



January 1986

FBI

Law Enforcement Bulletin

Combating Police Stress

Contents

January 1986, Volume 55, Number 1

- | | | |
|-------------------------------|-----------|--|
| Management | 1 | Combating Police Stress
By Lloyd L. Bratz |
| Police-Community
Relations | 8 | Stop Child Abuse Through Education
By Michael J. Flaherty |
| Personnel | 11 | Law Enforcement Recruiting—Strategies for the 1980's
By Kathleen McChesney |
| Law Enforcement
Role | 19 | Developing Productive Relationships with Private Security
By Christopher A. Hertig |
| Legal Digest | 23 | Investigative Detention:
An Intermediate Response (Conclusion)
By John C. Hall |
| | 30 | Wanted by the FBI |

The Cover:

Police stress is a serious occupational malady which, if left unchecked, can be devastating to the officer and the department. See article p. 1.

FBI

Law Enforcement Bulletin

United States Department of Justice
Federal Bureau of Investigation
Washington, DC 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 June 6, 1988.

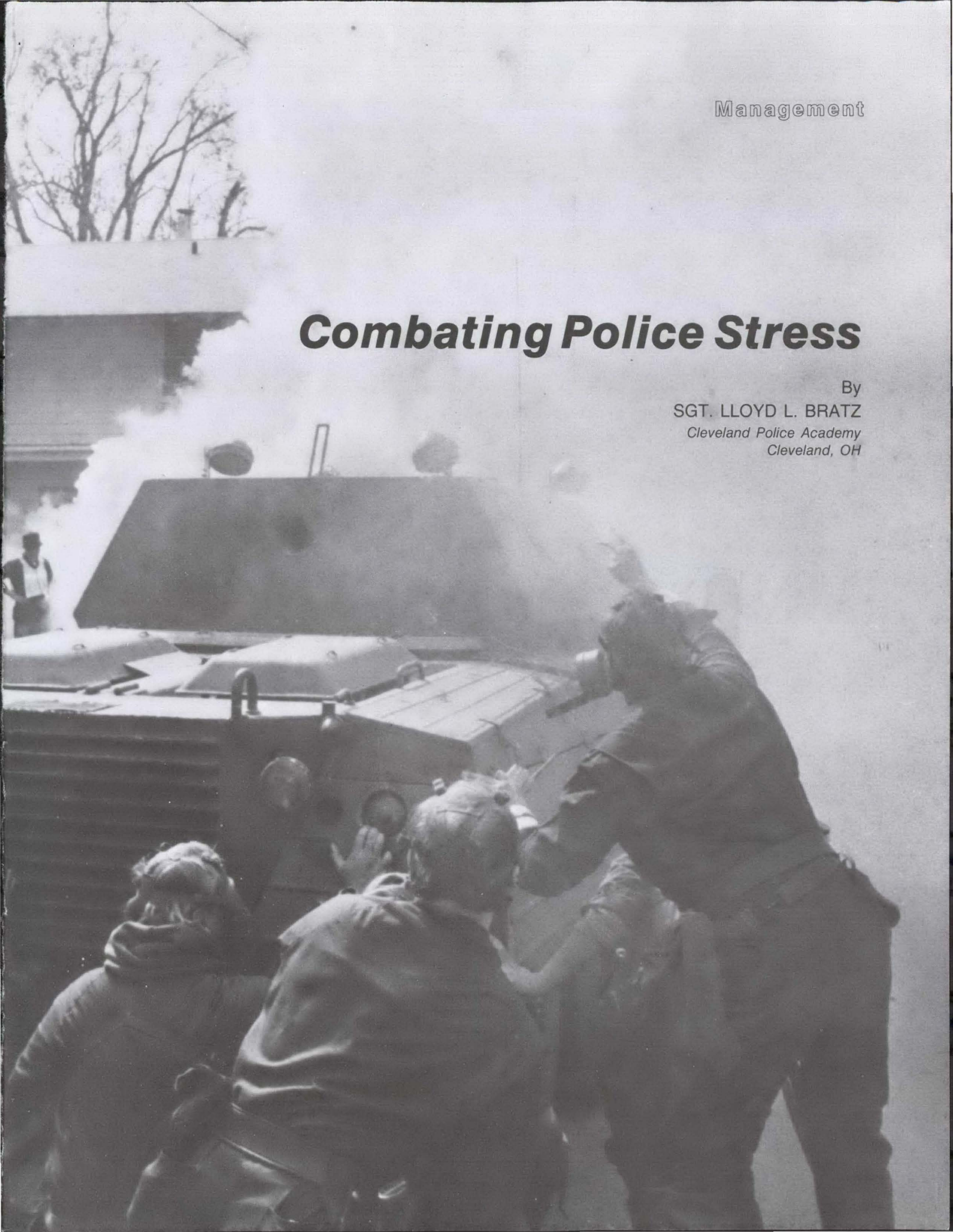
Published by the Office of
Congressional and Public Affairs,
William M. Baker, *Assistant Director*

Editor—Thomas J. Deakin
Assistant Editor—Kathryn E. Sulewski
Art Director—Kevin J. Mulholland
Production Manager—Marlethia S. Black
Reprints—Robert D. Wible



ISSN 0014-5688

USPS 383-310



Management

Combating Police Stress

By

SGT. LLOYD L. BRATZ

*Cleveland Police Academy
Cleveland, OH*



Sergeant Bratz



William T. Hanton
Chief of Police

A police officer's role in contemporary America is rather paradoxical in nature. He is a savior, helper, and at times, referee. And then, as an enforcer, he becomes the root of many problems when he issues a traffic ticket, makes a physical arrest, or uses deadly force. This roller coaster ride is a process difficult to understand functionally and incomprehensible emotionally. This "help-or-hinder" syndrome tests an officer's emotions daily. Add to this the rigors of working week-ends, holidays, nights, rotating shifts, and long hours, and it is easy to see why policing is considered highly vulnerable. This emotional "ride" taken by police officers is not a recent discovery. Yet, gone unchecked, it becomes devastatingly real. It is referred to as police stress.

Veteran officers across the Nation can narrate horror stories of how unbridled stress can cause pain and suffering to those it touches. Occupational burnout is a very real occurrence in American law enforcement. A police agency's reaction to personal stress is critical to the success or failure of the entire police mission. But, what are the factors which assist stress in operating so well within the police profession? Many believe it is a combination of occupational and personal issues that produce a system in which stress runs rampant.

The Police Personality

The daily enigmas occurring in every person's personal life become greatly intensified for a police officer on his tour of duty. People don't request police assistance when their lives are orderly and proper. The po-

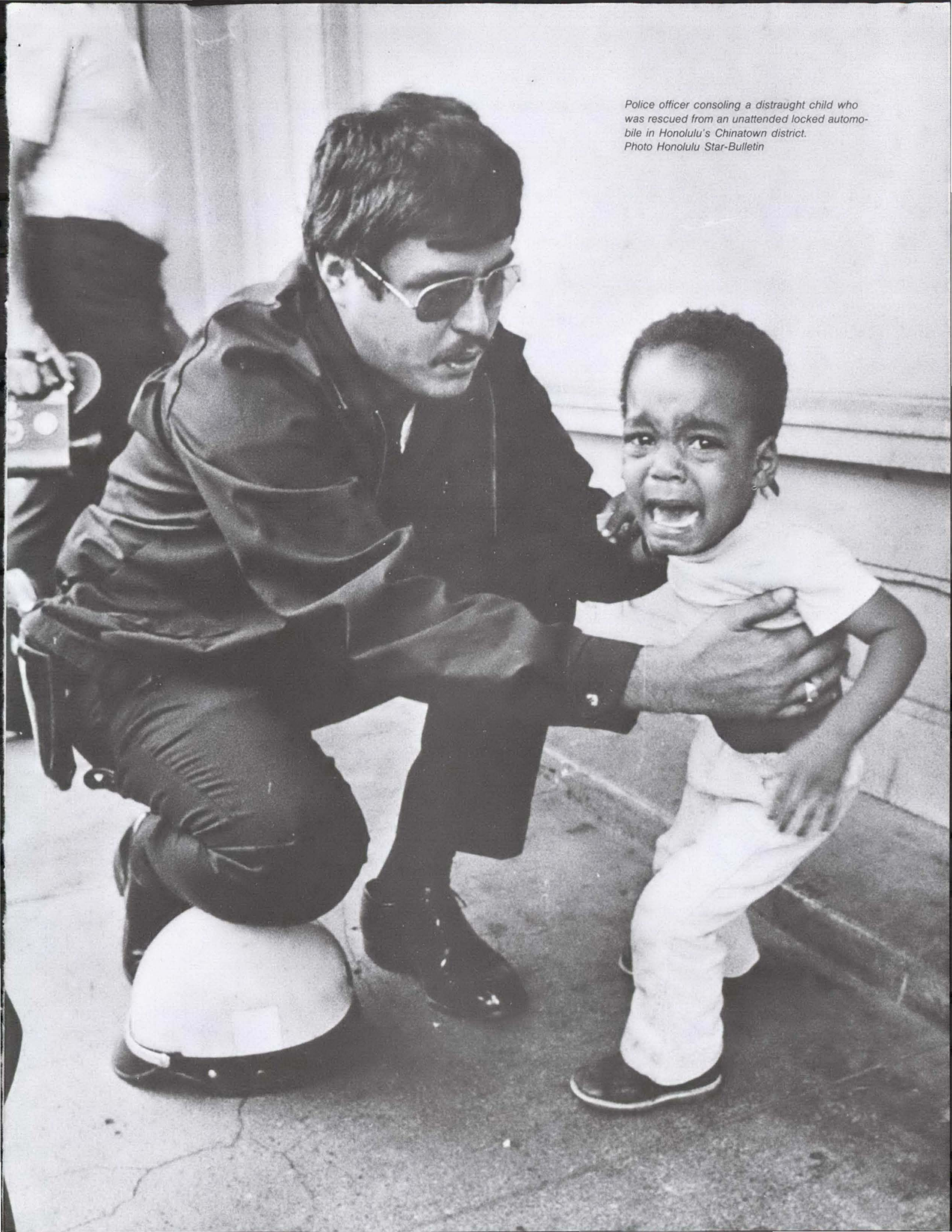
lice become involved when life's activities are in serious disarray and lives are in jeopardy. An automobile accident, a residential burglary, the theft of the family car, and the physical abuse of a wife or child are only a few of the numerous incidents which command police attention daily. These are anxious moments for the victims, and this feeling is easily transferred to the responding officer. Upon arriving at the crime scene, the individual officer must calm the people involved, stabilize the situation, obtain pertinent facts, and hopefully arrest the perpetrator(s). Quite an admirable feat!

The police, in such situations, become entangled in a web of personal puzzles and ceaseless on-the-job catastrophes. This perplexity engulfs the officer and colors the world a dreary gray. Watching children die and people beaten to the edge of life are difficult situations to handle, much less comprehend.

Divorce, alcoholism, drug usage, disciplinary problems, physical ailments, and even suicide become reactive measures adopted by those in the law enforcement system. The entire process molds and manipulates an officer into apathy and detachment.

Because of these problems, it becomes imperative that police administrators establish some type of release process for those within their command. Occupational stress is constant, and when left unchecked, can tear at the very fabric of law enforcement. Such pressures can become a gnawing, progressive disease which will slowly undermine the efficiency and potential of a police force. The problem is not usually discerned as significant until a cop mentally collapses or department morale plummets. The work required of police officers will not change; yet, there are ways to compensate for these pressures. Viable

*Police officer consoling a distraught child who was rescued from an unattended locked automobile in Honolulu's Chinatown district.
Photo Honolulu Star-Bulletin*



"Occupational burnout is a very real occurrence in American law enforcement."

solutions have been found which can assist in discovering and treating the problem of stress.

Approaches to Stress Management

Several constructive options are available. The following five approaches may be used in varying combinations or individually in combating stress in law enforcement.

Stress Unit

One approach prevalent in larger departments is to establish a special unit with the primary responsibility of counseling and conferring with members in need. While the officers assigned to this unit need not be certified psychologists or psychiatrists, they must be aware of counseling procedures and techniques and have sufficient knowledge to recognize potentially serious problems. Such officer-counselors must also be aware of available professional agencies equipped to handle stress-related problems. The support afforded by such a unit can be very successful in providing a means to vent one's frustrations. The officer talks over his problems with a good "listener" and this, in itself, may alleviate burgeoning tension.

Department Psychologist/Psychiatrist

Some departments may be able to acquire the services of a local psychologist or psychiatrist. Fees for this service could be handled on hourly "as needed" basis or through an annual retainer. A trained social scientist could also assist in developing marriage counseling programs and be of needed assistance during barricaded suspect or hostage negotiation incidents. Such a dual purpose could prove cost-effective to any financially conscious community.

Periodic Psychological Testing

Another alternative is to establish a routine psychological testing process at predetermined intervals, e.g., every 2 or 3 years or even on an annual basis. Hopefully, such a process, on a mass scale, would be able to identify officers reaching maximum mental limits. The tests used may vary, but the Minnesota Multiphasic Personality Inventory (MMPI) and the California Personality Index (CPI) are two possible evaluation methods. The professional testing measure used would assist administrators in determining the existence of a potential problem and reacting with appropriate solutions. Along with the standardized testing format, a subsequent interview must take place. The interview can better assist in the individual officer's profile to either reinforce or reject the actual test findings. As in each of the previous approaches, confidentiality is of utmost importance. Even if assistance is suggested, the officer should not be forced or coerced into receiving help.

Stress Seminar

An approach which excludes actual professional assistance is a stress training session attended by all departmental officers. This program could be instituted through a regional training school, a local college, or the department's own training academy. The program should consist of ways to detect stress problems, establishing that stress factors are prevalent in people-oriented occupations and coordinating solutions to them. Professionals in the fields of alcoholism, drug abuse, and marriage counseling may be enlisted

to enhance the program's validity and expertise. An important portion of the seminar should be devoted to small group discussions, in which officers can compare experiences and frustrations. This talk session can be a priceless release mechanism for officers to discuss mutual areas of tension and concern. Such a program makes officers aware that stress problems do exist in the police profession and recognize various stress indicators. Further, a stress seminar shows that the upper command structure is acutely aware of the police officer as an individual and not solely consumed in crime statistics, budgetary considerations, and response time comparisons.

Physical Exercise

Various studies have indicated that exercises such as jogging, swimming, racquetball, and tennis are not only ways in which to become physically sound but are extremely valuable means of releasing pent-up stress. Physical exercise should not be overlooked as a way to counter the routine pressures accumulated by today's police officers.

Another premise which should appear attractive to police executives proposes that physically fit employees are a definite asset to their organization. Dr. Robert L. Fleck, director of NASA's Stress Laboratory, states that while the average worker efficiency drops 50 percent during the last 2 hours of the day, men from his "... conditioning unit are found to work at full efficiency all day-every day."¹ Dr. Kenneth Cooper of aerobic fame has consistently promoted exercise—running, swimming, and even walking as means to enhance physical fitness through conditioning of the cardiovascular system.²

Police officer after routing an armed male from a residence in Memphis, TN





*Army explosives expert from Ft. Douglas, UT,
aiding Butte, MT, PD.*

"The key is for police executives to view personal stress as a very real aspect of American law enforcement and formulate responses to stress indicators in a positive manner."

The advantages of a healthy police force should be of interest to every police administrator. A lower rate of absenteeism and better job performance, along with the release of stress, are factors associated within the process of physical conditioning.

Cleveland Police Department Responses

The Cleveland, OH, Police Department has made substantial gains in the area of stress conditioning over the past several years. The pressure realized within enforcement activity has been confronted by the department by several means.

In March 1979, a unit was formed to combat the strain of urban policing. The Employee Assistance Unit is comprised of several patrol officers trained in counseling and referral techniques and reports directly to the chief of police. The keystone of the program is confidentiality, anonymity, and voluntary compliance.

One of the referral mechanisms of the Employee Assistance Unit is use of the police gymnasium. The physical exertion required to work out on the various equipment devices and free weights is a mental as well as physical venting process so important in releasing daily pressures. Additionally, the hiring of a full-time departmental stress consultant has proven extremely helpful for many officers, department employees, and their spouses.

A training program at the police academy has been instituted for all sworn officers. Referred to as "sensitivity training," the program touches on aspects of interpersonal communications, police-community relations, and crisis intervention techniques. The program is an effort to make officers more aware of the multiethnic cultures so prevalent in the city. Also, it is used to promote a better understanding of personal stress and crisis factors affecting police service in general.

All of these responses have promoted a more-positive image for the department, proving to the public that the department is attempting to improve its service, while showing individual officers that the department "cares" about its members and their well-being.

The key is for police executives to view personal stress as a very real aspect of American law enforcement and formulate responses to stress indicators in a positive manner.

Final Analysis

Today, American law enforcement is probably under more pressure than at any other time in recent history. The 1960's taxed police ability to respond with physical force in stabilizing civil unrest, demonstrations, and campus turmoil. The 1980's are unique in that individual officers have become susceptible to increasing legal, societal, and personal influences initiated on many fronts. Police officers tend to be placed in uncompromising situations. The considerations of city hall influences, community interactions, court decisions, and personal situations dramatically increase the omnipresent strain of actual survival of which every street officer must constantly be aware.

Many enlightened police administrators have realized their pivotal role and turned their attention to combating stress in an effort to compensate for this very real occupational malady. Yet, the question remains as to whether police agencies can properly react to this phenomenon. The tools and techniques are available; yet, implementation is required. There are no other choices.

FBI

Footnotes

¹Robert Fleck, "Physically Fit Employees, More Efficient Workers," *Bureau of National Affairs Communicator*, Summer 1982, p. 16.

²K.H. Cooper, *Aerobics* (New York: M. Evans, 1968); *The Aerobics Program for Total Well-Being: Exercise, Diet, Emotional Balance* (New York: M. Evans, 1982).

Stop Child Abuse Through Education

By
MICHAEL J. FLAHERTY
*Chief of Police
Prince George's County
Police Department
Forestville, MD*



The number of reported sexual child abuse cases has increased steadily in recent years. Statistics from the Maryland Department of Human Resources indicate that reports of child abuse statewide have risen 17 percent in general, with a 38-percent increase in reports of sexual abuse. Reported sexual child abuse in Prince George's County climbed from 53 cases in 1978 to 212 cases in 1983—a 300-percent

increase. Recent incidents of child abuse and exploitation have caused alarm and concern in the community. Parents of small children have expressed this concern to patrol officers, officers conducting school and PTA programs, police administrators, and elected county government officials. Parents were asking for help in recognizing the signs of sexual child abuse and in knowing what actions to take when those signs become evident.

**"... the SCATE Program ... represents
a viable method for dealing with the
issue of child molestation and exploitation."**



Chief Flaherty

The Program

The steady increase in reports of sexual child abuse, coupled with community concern, prompted the Prince George's County Police Department to implement a special program to combat this heinous crime. Stop Child Abuse Through Education (SCATE) is a comprehensive educational program developed by the Community Relations Division, in cooperation with the Child Abuse Section and the Prince George's County General Hospital's Sexual Assault Center.

The program is an extension of the police department's "Dangerous Stranger" program, as it applies to child molestation, and the "Child Molestation, When to Say No" program, which is concerned with the abuse of children by people they know. These programs are primarily presented to students and PTA's and have been offered in the county's schools for the past 7 years.

However, there was a need to furnish appropriate information to preschool children as well. Because of the large number of day-care centers and individual sitters, it was virtually impossible to educate these children on an

individual basis. It became apparent that to be effective, the program must be designed to provide parents information vital to the protection of children of all ages. By participating in the program, parents become more aware of the problem of sexual child abuse. They are informed of some of the danger signals which may indicate that a child has been victimized and are given instruction in techniques to use when discussing the matter with their children. These parents are also told how and where to seek assistance if they believe sexual abuse has occurred.

The goal of the program is to replace anxiety with awareness and sensitivity, through education. This is accomplished by meeting two primary objectives. The first objective is to inform and educate parents and adults regarding sexual child abuse prevention, identification, investigation, and assistance for the victim and the family. The second objective, and anticipated result, is to get more people to report offenses of sexual child abuse, thereby enabling the police to identify, arrest, and prosecute the offenders.

The program is conducted by a panel comprised of an officer from the Safety Education Section of the police department's Community Relations Division, an investigator from the Child

Abuse Unit, and a therapist from the Sexual Assault Center at the county hospital. The safety education officer opens the program by describing the purpose of the program and relating some recent incidents of sexual child abuse. The officer explains how to discuss the issue with children without frightening them or making them paranoid. "Secrets," "games," and "threats" are presented, as well as physical, emotional, and behavioral signs of sexual child abuse. The safety education officer's segment is completed with instruction on choosing "custodial caretakers" for children.

The child abuse investigator then presents a synopsis of the relevant laws and discusses the requirement of all educators, health practitioners, social workers, and law enforcement personnel to report suspected child abuse cases. A profile of potential offenders is offered, along with advice concerning what actions to take or not to take when dealing with an offender. The investigator discusses at what point a parent should become suspicious of

"... SCATE ... is meeting a very real need to educate the public about the perils of sexual child abuse and ways of combating this crime."

sexual child abuse and elaborates on certain aspects of investigative procedures, including required statements from parents, interviews with the victimized child, and the importance of the physical examination at the Sexual Assault Center. An explanation of post-arrest judicial procedures is provided to assist parents in understanding and dealing with the adjudication process. Other addressed topics include case screening and presentation to the grand jury, pre-trial conferences with the victim and parents, and trial procedures.

The Sexual Assault Center therapist outlines the general services, emergency services, followup counseling, and the Education and Community Outreach Program available through the Sexual Assault Center. The short- and long-term effects and general reactions-behavior for children in various age groups who are victims of sexual child abuse are also addressed. Parental reaction, ways of dealing with the victim's reaction, and effects on the family unit are recounted by the therapist, as well as improved ways to cope with the abuse. Mixing victim reactions with parental reactions and additional ways for other family members to be supportive concludes the therapist's segment.

The discussions are reinforced with a slide presentation which has been developed for the SCATE Program. In addition, a pamphlet is provided to participants in the program. The pamphlet presents facts and myths about sexual child exploitation. Indicators and symptoms of sexual abuse are reviewed, and information on correct reporting procedures is included. Numerous other topics, includ-

ing selection of a day-care facility, are covered in the pamphlet, which also features a list of available resources.

Following the presentation, members of the panel entertain questions from the parents and elaborate further on important issues and concerns. This portion of the program has proven to be extremely valuable in facilitating the program's efforts to replace anxiety with awareness and sensitivity.

The Results

The SCATE Program was initially presented to several hundred parents during 10 presentations held at strategic locations throughout the county. As a direct result, 27 documented cases of child abuse have been reported to the police or the Sexual Assault Center.

The companies which provide cable television service to Prince George's County have advised the police department that they wish to tape a presentation of the SCATE Program and provide it to their viewers on the local educational cable television channel. This broadcast will be repeated several times during the year, thereby vastly augmenting dissemination of this vital information to county residents.

The SCATE Program is meeting a very real need to educate the public about the perils of sexual child abuse and ways of combating this crime. The effectiveness of the program is reflected in the analysis of questionnaires completed by initial program participants. The responses of the participants polled revealed the following:

- 95.9 percent indicated they learned new information;
- 99.2 percent indicated the program was beneficial;
- 97 percent indicated that as a result of participating in the program, they were better prepared to discuss

sexual child abuse with their children; and

—100 percent indicated they would recommend the program to friends and family members.

Conclusion

The SCATE Program is one of police and citizens working together. The program not only improves the quality and expands the scope of police service but also demonstrates to the public that police services are community-oriented and aimed at helping those in need. The program has also strengthened working relationships between the police department, the Sexual Assault Center, and the protective service agencies in Prince George's County.

The Prince George's County Police Department believes that the SCATE Program, coupled with intensive training on sexual assault investigation, represents a viable method for dealing with the issue of child molestation and exploitation. We will be happy to provide information to interested agencies. Inquiries about SCATE should be directed to:

Commander, Community Relations
Division
Prince George's County Police
Department
3415 North Forestedge Road
Forestville, MD 20747

FBI

Law Enforcement Recruiting

Strategies for the 1980's

"The law enforcement community must locate and develop highly skilled human resources to face the challenges of crime control in the 21st century."

By
KATHLEEN McCHESNEY
*Special Agent
Criminal Investigative Division
Federal Bureau of Investigation
Washington, DC*





Special Agent McChesney

The law enforcement community must locate and develop highly skilled human resources to face the challenges of crime control in the 21st century. Locating and developing this talent will be a difficult task, certain to be complicated by the competition between the public and private sectors for those same talented individuals.

In the 1960's and 1970's, national efforts directed at comprehensive crime control included changes in recruitment directions and strategies.¹ As law enforcement agencies began to seek candidates educated beyond the high school level, many State and local agencies found themselves competing against each other and the Federal agencies for college-educated candidates. Starting salaries for police officers in major metropolitan areas became competitive with their Federal counterparts, while some agencies paid premiums to employees with post high school or college educations in certain disciplines. Although the rate of law enforcement hiring is not increasing as rapidly as it was in the past decade, locating, recruiting, and retaining the best candidates remain critical issues for the law enforcement administrator. Hopefully, the applicant skills sought today will serve law enforcement's needs for the next 3 decades and the profession will continue to maintain a high employee retention rate.

Politics, socioeconomic factors, even weather, can influence crime patterns, and attempts to predict law enforcement's long term needs may be nothing more than projections of demographic data and statistics. In spite of this "best-guess" approach, a law enforcement agency that does not plan

for the long and short term will need to retrain continually investigators with the skills (i.e., computers, foreign languages) necessary to address special crime problems. There are no simple formulas to assist the personnel planner in judging future needs; however, each must remain cognizant of ethnic and technical changes and how they may affect law enforcement in their communities.

A National Recruiting Program—The FBI Experience

The FBI's hiring needs are determined by several factors and are generally planned several years in advance of actual hiring. In the event of new investigative responsibilities or significant, unexpected crime problems, investigative personnel must be shifted in the short term to address the most pressing matters. Although the FBI receives thousands of applications for the Special Agent position each year, recruiting the most qualified candidates remains a serious consideration.²

In 1983, the FBI increased its Agent complement by 5.7 percent, and recruiters in the FBI's 59 field offices were advised to direct their efforts toward locating certain specialized candidates, particularly those with engineering, science or computer skills, or a foreign language ability. To unify, strengthen, and coordinate the 59 varied recruiting strategies which were ongoing in each of the FBI's field offices at the time, a National Applicant Recruiting Program was established. Included in the program was the development of a national recruiting strategy which would serve the FBI by assisting in identifying, processing, and hiring the best candidates for Special Agent and noninvestigatory positions.



"The FBI's National Recruiting Program has developed into a human resources planning group designed to meet the rapidly changing demands of the Bureau's varied law enforcement responsibilities."

Recruiters were tasked with matching the needs of the FBI and the occupational goals of potential candidates, a process which involves testing, screening, and formal and informal interviewing. Over a 2-year period (fiscal years 1983-84), the National Recruiting Program assisted in hiring 1,338 Special Agents (including an increase of 18.4 percent minorities and 39.2 percent women). Notwithstanding the directives of seeking specially skilled Agents, over one-half of the Special Agents were hired under the modified (now diversified) program, which requires a bachelor's degree and 3 years' professional work experience.³

Other law enforcement agencies, in varying degrees, can use strategies similar to those used in the National Recruiting Program consistent with the agency's or department's unique requirements, which may narrow the field of eligible candidates. The strategies described below, derived from past Bureau hiring practices as well as current personnel practices used in the public and private sectors, include: 1) The personnel forecast, 2) identifying an applicant pool, 3) needs matching, 4) intra/extra agency communications, and 5) process dynamics. Each component is part of an ongoing system in which the successes or problems of one component may directly affect another's function.

The Personnel Forecast

Forecasting is necessary when basic personnel planning is insufficient to predict future needs. Planners in the private sector have the luxury of current, valid market information with

which to make strategic manpower decisions. The public sector, and law enforcement in particular, is subject to the most unpredictable events. Forecasting can be effective if careful attention is paid to obtaining sufficient, relevant data.

In many agencies and departments, identifying hiring needs occurs only at budget preparation time. Gathering information from all divisions relative to hiring needs should be part of a continual process, which includes the periodic redesign of organizational structures so as to provide the optimum balance between executive, manager, supervisor, investigator/patrol officer, and supporting positions (technical/clerical). Forecasting needs are to be expanded as far as possible, although some decrease in reliability is expected in multiyear periods.⁴

By seeking highly motivated, resourceful, and independent-thinking candidates, an agency will select individuals who will, in all likelihood, strive to improve employment status. In any pyramiding organizational structure, these individuals will, at some point, reach a plateau which they might not have attained had they sought employment with an organization where their highly valued skills and characteristics were not commonplace. The frustration which may result may lead to a retention problem.

Although the FBI, and law enforcement in general, has a low resignation rate,⁵ retention is a potentially serious problem, particularly if those resigning possess similar valuable or unique skills. Ongoing retention studies are found to be particularly effective for large departments and should be conducted where possible. Apparent resignation patterns may be symptomatic of problems which are not obvious but perhaps easily resolved.

Identifying a Candidate Pool

Once it is determined what skills/qualifications are critical to meet personnel needs, potential applicant candidates can be identified and located. In addition, any special goals of the department or agency should be considered at this time (i.e., increase of certain minority groups).

Part of the National Recruiting Program's goal was to identify for local recruiters where potential candidates were likely to be located. Information was obtained from several sources—data compiled yearly by various public and private groups regarding college and university graduates, demographics, successful recruiters, and from an ongoing survey of recently hired FBI Agents.

The FBI has always been fortunate to have a sufficient number of applicants for the Special Agent position; however, as the types of offenses and offenders have changed, many of the applicants have not necessarily met the current, more-specialized needs of the Bureau. As an example, the need for multilingual Agents has increased dramatically since 1982, while only a small percentage of new applicants speak a foreign language with the fluency necessary to conduct effective investigations. To deal with this dilemma, recruiters are directed to universities and colleges with strong foreign language programs or ethnic, multilingual communities.

Needs Matching

Current personnel systems are structured and modified by law, common practice and collective bargaining units, or labor unions. To be truly competitive for the skilled, college-





"Planning, combined with flexible personnel policies, will assist the public personnel administrator in meeting future needs with competent, motivated employees who will make significant contributions to the criminal justice system."

educated man or woman in future decades, agencies and departments must offer more than a relatively secure career position and competitive salary. Today's applicants have social and personal, as well as economic, needs that they may seek to fill in the workplace.

The excitement and pride commensurate with a law enforcement career is often not satisfactory for a highly marketable candidate. Work conditions, organizational structure, ancillary services, opportunities for advancement, and recognition may be important employment factors overlooked in the recruitment process. When agencies desire the best candidates, they should be prepared to offer reasonable benefits and be cognizant of societal changes to modify working conditions to new lifestyles. The agency or department which treats its employees as it did in the 1950's will not be competitive for today's men and women.

Intra/Extra Agency Communications

Through the National Recruiting Program, the FBI has been able to improve communication between personnel officials and field recruiters and between personnel officers and program managers. By promoting frequent dialogue between these groups, a framework for future effective personnel planning has been established. From the input (surveys) of recently hired Agents, recent communication methods can be reviewed and only those which are effective retained and/or modified.

In a media-saturated society, marketing is critical to hiring needs. Word of mouth, while extremely effective, is not sufficient for a total recruiting program involving substantial numbers of potential employees. Advertising is a critical recruiting strategy, and positive publicity should be encouraged. The National Recruiting Program has helped improve agency-applicant communications by using quasi-marketing strategies, i.e., up-to-date, full-color brochures and radio, television, and newspaper advertising.

Process Dynamics

Hiring employees is a process often regulated by law or policy; however, the process, as it sometimes does, should not become an impediment to hiring the best candidates. In a dynamic system, personnel administrators constantly monitor the process to insure that its structure does not discourage good candidates. Monitoring may be accomplished through statistical collection, interviews, or a letter/card feedback system.

In 1982, before the National Recruiting Program began, the average FBI Special Agent candidate waited 22 months between his/her application date and date of hire. It must be understood that with fewer positions available than the number of candidates and externally imposed fluctuations in hiring levels, there will be some lag time between application and hiring. Due to the nature of employment, extensive and time-consuming background checks must be conducted.

One of the main priorities of the National Applicant Recruiting Program was to improve the hiring process in both quality and efficiency. Moreover, through the efforts of the Personnel Office, computerization of testing and test results was improved. A significant

new program was established to train applicant interviewers and recruiters nationwide, coupled with an advertising campaign that revamped and revitalized dated recruitment material.

One segment of the National Recruiting Program involves an ongoing survey of recently hired Agents with regard to two factors: 1) The most positive or negative factors influencing their decision to seek a law enforcement career (in this case with the FBI) and 2) what recruiting strategies, techniques, or events, if any, influenced their decision to join the FBI.⁶

With regard to motivational factors, most recruits were found to have joined the FBI for several similar reasons. Those factors were professional image of the FBI, personal knowledge of FBI Agents, and national reputation of the FBI.

Similarly, the most important recruiting technique or event noted was a positive personal contact between the candidate and an individual who was a Special Agent. The importance of the role-model approach, heretofore assumed, is now quantified. Instead of a limited number of field recruiters, there is a potential for the entire Special Agent population (over 8,000 Special Agents) to recruit new Agents. The FBI's recruiting survey can be adapted to all levels of law enforcement and is available through the FBI's Human Resource Planning Office.⁷

Intraagency communication is thus significant in making each Agent aware of his/her recruiting responsibility.

ity. Every contact Special Agents, investigators, or police officers make with law-abiding citizens is a potential recruiting contact. Important investigations resulting in positive publicity have the value of advertising the agency and its personnel. Likewise, negative publicity deters some good candidates who are affected by peer pressure or are unable to see beyond the criticism.

The National Recruiting Program has proven to be a successful method of recruiting on a large scale. Currently, the time elapsed for the average recruit between initial application and date of hire is 12 months. Test results are completed within 2 months, and within 4 months, individuals are advised if they are viable Special Agent candidates. The program was established with a built-in flexibility so that as personnel needs change directives are easily modified. Agency needs obviously vary; therefore, what benefits an agency of 20,000 may not work for a smaller or larger agency. Many of the basic concepts, however, (planning, communication, adaptability) can be tailored to any agency's personnel functions.

Minority Hiring—A Special Problem

The FBI seeks to recruit the most qualified men and women of all races. Demographic factors still affirm that there are fewer potential candidates in some categories based on smaller numbers of individuals having the prerequisite qualifications for the Special Agent position. Various groups of potential candidates are not equally drawn toward the law enforcement profession; however, those that are

seem to be drawn for many of the same reasons.

For law enforcement agencies such as the FBI, where a college degree is required of all applicants, a look at the composition of graduating college classes indicates fewer minority (black) graduates in the near future.⁸ With reduced numbers of blacks eligible to apply for some law enforcement jobs, and increased competition with the private sector for the minority employee, there may be profound difficulties in minority hiring in the 1990's.

Human Resource Planning

What can be done if attempts at human resource planning fall short of law enforcement needs? Law enforcement agencies need to employ continually a base of investigative generalists, complemented by specialists, and to update inservice training programs to insure that investigative abilities meet investigative needs. To fill an agency's current needs with only specialists will produce a glut of personnel who, during a crucial, changing period, may be unable to vary their investigative outlook.

The FBI's National Recruiting Program has developed into a human resources planning group designed to meet the rapidly changing demands of the Bureau's varied law enforcement responsibilities. Not all agencies or departments have the need for full-time personnel specialists, but all law enforcement agencies need someone who is responsible for human resource planning. Planning, combined with flexible personnel policies, will assist the public personnel administrator in meeting future needs with competent, motivated employees who will make significant contributions to the criminal justice system.

FBI

Footnotes

¹National Advisory Commission on Criminal Justice Standards and Goals, *Police* (Washington, DC: U.S. Government Printing Office, 1973).

²The FBI tests (including retests) approximately 12,000 candidates per year. In 1982, 350 Special Agents were hired, 666 in 1983, and 672 in 1984.

³The FBI hires Special Agents under one of five program areas designed to meet the Bureau's diverse needs—law, accounting, science/engineering, diversified, and foreign language.

⁴Gary Dressler, *Personnel Management*, (Reston, VA: Prentice-Hall, 1984), p. 113.

⁵Bureau of National Affairs, *Job Absence and Turnover* (Washington, DC: U.S. Government Printing Office, 1981, 1982, and 1983).

⁶O. Glenn Stahl, *Public Personnel Administration* (New York, NY: Harper and Row, 1983). "It is incumbent upon the personnel agency to test the success of its various recruitment policies by keeping a check on the results."

⁷Human Resource Planning Office, Federal Bureau of Investigation, J.E. Hoover Building, 9th & Pennsylvania Ave. NW, Washington, DC 20535.

⁸*The Washington Post*, "Black Enrollment in Colleges Found to be Declining Nationwide," 7/6/85. College eligible blacks going on to college decreased 11 percent between 1975 and 1981; however, the number of female college students continues to increase.

Developing Productive Relationships with Private Security

“... creativity on the part of police administrators ... is ... the key component necessary for facilitating improved police-security relations.”

Private security today is a rapidly emerging field. There are currently more private security personnel employed than there are public police, with security personnel outnumbering sworn law enforcement personnel by nearly 2 to 1. Total expenditures for private protective resources also greatly exceed the budgets for public protection (Federal, State, local) so that the role of private security in our society is expanding significantly.¹ One can easily see the parallels between the 1980's and the 1880's in this regard.

While this trend is certainly disheartening to police executives for various reasons, wishing it weren't so won't make it go away. Professional police administrators can no longer emulate the behavior of ostriches regarding the role private security plays within their jurisdictions. The current demands of private citizens for better protection, coupled with budgetary constraints, mandate that police administrators develop cost-effective crime control strategies. The role that private security can plan within these programs is substantial, making it obvious to astute administrators that a positive relationship with private security practitioners must be cultivated.

The Problems of Public vs. Private

In 1980 Hallcrest Systems, Inc., conducted a comprehensive study of the nature and extent of private security efforts. This research, sponsored by the National Institute of Justice, had three major goals:

- 1) To update previous research on the general character of the private security industry;
- 2) To describe the contribution that private security makes to crime control and order maintenance and identify opportunities for improvement in this effort; and
- 3) To describe the working relationships between private security and public law enforcement agencies and develop recommendations for improving cooperation and coordination between them.²

The following summarizes what the authors, William C. Cunningham and Todd H. Taylor, found:

- 1) There is robust growth in private security with the expenditures and employment exceeding public law enforcement. This trend will continue as private security growth escalates while public law enforcement resources stabilize.³
- 2) The majority of law enforcement managers and officers have a general idea of the functions of private

By

CHRISTOPHER A. HERTIG

*Faculty Member
York College of Pennsylvania
York, PA*



Mr. Hertig

security, but the total scope of private security functions is beyond the comprehension of law enforcement personnel who have not interacted with the private sector in their community.⁴

3) Law enforcement executives perceive the performance of private security as being ineffective in reducing crime.⁵

4) Law enforcement officers rate the performance of private security personnel as poor in most areas.⁶

5) The low quality of security personnel is a major concern of police personnel. Law enforcement practitioners (as do most security practitioners in the study) favor increased State legislation to upgrade the quality of security personnel.⁷

6) The amount of interaction and cooperation between public police and private security is limited.⁸

7) Proprietary and contract security managers report more-frequent sharing of resources than police executives. The sharing of personnel, especially investigators, is the most frequently cited shared response by private security managers.⁹

8) Police and private security managers are both receptive to the idea that private security respond to minor criminal acts on the property it is assigned to protect and that some noncrime-related tasks be contracted out to private sector organizations.¹⁰

9) Major problems affecting the security-police relationship include police officers moonlighting in private security and the excessive number of false alarms to which police must respond.¹¹

Strategies For Problem Solving

While these impediments to forming cooperative relationships between the public and private sector are substantial, the vast majority are rooted in a misunderstanding of one sector's roles and problems by the other. Most problems in understanding can be rectified through education and self-analysis. Perhaps the logical place to begin the problem-solving process for police personnel is through defining the problem. By understanding the misunderstanding, police can better gauge their own attitudes and consequently place them in an objective light.

The self-test presented below can serve to help public law enforcement personnel assess their knowledge of and attitudes about the private security sector in their jurisdictions:

—What is your immediate, instantaneous opinion of private security?

—Why do you hold those beliefs? On what are they based?

—When was the last time you discussed the role of private security with a private security practitioner?

—What similarities and differences are there between your present position and a comparable one in the private sector?

—Do you have a list of private security service firms in your jurisdiction?

—Do you know what professional security organizations are active in your area?

—What areas are patrolled by private security in your jurisdiction that were patrolled by police at one time?

—What can private persons or organizations do to help control crime in the high-crime areas of your jurisdiction?

—What areas of training are needed by security practitioners in your area?

—What areas of training is your department prepared to assist in delivering to private security persons and organizations?

After evaluating one's own knowledge and perceptions regarding police-security relationships, the time comes for affirmative educational efforts regarding the scope and functions of private security. These efforts can include contacts with private security practitioners and organizations. They can also include sponsoring seminars to educate private security personnel in the necessary police subjects. The Dallas, TX, Police Department instructs private security persons in such areas as the Texas criminal code, court testimony, police field operating procedures, crime prevention, the Dallas false alarm ordinance, and information necessary for successfully filing cases.¹² This program has been complemented with inviting local security officers to police shift briefings. There have also been efforts toward sending "Be On The Lookout" (BOLO) bulletins to nonlaw enforcement agencies.¹³

While both of these measures require administrative scrutiny concerning confidentiality, they give the police agency additional eyes and ears with which to locate wanted persons. The programs also provide private security agencies with a realistic view of police operations, which can foster a better working relationship between security and police especially with regard to requests for police service.

An additional benefit of all three of the Dallas programs is increased motivation of security personnel. Poor performance of security personnel is, in many cases, directly attributable to morale problems. If protection officers are not inspired while on the job, those who do not fit the stereotype of "warm bodies" can easily become "warm bodies." Others will leave their employment, thereby increasing the already high turnover rates present in the industry, a situation which in and of itself creates personnel problems, most of which manifest themselves through poor job performance.

While police overtures to private security agencies can help improve the training and motivation in security personnel, significant progress can also be made in the screening area. Although there does not appear to be any literature on this concept, it would seem that public law enforcement could assist in the pre-employment screening of security personnel. Even though substantial legal restrictions are in effect regarding the collection and dissemination of personal information on job applicants, the police are in the logical position to foster positive change in this area. If police are not part of the solution, they are, in all likelihood, part of the problem. Police agency executives should give this serious consideration.

Increasing the amount of cooperation between public and private protection agencies is certainly an important goal. As far as agencies working together more closely, upper management must establish clearly identifiable goals in this regard and implement policies to achieve those goals. Administrators have an extensive menu of options from which to choose. Steps to achieve better relationships and create closer cooperation include:

- 1) Analyze the crime prevention and crime-fighting capabilities of local guard services, alarm companies, and private investigators;
- 2) Establish joint committees to catalyze public and private crime control efforts;
- 3) Form public and private task forces in response to specific crime problems, such as credit card fraud, commercial robbery, and arson;
- 4) Invite representatives from private industry groups to address staff meetings of police supervisors;
- 5) Communicate with security organizations at the local level on current problems the police agency is having with private security, local laws, and court decisions which concern private security and other items of mutual interest;
- 6) Consider having police managers join local security organizations so that continuous informal communication is maintained; and
- 7) Actively support certification and accreditation efforts within the private sector.

Providing space for certification exams, assisting in security training efforts by local community service agencies for economically disadvantaged persons, and encouraging police personnel (crime prevention, investigative) who are eligible for security certification to apply for it are positive strategies. These measures can help in professionalizing local security personnel, recruitment of minorities for police positions, and developing the expertise of police personnel.

The remaining obstacles to improved police-security relationships are moonlighting by police officers in

"Increasing the amount of cooperation between public and private protection agencies is certainly an important goal."

private security jobs and false alarms to which police must respond. While moonlighting has its pros and cons, police managers should carefully scrutinize the practice and develop sound departmental policies regarding it. A legal analysis of possible difficulties involved in moonlighting must be undertaken to uncover problems such as vicarious liability, insurance/benefit coverage, and State regulations governing the private security industry.

Both police and security managers need to take a hard look at these legal issues before problems occur. Attention should also be focused on personnel performance, employee loyalty, and possible conflicts of interest which may occur. These issues are of great importance as they relate to moonlighting, yet are often overlooked.

The false alarm dilemma can be attacked in several ways. One method is to pass ordinances which mandate fines for repetitive nuisance alarms. This remedy has been and will continue to be implemented by municipalities. It takes the burden of solving the false alarm problem from the police department and places it on the firms that sell and maintain intrusion alarm systems, making it a popular alternative for city officials to follow.

Another method of solving the false alarm problem is to have private security companies respond to and investigate all alarms. This can be done for a fee, so that it is profitable and encourages private security service firms to move into the market. At the same time, it is punitive for those businesses and individuals who are responsible for transmitting numerous false alarms. This approach has other advantages, such as cutting government costs that are incurred with nuisance alarms, eliminating or at least reducing the safety problems associated with false

alarm response, and cutting the cost involved in apprehending burglars, a cost which has been estimated at \$20,000 per burglar.¹⁴

While the thought of private security personnel responding to alarms may seem dangerous to police executives, it has been an ongoing practice. It may be a good idea for police managers to examine the apprehension of burglars and other criminals by private persons within their jurisdictions. They may be both surprised at the amount of criminals captured by private security personnel, and at the same time, see an opportunity to foster improved relationships with those persons. The creative implementation of training efforts directed toward security personnel is a good place to start. After all, it is this creativity on the part of police administrators that is perhaps the key component necessary for facilitating improved police-security relations.

FBI

Footnotes

¹William C. Cunningham and Todd H. Taylor, "The Growing Role of Private Security," *The Protection Officer*, vol. 2, No. 1, April 1985, p.6.

²Ibid, p.6.

³Ibid, p.6.

⁴William C. Cunningham and Todd H. Taylor, "Interaction and Cooperation Between Law Enforcement and Private Security," *Journal of Healthcare Protection Management*, vol. 1, No.3, p.72.

⁵Supra note 1, p.6.

⁶Supra note 4, p.77.

⁷Supra note 1, p.6.

⁸Ibid.

⁹Supra note 4, p.79.

¹⁰Supra note 1, p.6.

¹¹Ibid, p.6.

¹²John E. Driscoll, "Public & Private Security Forces Unite in Dallas," *The Protection Officer*, vol. 2, No. 2, July 1985, p.6.

¹³Ibid, p. 28.

¹⁴Dale Elliott, "The Best of Both Worlds: Cut False Alarms/Generate Additional Revenue," *Signal-gram*, March 1984, p.8.

CERTIFICATION PROGRAMS

Certified Protection Professional (C.P. P.)

The Certified Protection Program is administered by the American Society for Industrial Security (A.S.I.S.), 1655 North Fort Myer Drive, Suite 1200, Arlington, VA 22209. Phone: (703) 522-5800. It is oriented toward managers in the areas of security and investigation. There are approximately 3,000 persons certified under this program throughout the world, many of whom are publicly employed.

Certified Protection Officer (C.P.O.)

This program is new and is seeking to fill the void in the professional development of entry-level security personnel. It is geared to the line officer and first-line supervisor. The C.P.O. program is being administered by the Faculty of Continuing Education & Extension, Mount Royal College, 4825 Richard Road, S.W., Calgary, Alberta, T3E 6K6. Phone: (403) 240-6866.

Certified Security Trainer (C.S.T.)

The Certified Security Trainer program is for those individuals who are involved in the instruction of security personnel. It is an intensive program designed to set the training qualification standards so necessary in the security industry today. The program is administered by the Academy of Security Educators & Trainers (A.S.E.T.) under the direction of Dr. Richard W. Kobetz, C.S.T., North Mountain Pines Training Center, Box 1850, Winchester, VA 22601. Phone: (703) 662-7288.

Investigative Detention

An Intermediate Response

(Conclusion)

"...the Court constitutionalized the investigative stop and the attendant frisk as an intermediate police response between inaction and overreaction."

THE FRISK

Apart from the justification for initiating an investigative stop, clearly the most litigated issue in the area of investigative detention is the conduct and scope of a frisk. Indeed, the landmark case of *Terry v. Ohio*⁸⁵ focused on the authority of an officer to conduct a frisk because it was the frisk of the suspects which discovered the guns and gave the officer probable cause to arrest. The Supreme Court held:

"... where a police officer observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity is afoot and that the person with whom he is dealing may be armed and presently dangerous ... he is entitled for the protection of himself and others in the area to conduct a carefully limited search of the outer clothing of such persons in an attempt to discover weapons which might be used to assault him."⁸⁶

The authority of officers to conduct a frisk is generally challenged by defendants in criminal cases for the simple reason that the frisk—as in *Terry*—uncovers weapons or other evidence of crime which the defendants

seek to suppress. There are two general arguments: (1) There was no justification to conduct the frisk, or (2) the frisk extended beyond the permissible scope.

Justification for the Frisk

The Supreme Court has characterized the frisk as a fourth amendment search, because "even a limited search of the outer clothing for weapons constitutes a severe, though brief, intrusion upon cherished personal security..."⁸⁷ On the other hand, the Court has recognized that "there must be narrowly drawn authority to permit a reasonable search for weapons for the protection of the officer ... regardless of whether he has probable cause to arrest the individual for a crime."⁸⁸

Just as an investigative stop must be supported by articulable facts which establish reasonable suspicion that criminal activity is afoot, a frisk must be supported by reasonable suspicion to believe that the individual who has been lawfully stopped is "armed and dangerous."⁸⁹ As with the reasonable suspicion to make an investigative stop, the reasonable suspicion to conduct a frisk may be based on facts derived from either firsthand knowledge or secondhand information and the logical inferences which an experi-

By

JOHN C. HALL

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.



Special Agent Hall

enced officer is allowed to draw from those facts—i.e., the totality of the circumstances.

However, the justification for a stop is not necessarily justification for a frisk, and in each case, an officer conducting a frisk must be prepared to point to the specific and articulable facts which justified that particular intrusion.

For example, in *Ybarra v. Illinois*,⁹⁰ police officers had obtained a search warrant for a tavern based on reliable informant information that the bartender was selling tinfoil packets of heroin. When the officers arrived at the tavern to execute the warrant, there were several customers present, including Ybarra. The officers immediately conducted a pat-down search of the customers for weapons. The officer who frisked Ybarra felt what he described as "a cigarette pack with objects in it." After frisking the remaining customers, the officer returned to Ybarra and removed from his pants pocket what turned out to be a cigarette pack containing six tinfoil packets of heroin. The prosecution offered several arguments to support the discovery of the heroin, including the two-pronged argument that the officer was entitled to frisk Ybarra for weapons under the *Terry* doctrine and that the frisk yielded probable cause to believe that Ybarra possessed narcotics justifying the seizure and search of the cigarette pack. The Supreme Court did not address the second prong because the initial frisk of Ybarra "was simply not supported by a reasonable belief that he was armed and presently

dangerous..."⁹¹ The Court noted several factors which were significant:

- (1) When the officers entered the tavern, there was sufficient lighting to observe those present;
- (2) The police did not recognize Ybarra as a person with a criminal history or as one who might be inclined to assault them;
- (3) Ybarra's hands were empty and he gave no indication of possessing a weapon; and
- (4) Ybarra was not acting in a threatening manner.

Balanced against these factors, the Court ruled that "the State is unable to articulate any specific fact that would have justified a police officer at the scene in even suspecting that Ybarra was armed and dangerous."⁹² The Court concluded:

"Nothing in *Terry* can be understood to allow a generalized ' cursory search for weapons' or, indeed, any search whatever for anything but weapons. The 'narrow scope' of the *Terry* exception does not permit a frisk for weapons on less than reasonable belief or suspicion directed at the person to be frisked..."⁹³

Undoubtedly, the *Ybarra* decision reflects the fact that Ybarra was in a public place along with other customers at the time he was subjected to the frisk. The case does not preclude the possibility that police may be justified in frisking people located on the premises where a search warrant is being executed. Clearly, such action would be justified so long as the officers can point to specific factors which caused them to reasonably suspect that the person frisked was armed.

"...an officer conducting a frisk must be prepared to point to the specific and articulable facts which justified that particular intrusion."

The factors which suggest the presence of danger to an officer are immeasurable. But it can be instructive to consider some of those which have been approved by the courts.

Specific Information

It is difficult to imagine a stronger indication of danger to an officer than specific information derived from witnesses or other reliable sources that a person is armed. In *Adams v. Williams*,⁹⁴ the Supreme Court upheld the frisk of a person by an officer who had just received information from a reliable informant that the suspect possessed narcotics and had a gun in his waistband. Following a review of the factors justifying the officer's reliance on the hearsay information received from the informant, the Court reasoned:

"Under these circumstances the policeman's action in reaching to the spot where the gun was thought to be hidden constituted a limited intrusion designed to insure his safety, and we conclude that it was reasonable."⁹⁵

Suspicious Bulges

A second factor which may justify a protective frisk is the observation of a suspicious bulge in the suspect's clothing. In *Pennsylvania v. Mimms*,⁹⁶ officers stopped an automobile with an expired license plate and ordered the operator to exit the vehicle. When Mimms got out of the car, one of the officers observed a "large bulge" under his sports jacket. The officer frisked Mimms and discovered a loaded revolver in his waistband.

After considering and upholding the authority of the officers to order Mimms out of the car, the Supreme Court considered the validity of the frisk, which was triggered by the offi-

cer's observation of the suspicious bulge:

"The bulge in the jacket permitted the officer to conclude that Mimms was armed and thus posed a serious and present danger to the safety of the officer. In these circumstances, any man of 'reasonable caution' would likely have conducted the 'pat-down.'"⁹⁷

It is interesting to note that in the *Mimms* case, the facts which justified the initial stop did not suggest the presence of weapons or any threat to the officers. The observation of the suspicious bulge in Mimms' clothing was sufficient by itself to justify the frisk.

Nature of Suspected Criminal Activity

Although the reasonable suspicion which justifies a stop does not automatically justify a frisk, in some instances the very nature of the suspected criminal activity may suggest the presence of weapons. A good example is *Terry v. Ohio*,⁹⁸ where the Supreme Court upheld the frisk of three men suspected of planning to commit a store robbery. The Court held that the actions of the three men were consistent with the officer's hypothesis that they were contemplating a robbery, "which, it is reasonable to assume, would be likely to involve the use of weapons."⁹⁹ Thus, the reasonable suspicion supported not only the belief that criminal activity was afoot but also that those engaged in that activity were armed and dangerous.

Clearly, officers would be justified in conducting a frisk of a person suspected of involvement in criminal activity which ordinarily involves the use or threatened use of weapons. The presence of weapons may be reasonably inferred from the nature of the criminal activity.

More difficult issues arise when the suspected criminal activity does not—standing alone—support a reasonable presumption that weapons are present. It is not sufficient for the officers to simply point to the seriousness of the criminal activity. For example, the courts have declined to adopt as a general premise that those who deal in narcotics are armed and dangerous, notwithstanding the conceded seriousness of the crime and the fact that narcotics offenders are in fact often armed and violent.¹⁰⁰ In those instances, officers must be capable of factually supporting their suspicions that a suspect is armed. The reasonableness of those suspicions may be supported by the officer's prior experiences in investigating similar types of activity,¹⁰¹ as well as the officer's personal observations of the suspect and his demeanor, but will not be presumed simply because of the seriousness of the suspected criminal activity.

Discovery of Weapons

When officers observe a weapon in the vicinity of one who has been lawfully stopped, they may reasonably suspect that other weapons are present which pose a threat.

In the recent case of *Michigan v. Long*,¹⁰² police officers conducted a frisk after observing a large hunting knife on the floorboard of an automobile, the operator of which appeared to

"...officers would be justified in conducting a frisk of a person suspected of involvement in criminal activity which ordinarily involves the use or threatened use of weapons."

be under the influence of some intoxicant. In evaluating the officers' actions, the Supreme Court noted:

- (1) The hour was late;
- (2) The area was rural and isolated;
- (3) The individual being investigated appeared to be under the influence of some intoxicant; and
- (4) The officers conducted the frisk only after they observed a large hunting knife in the interior of the car.

The Court reasoned that it was not unreasonable for the officers to take "preventive measures to ensure that there were *no other weapons* within Long's grasp before permitting him to reenter his automobile."¹⁰³

In such cases, it is irrelevant that the weapons observed may be lawfully possessed by the suspect. As the Court has explained:

"The purpose of this limited search is not to discover evidence of crime, but to allow the officer to pursue his investigation without fear of violence, and thus the frisk for weapons might be equally necessary and reasonable, whether or not carrying a concealed weapon, violated any applicable state law."¹⁰⁴

Various other factors have been considered by the courts as significant in justifying a frisk, including the officer's prior expertise with a suspect,¹⁰⁵ extreme nervousness of the suspect,¹⁰⁶ or furtive gestures or movements.¹⁰⁷ An officer must be able to recognize and articulate in a given case the reasons for suspecting that weapons are present, and then, he may conduct a weapons search *limited in scope* to this protective purpose.¹⁰⁸

Scope of the Frisk

The frisk of a person, though lawful at its inception, may nevertheless offend the fourth amendment if the police action exceeds the boundaries necessary to accomplish its purposes. The sole object of a frisk is to determine whether a weapon is present and to neutralize the threat of physical harm to the officer and others. Two issues are significant: The *breadth* of the frisk, i.e., how *extensive* an area may be searched, and how *intensive* may the search be within that area.

Breadth of the Frisk

The decision in *Terry v. Ohio* made it clear that a person suspected of possession of a weapon may be subjected to a frisk. The facts in *Terry* did not require the Court to go beyond the issue of frisking the person, and in fact, the Court specifically noted that limitations with respect to the scope of the frisk would best be developed "in the concrete factual circumstances of individual cases."¹⁰⁹

In two cases after *Terry*, the Court approved what may be described as limited extensions of the protective frisk where the safety of police officers was at stake. In *Pennsylvania v. Mimms*,¹¹⁰ the Court held that police may order persons out of lawfully stopped automobiles and may frisk them if there is reasonable suspicion to believe they are armed. Although the *Mimms* decision did not reduce the standard of justification for a frisk, it approved an incremental increase in the control the officer could exercise over the detainee. The Court reached its decision by balancing the fourth amendment interests of the person who is already lawfully detained against the legitimate need for protecting police officers engaged in automobile stops. Recognizing the "inordi-

nate risk confronting an officer as he approaches a person seated in an automobile..."¹¹¹ the Court concluded that any additional intrusion occasioned by the action of ordering that person out of the vehicle is *de minimus*. In *Adams v. Williams*,¹¹² the Court approved the action of an officer who, acting on an informant's tip that the suspect possessed narcotics and had a gun in his waistband, reached into an automobile and removed the offending weapon without so much as a preliminary pat-down. Although neither of the two cases specifically broadened the scope of a frisk, each demonstrated a sensitivity on the part of the Court to the risks which confront law enforcement officers engaged in investigative detentions.

The Court squarely confronted the issue in the recent case of *Michigan v. Long*.¹¹³ Police officers on patrol at night in a rural area observed a car speeding and driving erratically. When the car turned onto a side road and swerved into a ditch, the officers approached it to investigate. By the time the officers reached the car the only occupant, Long, had exited the vehicle, leaving the driver's door open. Long did not respond initially to a request for his operator's license, but complied when the request was repeated. When one of the officers asked for the vehicle registration, Long again did not respond until the request was repeated, and then he turned from the officers and walked back toward the open door of the vehicle. (One of the officers later testified that Long appeared to be under the influence of some intoxicant.) Through the open door of the car the officers observed a large hunting knife on the floorboard of

the driver's side. Long was immediately subjected to a frisk which revealed no weapons, and one of the officers shined his flashlight into the interior of the car where he observed something protruding from beneath the armrest of the front seat. Closer examination disclosed that the object was an open pouch containing what appeared to be marijuana. Long was then arrested, and a further search of the car revealed 75 pounds of marijuana in the trunk. The Michigan Supreme Court reversed Long's conviction for possession of marijuana on the grounds that the search of the interior of the car could not be justified as a protective search for weapons, and the remaining evidence was discovered as a result of the initial fourth amendment violation.

In reversing the decision of the Michigan court, the Supreme Court defined the issue as "the authority of a police officer to protect himself by conducting a Terry-type search of the passenger compartment of a motor vehicle during the lawful investigatory stop of the occupant of the vehicle."¹¹⁴

Referring to earlier decisions which had given deference to the needs of law enforcement officers to protect themselves while engaged in investigative detentions,¹¹⁵ as well as full blown arrests,¹¹⁶ the Court ruled that the case law supports the principle that threats to the police may arise from the possible presence of weapons in the "area surrounding a suspect,"¹¹⁷ as well as on the person.

Accordingly, the Court concluded:

"...the search of the passenger compartment of an automobile, limited to those areas in which a weapon may be placed or hidden, is permissible if the police officer possesses a reasonable belief ...

that the suspect is dangerous and the suspect may gain immediate control of weapons."¹¹⁸

In reaching its conclusion, the Court rejected the apparent assumption of the State court that Long was effectively under control of the officers, and therefore, could not gain access to any weapon that might be in the car. The Court gave three reasons for its view that the need for the weapons search continues:

- (1) The suspect, even though detained, may nevertheless break away from police control and retrieve a weapon;
- (2) If the suspect is not under arrest, he will eventually be permitted to reenter his automobile where he will then have access to any weapons inside; and
- (3) Even during the course of the detention, the suspect may be allowed to reenter the vehicle before the investigative detention has been concluded.

In either case, the officer remains vulnerable to the threat posed by the possible presence of weapons, and the fact that the suspect is not under a full custodial arrest heightens that risk.

The *Long* decision is an interesting case for at least three reasons. First, it represents an effort by the Court to establish a bright-line rule to govern situations where an officer has to make a "quick decision as to how to protect himself and others from possible danger."¹¹⁹ Second, it significantly—and logically—expands the scope of the frisk for weapons as originally enunciated in the *Terry* case and recognizes that "suspects may injure

police officers and others by virtue of their access to weapons, even though they may not themselves be armed."¹²⁰ Accordingly, the frisk for weapons may extend into the area surrounding the suspect. And third, the decision recognizes the authority of the police to seize evidence or contraband other than weapons lawfully discovered during a valid frisk. The Court held:

"If while conducting a legitimate Terry search of the interior of the automobile, the officer should, as here, discover contraband other than weapons, he clearly cannot be required to ignore the contraband, and the Fourth Amendment does not require its suppression in such circumstances."¹²¹

Implicit in the *Long* decision is the authority to examine the contents of any containers within the area of the suspect, or within the passenger compartment of his vehicle, capable of containing weapons. Presumably that authority would not extend to locked containers where immediate access to weapons would not exist, but the issue remains unresolved.

Although the permissible breadth of the frisk has now been defined by the Supreme Court, there remains the issue of the permissible *intensity* of the frisk within that area.

Intensity of the Frisk

Because the sole object of a frisk is to locate weapons, the intrusion must be strictly limited to accomplish that object, and no more. A lawfully initiated frisk is unlikely to generate a challenge to the intensity of the frisk if a weapon was in fact located. The issue is more likely to arise when an officer conducts a frisk for weapons and discovers other items of evidence or contraband. As noted in the *Long* deci-

"...law enforcement officers [should] limit the intensity of a frisk for weapons to the level necessary to accomplish the purpose for which it is intended."

sion, the evidence or contraband thus discovered will be admissible if the frisk did not exceed permissible bounds; however, the defense may contend that the officer went further than reasonably necessary to assure that no weapons were present.

In *United States v. Vaughan*,¹²² narcotics task force agents stopped several suspects during the course of a narcotics investigation. One of the suspects, Vaughan, was carrying a vinyl briefcase which was seized by one of the agents and opened, disclosing some documentary evidence of a drug smuggling operation. One of the issues raised by the defendant was the opening of the briefcase by the agent. The Federal appellate court sustained the trial court's suppression of the evidence. In response to the Government's assertion that the search was justified as a protective frisk, the court stated that "the agents could have felt the briefcase without opening it to see if any weapons were in it and that the opening of the case to search further was not justified."¹²³ In the court's view, the briefcase was sufficiently soft and thin that any weapons could have been felt through the cover. In simple terms, the frisk was justified at its inception, but the agent went further than necessary to accomplish his purpose.

A similar issue arises when a law enforcement officer pats down a suspect for weapons and removes other evidence or contraband instead. There are two possible justifications for the seizure of the items.

First, the officer may be able to satisfy a reviewing court that he reasonably believed that the object he felt during the pat-down could have been a

weapon of some type. In considering this argument, it should be remembered that the Supreme Court has held that the validity of the frisk is not dependent upon whether a weapon is possessed legally under State law. Therefore, the officer is not limited to checking only those objects ordinarily covered by concealed weapons statutes (e.g., firearms). An unidentified object which could reasonably be used as a weapon against the officer can and should be removed from the suspect. If the object turns out to be evidence or contraband—rather than a weapon—the admissibility of that evidence in any subsequent prosecution will depend on the ability of the officer to articulate his reasons for believing the object he felt could have been a weapon of some type warranting closer examination.¹²⁴

The alternative justification for the seizure is a probable cause argument: Assuming the officer was justified in conducting a frisk for weapons, what he perceived through the sense of touch established probable cause to believe the suspect possessed evidence or contraband. The Supreme Court has never addressed this issue, but the concept is consistent with the general principle that probable cause may be based on the sensory perception of an officer as interpreted in light of his knowledge and experience.

In *Ybarra v. Illinois*,¹²⁵ an officer engaged in executing a search warrant for heroin at a tavern removed a cigarette pack containing heroin from a customer who was being frisked for weapons. The State did not seek to justify the seizure by contending that the officer thought the object he felt was a weapon. Rather, the State contended that given the officer's knowledge of the nature of the evidence described in the warrant, the pat-down

yielded probable cause to believe Ybarra was carrying narcotics. The Supreme Court did not reach that issue because it considered that frisk unjustified at its inception because there was no reasonable suspicion to believe Ybarra was armed. However, there is no logical basis for believing that the Court would not accept the concept that objects *felt*, or otherwise perceived, during the course of a valid frisk can establish the probable cause necessary to extend the intrusion.

The important lesson for law enforcement officers is to limit the intensity of a frisk for weapons to the level necessary to accomplish the purpose for which it is intended. As the Supreme Court stated in *Terry v. Ohio*:

"... a search which is reasonable at its inception may violate the Fourth Amendment by virtue of its intolerable intensity and scope."¹²⁶

CONCLUSION

Terry v. Ohio and its progeny do not create a new category of searches and seizures. Undoubtedly, from the earliest days of our country, law enforcement officers have conducted brief stops of individuals to investigate suspicious activities, not because there was some specific statutory or constitutional language authorizing it, but because common sense suggested that it was a normal part of their duties to detect and prevent crime. The *Terry* case did two things: (1) It recognized that even apart from an arrest, police action which deprives a person of his freedom of movement—however temporary—is governed by the fourth amendment's pro-

scription against unreasonable searches and seizures; and (2) it recognized that in appropriate circumstances, such activities can be reasonable, even in the absence of probable cause to arrest. In short, the Court constitutionalized the investigative stop and the attendant frisk as an intermediate police response between inaction and overreaction.

The reasonableness standard which governs every aspect of an investigative detention reflects the need for flexibility in graduating police responses to the demands of any particular situation; but responsibility is the ever-present companion to authority, and that same flexibility imposes a heavy burden on law enforcement officers to tailor their actions to the circumstances of each case.

The Constitution does not require a police officer confronted with possible criminal activity to choose between the two alternatives of making an ar-

rest (when probable cause may be absent) or walking away (allowing a crime to occur or a criminal to escape). The investigative detention doctrine provides an *intermediate response* which, in the appropriate circumstances, constitutes the "essence of good police work."¹²⁷

FBI

Footnotes

- ⁸⁵392 U.S. 1 (1968).
⁸⁶*Id.* at 30-31.
⁸⁷*Id.* at 24-25.
⁸⁸*Id.* at 27.
⁸⁹*Id.* at 24. See also, *Sibron v. New York*, 392 U.S. 40 (1968).
⁹⁰444 U.S. 85 (1979).
⁹¹*Id.* at 92-93.
⁹²*Id.* at 93.
⁹³*Id.* at 93-94.
⁹⁴407 U.S. 143 (1972).
⁹⁵*Id.* at 148.
⁹⁶*Supra* note 72.
⁹⁷*Id.* at 338.
⁹⁸392 U.S. 1 (1968).
⁹⁹*Id.* at 28.
¹⁰⁰See, e.g., *United States v. Oates*, 560 F.2d 45 (2d Cir. 1977); *United States v. Ceballos*, 654 F.2d 177 (2d Cir. 1981).
¹⁰¹See, e.g., *United States v. DelToro*, 464 F.2d 520 (2d Cir. 1972).
¹⁰²77 L.Ed.2d 1201 (1983).

- ¹⁰³*Id.* at 1221.
¹⁰⁴*Supra* note 94, at 146.
¹⁰⁵See, e.g., *United States v. Romero*, 692 F.2d 699 (10th Cir. 1983).
¹⁰⁶See, e.g., *United States v. Pajari*, 715 F.2d 1378 (8th Cir. 1984).
¹⁰⁷*Id.*
¹⁰⁸*Supra* note 94, at 146.
¹⁰⁹*Supra* note 85, at 29.
¹¹⁰434 U.S. 106 (1977).
¹¹¹*Id.* at 110.
¹¹²*Supra* note 94.
¹¹³77 L.Ed.2d 1201 (1983).
¹¹⁴*Id.* at 1212.
¹¹⁵*Michigan v. Summers*, 452 U.S. 692 (1981); *Pennsylvania v. Mims*, 434 U.S. 106 (1977); *Adams v. Williams*, 407 U.S. 143 (1972).
¹¹⁶*Chimel v. California*, 395 U.S. 752 (1969); *New York v. Belton*, 453 U.S. 454 (1981).
¹¹⁷*Supra* note 113, at 1220.
¹¹⁸*Id.*
¹¹⁹*Id.* at 1222.
¹²⁰*Id.* at 1219.
¹²¹*Supra* note 113, at 1220.
¹²²718 F.2d 332 (9th Cir. 1983).
¹²³*Id.* at 335.
¹²⁴See *United States v. DelToro*, 464 F.2d 520 (2d Cir. 1972), (the court declined to credit the officer's explanation that he removed a folded \$10 bill containing cocaine from a suspect because he thought it was a razor blade).
¹²⁵444 U.S. 85 (1979).
¹²⁶*Supra* note 85, at 18.
¹²⁷*Adams v. Williams*, 407 U.S. 143, at 145 (1972).

Cross Keys

Officials at a Pennsylvania correctional institution discovered a hand-made cross hanging around the neck of an inmate. The cross was fashioned using two handcuff keys and a leg iron key, as shown.

(Submitted by the Pennsylvania Department of Corrections)



WANTED BY THE FBI



Photographs taken 1977 and 1981

Because of the time factor in printing the FBI Law Enforcement Bulletin, there is the possibility that this fugitive has already been apprehended. The nearest office of the FBI will have current information on this fugitive's status.

Arthur Reid Collum

Arthur Reid Collum, also known as Arthur Collum, Arthur Reed Collum, Arthur Reid Collum, Jr., Ray Collum, Reid Collum, Collum Reid

Wanted For:

Interstate Flight-Murder; Armed Robbery

The Crime

The FBI is seeking Arthur Reid Collum for murder and armed robbery. Collum is wanted in connection with the brutal murder of a Tampa, FL, man on February 17, 1982. While robbing the victim's home, Collum allegedly shot the man four times with a .22-caliber revolver.

A Federal warrant was issued on March 29, 1982, at Tampa, FL, charging Collum with unlawful flight to avoid prosecution for the crimes of murder and armed robbery.

Description

Age 43, born September 27, 1942, Calera, AL.
Height 6'0".
Weight 195 to 210 pounds.
Build Muscular.
Hair Brown.
Eyes Blue.
Complexion .. Medium.
Race White.
Nationality ... American.
Occupations.. Housepainter, truck driver.

Scars and Marks

Has two 4-inch scars on each side of his lower abdomen; Tattoos: multiple designs with "Death-Auto-Constipated-Can't Pass A Thing" and a picture of a panther on front of upper right thigh.
Remarks..... May have dyed his hair gray.

Social Security Number Used . 264-64-9727.
FBI No. 279 098 D.

Caution

A reported drug user, Collum has been convicted of larceny, assault and battery, interstate transportation of stolen property, and theft from interstate shipment. He should be considered armed and dangerous and be approached with extreme caution.

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, DC 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:

PO17TTPIPOIPO66PI15

Fingerprint Classification:

17 0 13 Ut Ref: 14 15 16

I 24 Wr15 24 24 24

I.O. 4985



Left index fingerprint



Photographs taken 1981

Because of the time factor in printing the FBI Law Enforcement Bulletin, there is the possibility that this fugitive has already been apprehended. The nearest office of the FBI will have current information on this fugitive's status.

Julio Alfonso Parias-Carbo

Julio Alfonso Parias-Carbo, also known as Julius Carbo, Julio DeParias-Carbo, Julio Edward DeParias-Carbo, Julio Parias-Carbo, Julio E. Deparias, Julio Edward DeParias, Julio DeParis, Julio Carbo DeParis, Julio Paris

Wanted for:

Hobbs Act—Extortion; Conspiracy

The Crime

Julio Alfonso Parias-Carbo is being sought in connection with the kidnaping and asphyxiation murder of a Miami, FL, man in August 1984.

A Federal warrant was issued on October 12, 1984, in Miami, FL.

Description

Age 27, born March 7, 1957 (not supported by birth records), March 7, 1958, Barranquilla, Colombia.
 Height 5'6" to 6'.
 Weight 170 to 195 pounds.
 Build Muscular.
 Hair Black.
 Eyes Brown.
 Complexion... Medium.
 Race White.
 Nationality ... Colombian.
 Occupations .. Cab driver, student pilot.
 Social Security Numbers
 Used 144-52-3906;
 144-52-3096;
 144-52-3909.
 Remarks He speaks and understands Spanish fluently. He is an avid weightlifter and bodybuilder who has competed in various local contests of this nature. He likes to frequent discos and night clubs catering to young singles.
 FBI No. 94 069 M8.

Caution

Parias-Carbo, who is allegedly involved in narcotics trafficking, is being sought in connection with a kidnaping and subsequent brutal murder of the victim. He may be armed with a handgun and should be considered armed and extremely 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, DC 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:

DIDI202216POPO161617

Fingerprint Classification:

20 I 21 W I00 16

0 19 W 000

I.O. 4979



Right thumbprint

WANTED BY THE FBI

Because of the time factor in printing the FBI Law Enforcement Bulletin, there is the possibility that this fugitive has already been apprehended. The nearest office of the FBI will have current information on this fugitive's status.



Photograph taken 1984

Richard Joseph Scutari

Richard Joseph Scutari, also known as Rick Black, Patrick Deberio, Patrick Dominic Deberrio, Josh Lewis, Steve J. Lewis, Richard O'Connor, Richard Scutari, "Black," "Mr. Black," "Stretch," and "Skoots," and others

Wanted For:

Interference with Commerce by Threats of Violence; Violating the Anti-Racketeering Laws; Conspiracy to Violate the Anti-Racketeering Laws; Transporting more than \$5,000 in Stolen Money in Interstate Commerce; Storing and Concealing Approximately \$40,000 in Stolen Money; and Harboring a Fugitive

The Crime

Scutari, a reported member of a violent terrorist group which advocates the assassination of government leaders, overthrow of the U.S. Government, and white supremacy, has been named to the FBI's list of "Ten Most Wanted Fugitives."

On July 19, 1984, Scutari allegedly participated in the robbery of an armored truck in Ukiah, CA, and reportedly stole \$3.6 million. He is also being sought in connection with the interstate transportation of over \$5,000 in stolen money and storing and concealing approximately \$40,000 in stolen money.

Federal warrants for Scutari's arrest were issued on December 28, 1984, in San Francisco, CA, and on April 12, 1985, in Seattle, WA.

Description

Age	38, born April 30, 1947 (true date of birth), April 14, 1944, Port Jefferson, NY.
Height	5'11".
Weight	180 pounds.
Build	Medium.
Hair	Brown.
Eyes	Brown.
Complexion	Medium.
Race	White.
Nationality	American.
Occupations ...	Bar owner, construction worker, diver, and karate instructor.
Scars and Marks	Has tattoo "U.S. Navy" on upper right arm.
Remarks	Has been known to wear a mustache and a beard in the past.
Social Security Numbers Used	263-68-5654 267-86-0855.
FBI No.	576 171 DA4.

Caution

Scutari, a former karate instructor, is reportedly armed with unlimited ammunition, weapons, and is known to use bulletproof vests. He has vowed not to be taken alive. Scutari is known to associate with members of the Order and the Aryan Nations movement. He may be accompanied by his wife, Michelle Antoinette Mari Scutari. They should be considered armed and extremely 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, DC 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:

PO17151714PODO13PI10

Fingerprint Classification:

17 0 5 U 000 14
020 W 001



Left index fingerprint

Change of Address

Not an order form

FBI

Law Enforcement Bulletin

Complete this form and return to:

Director
Federal Bureau of
Investigation
Washington, DC 20535

Name

Title

Address

City

State

Zip

Referenced Pattern

The three basic requirements of a loop are a sufficient recurve, a delta, and a ridge count across a looping ridge. In this impression, the looping ridge is above the delta and the core is placed in the center of the recurve since the shoulders are of equal distance from the delta. No ridge count is obtained. This pattern is classified as a tented arch; however, since it possesses a looping ridge, it is automatically referenced to a loop. In this instance, the ridge count would be one.



Washington, DC 20535

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

The Bulletin Notes

On March 27, 1985, Patrolman Thomas Miller and Patrolman Ronald Jeffrey Turek, Blair Township Police Department, Duncansville, PA, attempted to arrest a subject who opened fire, wounding Officers Miller and Turek. Officer Turek succumbed to his wound, but Officer Miller was able to return the subject's fire and killed him. This prevented injury to other nearby officers and citizens. The Bulletin joins Patrolman Miller's chief in recognizing his heroic action.



Officer Miller
