official intrusion into Mr. Summers' privacy and posited an equally valid governmental interest.

The police had obtained a warrant to search the house for contraband. The detention of one of the residents involved little of the inconvenience or indignity associated with a compelled visit to the police station. The Court assumed that most citizens would elect to remain in order to observe the search of their possessions. Furthermore, the detention was not likely to be unduly prolonged or exploited to gain more information from the detainee himself. In addition, the Court returned to *Terry*'s balancing test and recognized the legitimate law enforcement interests in preventing flight in the event incriminating evidence was found and in minimizing the risk of harm to the officers.

> "Although no special danger to the police is suggested by the evidence in this record, the execution of a warrant to search for narcotics is the kind of transaction that may give rise to sudden violence or frantic efforts to conceal or destroy evidence. The risk of harm to both the police and the occupants is minimized if the officers routinely exercise unquestioned command of the situation." [39]

The Court also realized that the orderly completion of a search can be facilitated by the occupants themselves. Their self-interest may induce them to open locked doors or locked containers to avoid unnecessary force and delay in execution of the warrant.

Finally, the Court recognized that the existence of a search warrant itself provides an objective justification for the detention. A judicial officer has determined that there is probable cause to believe that evidence of crime is located in specific premises, and the police should be given a special authorization to invade that location's privacy. As a consequence, those who reside therein will have their personal privacy invaded. In conclusion, the Court held:

> "If the evidence that a citizen's residence is harboring contraband is sufficient to persuade a judicial officer that an invasion of the citizen's privacy is justified, it is constitutionally reasonable to require that citizen to remain while officers of the law execute a valid warrant to search his home." [40]

QUESTIONS NOT ANSWERED BY *SUMMERS*

It is now accurate to conclude that *Terry* is not, as Justice White observed in *Dunaway,* a "unique exception to a hard-and-fast standard of probable cause." [41] The key principle in determining the legality of a detention is reasonableness—the balancing of competing interests. The scale clearly weighs in favor of the police when the stop occurs on the street, at the border, or on the highway. In addition, it is now reasonable to adopt a standard police procedure to detain the owner or tenant found at his home when the home is subject to search pursuant to a warrant for contraband.[42]

But *Michigan* v. *Summers* is interesting for the problems it fails to address as well as for the limited, standardized procedure it permits. There were seven other people in Summers' home. Presumably, they also were detained. The Court did not mention the justification for these de-

tentions or refer to these people as "occupants." Nor did the Court speculate as to the result it would have reached if the location was a business establishment, rather than a private residence, and the people detained were customers or employees. The drugs were found in the basement, which is not a room where an officer would usually start a search. Thus, Summers was probably detained for a longer period of time than permitted to date by the Supreme Court. Further, the Court pointed out repeatedly that the *Summers* warrant was only for contraband. In two footnotes, the Court stated:

> "We do not decide whether the same result would be justified if the search warrant merely authorized a search for evidence [cite omitted]. . . . Although special circumstances, or possibly a prolonged detention might lead to a different conclusion in an unusual case."[43]

The conclusion of this article will discuss such special circumstances. State and Federal courts, both before and subsequent to the *Summers* decision, have had numerous occasions to address the specific questions set out at the beginning of this article. The answers they have given have generally been favorable to the officer executing the warrant. **FBI**

(Continued next month)

Footnotes

[1] 392 U.S. 1 (1968) [hereinafter cited as *Terry*].

[2] 452 U.S. 692 (1981) [hereinafter cited as *Summers*].

[3] *See* Davis, "Search of Persons During Search Warrant Execution," *FBI Law Enforcement Bulletin* (April and May 1981) for a discussion of the "frisk" search of persons present at a location where a search warrant is executed.

[4] U.S. Const. amend. IV reads: "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."

[5] *Weeks* v. *United States,* 232 U.S. 383 (1914).

[6] *Cf. United States* v. *Rabinowitz,* 339 U.S. 56, 66 (1950), where the Court held that a search incident to arrest was governed by the reasonableness clause of the fourth amendment, and that "[t]he relevant test is not whether it is reasonable to procure a search warrant, but whether the search was reasonable."

[7] *Terry, supra* note 1, at 20–22.

[8] *Id.* at 40.

[9] *Id.* at 21.

[10] *Id.* at 22.

[11] 407 U.S. 143 (1972) [hereinafter cited as *Adams*].

[12] *Id.* at 145–46.

[13] *See Terry, supra* note 1, at 31 (Harlan, J., concurring, suggested as much when he "felt constrained to fill a few gaps" in the majority opinion, one of which was to point out that an officer's right to detain people *on the street* does not depend on probable cause); *and,* at 34 (White, J., concurring: "There is nothing in the Constitution which prevents a policeman from addressing questions to anyone on the street."); *accord, Adams, supra* note 11, at 144, 148, where the Court twice mentioned that the officer was working in a high-crime area, once in the recitation of the facts and again where the Court explained the factors justifying a fear for the officer's safety.

[14] 422 U.S. 873 (1975).

[15] *Id.* at 878–79.

[16] *Id.* at 880.

[17] 428 U.S. 543 (1976).

[18] 449 U.S. 411 (1981).

[19] *Id.* at 419–21.

[20] 434 U.S. 106 (1977).

[21] *Id.* at 109.

[22] *Id.* at 111.

[23] *Id.*

[24] 440 U.S. 648 (1979).

[25] *Id.* at 661–63.

[26] *See, e.g., United States* v. *Bell,* 464 F.2d 667 (2d Cir. 1972), *cert. denied.,* 409 U.S. 991 (1973) (sky marshal allowed to stop passenger and inspect contents of paper bag found in passenger's coat pocket); *United States* v. *Davis,* 482 F.2d 893 (9th Cir. 1973) (airport detention and use of magnetometer is a species of administrative search).

[27] *See, e.g., Barrett* v. *Kunzig,* 331 F. Supp. 266 (M.D. Tenn. 1971) (Nashville Federal courthouse procedure); *Downing* v. *Kunzig,* 454 F.2d 1230 (6th Cir. 1972) (Detroit, Mich., Federal building procedure); *McMorris* v. *Alioto,* 567 F.2d 897 (9th Cir. 1978) (procedure at San Francisco's Great Hall courthouse). For an example of extraordinary precautions ordered by a trial judge in a particularly well-publicized case, *see In Re Trials Of Pending And Future Criminal Cases,* 306 F. Supp. 333 (N.D. Ill. 1969) (trial of Chicago Seven defendant David Dellinger).

[28] *See, e.g., United States* v. *Ellis,* 547 F.2d 863 (5th Cir. 1977) (Pensacola, Fla., Naval Air Station screening procedure); *United States* v. *Vaughn,* 475 F.2d 1262 (10th Cir. 1973) (Tinker Air Force Base, Okla., screening procedure); *United States* v. *Miles,* 480 F.2d 1217 (9th Cir. 1973) (Sierra Army Depot, Hurlong, Calif., screening procedure); *cf. United States* v. *Burrow,* 396 F. Supp. 890 (D. Md. 1975) (portions of Ft. Meade, Md., are equivalent to a public street.

[29] *See, e.g., State* v. *Manghan,* 313 A.2d 225 (Super. Ct. N.J. 1973) (Bergen County jail procedure); *People* v. *Thompson,* 523 P.2d 128 (Col. 1974) (Colorado State Penitentiary procedure); *Black* v. *Amico,* 387 F. Supp. 88 (W.D.N.Y. 1974) (Erie County Holding Center procedure); *United States* v. *Sihler,* 562 F.2d 349 (5th Cir. 1977) (U.S. penitentiary, Atlanta, Ga., procedure with respect to employees).

[30] *Peters* v. *New York,* 392 U.S. 40 (1968) (burglary suspect apprehended on fifth floor apartment house stairwell on sufficient probable cause to arrest).

[31] *Sibron* v. *New York,* 392 U.S. 40 (1968) (suspected narcotics dealer approached while eating in a restaurant; the Court did not address the detention issue as the facts were not fully developed in the record).

[32] *Ybarra* v. *Illinois,* 444 U.S. 85 (1979) [hereinafter referred to as *Ybarra*] (police executing a search warrant for narcotics at a public tavern, where 9 to 13 customers were present, could not invoke *Terry* to frisk a patron without individualized suspicion to believe he was armed and dangerous). *See also Brown* v. *Texas,* 443 U.S. 47 (1979) (State statute requiring individuals to identify themselves unconstitutional as applied because the officer did not have particularized suspicion Brown had been or was about to commit a crime).

[33] 442 U.S. 200 (1979) [hereinafter cited as *Dunaway*]; *accord Taylor* v. *Alabama,* 50 U.S.L.W. 4783 (U.S. June 23, 1982) (based on uncorroborated informant's tip, police involuntarily transported suspect of grocery store robbery to police station where he was given *Miranda* warnings, fingerprinted, questioned, and placed in a lineup; Supreme Court held such a detention to be equivalent to a full custody arrest for which probable cause is required). *See also Brown* v. *Illinois,* 442 U.S. 590 (1975) (involuntary detention for 2 hours at police station required probable cause); *Davis* v. *Mississippi,* 394 U.S. 721 (1969) (involuntary detention at station house for fingerprinting and questioning equivalent to full custody arrest).

[34] *Dunaway, supra* note 33, at 216.

[35] *Id.* at 210–12.

[36] *See United States* v. *Chamberlin,* 644 F.2d 1262 (9th Cir. 1980), *cert. denied,* 453 U.S. 914 (1981) (when suspect detained for 20 minutes, placed in police cruiser, driven to a nearby location and questioned, an arrest has taken place); *Sharpe* v. *United States,* 660 F.2d 967 (4th Cir. 1981), *cert. granted and remanded on other grounds,* 31 Cr. L. 4096 (June 21, 1982) (investigative stop of two automobiles suspected of being used in drug trafficking failed to satisfy brevity requirement where one driver detained for 30–40 minutes without probable cause for arrest and the other driver detained for at least 15 minutes); *United States* v. *Bloom,* 614 F.2d 537, 541 (6th Cir. 1980) (detention of suspect in police cruiser and return to scene of suspected crime unreasonable as lasting "beyond the time period to 'frisk' [Bloom] for weapons and 'to maintain the status quo momentarily while obtaining more information,' " citing *Adams, supra* note 11). *See also* Greenberg, *Drug Courier Profiles, Mendenhall and Reid: Analyzing Police Intrusions On Less Than Probable Cause,* 19 Am. Crim. L. Rev., 49, No. 1 (Summer 1981).

[37] *Summers, supra* note 2, at 705.

[38] *Id.* at 697–98, quoting *Dunaway, supra* note 33, at 209.

[39] *Id.* at 702–03.

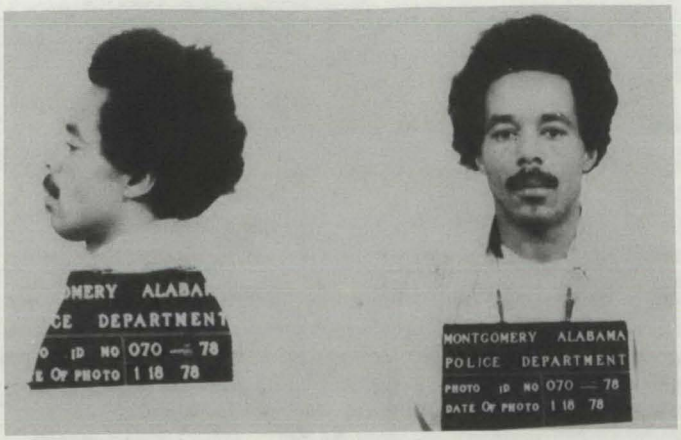
[40] *Id.* at 705.

[41] *Dunaway, supra* note 33, at 219 (White, J., concurring). *See, e.g., United States* v. *Martell,* 654 F.2d 1356, 1361, n.3 (9th Cir. 1981); *People* v. *Lippert,* 432 N.E. 2d 605, 611 (Ill. 1982).

[42] Professor LaFave agrees with this view. *See* W. LaFave, *Search and Seizure—A Treatise on the Fourth Amendment,* Vol. 2, Section 4.9 (Supp. 1982).

[43] *Summers, supra* note 2, at 705, nn. 21 and 22.

WANTED BY THE FBI



Photographs taken 1978

Rubin Watkins, Jr.

Rubin Watkins, Jr., also known as Reubin Watkins, Jr., "Red"

Wanted for:

Interstate Flight—Murder

The Crime

Rubin Watkins, Jr., a taxi driver, is charged with murder and unlawful flight to avoid prosecution. Watkins reportedly seized a teenage girl, locked her in the trunk of his cab, and drove to a secluded area where he shot her in the head with a .410-gage shotgun.

On May 30, 1979, a Federal warrant was issued in Montgomery, Ala., charging Watkins with unlawful interstate flight to avoid prosecution for the crime of murder.

Description

Age	41, born July 29, 1941, Lowndes County, Ala.
Height	5'8".
Weight	152 to 155 pounds.
Build	Medium.
Hair	Black.
Eyes	Brown.
Complexion	Medium.
Race	Negro.
Nationality	American.
Occupation	Taxi driver.
Scars and Marks	Scars on both forearms.
Social Security Number Used	424-50-9074.
FBI No.	68 266 F.

Caution

Watkins is being sought in connection with the murder of a teenage girl who was found shot to death in a secluded wooded area. Consider Watkins armed and dangerous.

Notify the FBI

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

Classification Data:

NCIC Classification:
11530407071105TT0910

Fingerprint Classification:
11 S 1 R 7
S 1 Ut

I.O. 4900

Right index fingerprint

Change of Address

Not an order from

FBI LAW ENFORCEMENT BULLETIN

Complete this form and return to:

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

Name

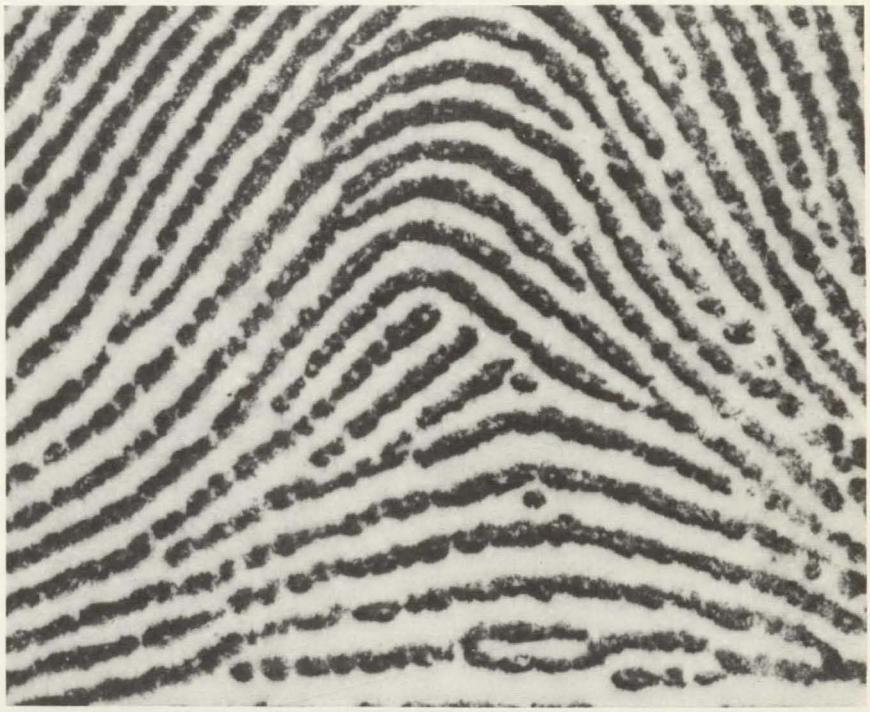
Title

Address

City State Zip

Questionable Pattern

The questionable pattern presented here is the source of much confusion insofar as its classification is concerned. The pattern consists of three ridges ending on or about the same plane, plus a delta formation. The impression lacks only a sufficient recurve to be classified as a loop. Accordingly, a pattern which possesses two of the three characteristics of a loop is classified as a tented arch. A reference search would be conducted in the plain arch group.



U.S. Department of Justice
Federal Bureau of Investigation

Official Business
Penalty for Private Use $300
Address Correction Requested

Postage and Fees Paid
Federal Bureau of Investigation
JUS–432

Controlled Circulation Rate

Washington, D.C. 20535

The Bulletin Notes

That in coming months, individual State and local police officers will be featured in this space in recognition of their accomplishments in serving the public and their profession.

Law enforcement agencies, of whatever size, are encouraged to submit recommendations for this recognition to the police training coordinator of the nearest FBI field office. This Agent handles matters relating to the FBI Law Enforcement Bulletin.

Nominations should be based on the following criteria:

1) Performance that results in rescue of one or more citizens, or
2) Performance that results in arrest(s) at risk to the officer, or
3) Other unique service to the public or outstanding contribution to the police profession.

Nominations should consist of a short writeup (one page or less) and a black and white photograph of the officer involved. Only the officer's name, rank, and department need be identified. The chief or a ranking officer of the department should forward the nomination to the designated Special Agent handling police training in the nearest FBI office.