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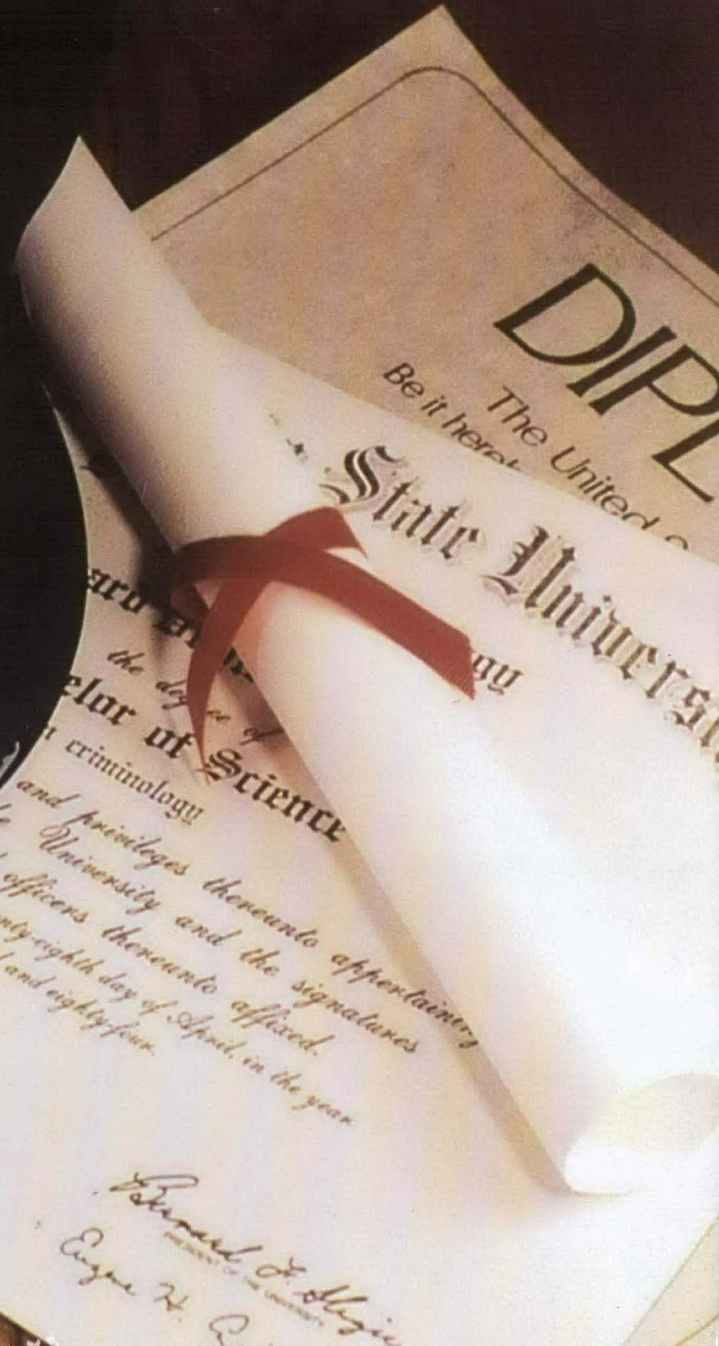
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FBI Law Enforcement

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Higher Education



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Louis J. Freeh,
Director

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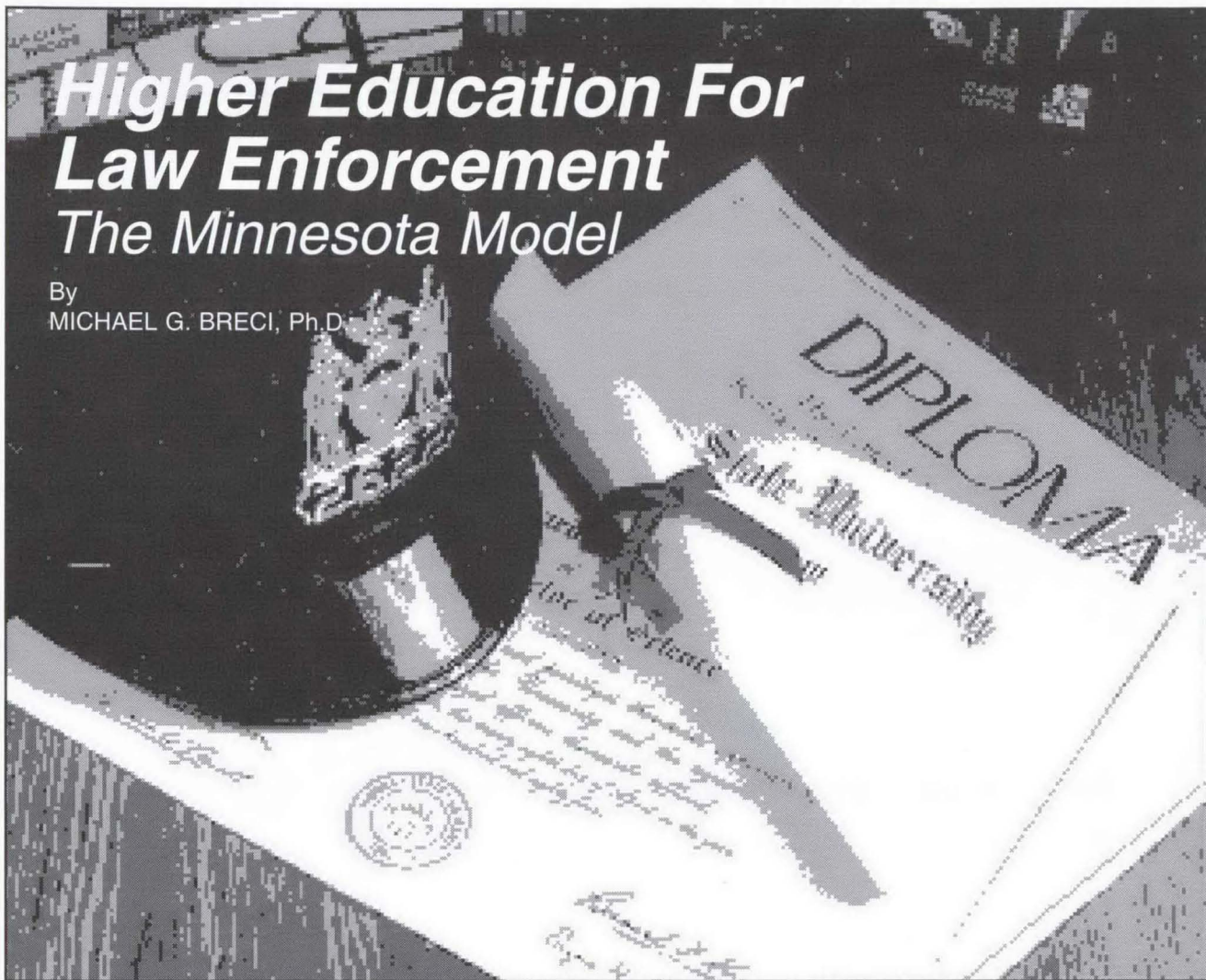
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Higher Education For Law Enforcement *The Minnesota Model*

By

MICHAEL G. BRECI, Ph.D.



For decades, the call for professionalism in the law enforcement field focused on increasing the educational levels of police officers. The President's Commission on Law Enforcement and Administration of Justice (1967) and the National Advisory Commission on Criminal Justice Standards and Goals (1973) both supported the 4-year degree as a prerequisite for employment in law enforcement. The President's Commission accurately predicted that the complexities of policing would require higher levels of education.

Indeed, since the 1960's, policing has become increasingly complex. For example, many police agencies have implemented community policing, which is based on the premise that police officers can better address crime problems by examining complex social issues and developing solutions that involve the police and the community working together. Effective community policing requires skills officers acquire through higher education—research, critical thinking, problem solving, effective oral and written communication, and an un-

derstanding of group and community dynamics.

Recognizing the need for highly educated officers, the Minnesota legislature took the initiative to implement minimum entry-level educational requirements beyond high school. In 1977, it created the Peace Officers Standards and Training (POST) Board.

The POST Board adopted the position that law enforcement, as a profession, requires a broad-based education. Therefore, it mandated increased levels of education for police officers, while creating

standards to ensure the safety of citizens in the State. To accomplish this, the board required that prospective law enforcement officers complete a 2-year degree program in order to be licensed in the State of Minnesota. This article examines Minnesota's policy of licensing law enforcement officers and discusses its implications for the State and law enforcement as a whole.

The Minnesota Model

The State of Minnesota has an unusual application process for law enforcement officers. The POST Board licenses prospective peace officers *before* they seek employment in police agencies. The licensing process consists of both academic and clinical programs. The academic component, which candidates must complete before pursuing the clinical skills component, requires a 2-year or 4-year degree from a POST-certified college or

university. Currently, Minnesota has 20 such institutions.

Minnesota's clinical program is similar to police academies operating in most States—with two significant differences. While police departments usually pay to train new recruits *after* hiring them, candidates in Minnesota must pay for and complete the program *before* seeking employment as police officers. The skills component consists of a 9- to 12-week course at one of the three approved centers located in the State. Students may also attend institutions that combine the academic and skills components. Two POST-certified colleges in Minnesota currently offer this option.

After successfully completing the academic and skills components, candidates must pass the Minnesota Peace Officer Licensing Examination. This examination, similar to other occupational licensing tests, assesses students'

proficiency in both theory and practice. Those who pass receive a temporary license that allows them to apply for openings in law enforcement agencies in Minnesota. This license remains valid until they find a position with a law enforcement agency.

After a law enforcement agency hires an individual, POST issues the officer a 3-year license to "practice" in Minnesota. In order to renew the license, an officer must earn 48 hours of continuing education credit. This education may include college courses and/or agency-sponsored training.

Increased Levels of Education

Educational levels of police officers have increased in Minnesota and nationwide over the past several decades. To illustrate, in 1970, 14.6 percent of American police officers completed 2 or more years of college. A 1988 national survey, commissioned by the Police Executive Research Forum, found that 44.7 percent had completed 2 or more years of higher education, a 30-percent increase nationally.¹

By comparison, a 1990 survey of the 7,501 law enforcement officers in Minnesota found that 71.4 percent possessed a 2-year degree or more.² The findings also indicate that respondents continued their education after being hired as law enforcement officers. The figures further suggest that State-mandated higher education may do more to increase overall education levels within States than the current practice of allowing individual departments to set minimum educational requirements.



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“The Minnesota experience suggests that a centralized agency...has the potential to bring together law enforcement and academia.”

Attitudes on Higher Education

A random sample of the 7,501 officers surveyed in 1990 determined the effect that the 2-year degree requirement had on officers' attitudes regarding higher education. Of the 1,500 surveys sent out, 915 were returned, for a 61-percent response rate. When asked to describe how college classes helped them as law enforcement officers, the respondents most often listed the following benefits:

- Keep officers current/help them to become well-rounded
- Help officers to understand the public and how to communicate more effectively with citizens
- Prepare officers for advancement/provide management skills
- Provide officers with computer skills.

In addition, most officers surveyed believed that individuals possessing a 4-year degree would have a broader perspective and would perform their jobs in a more mature and professional manner, thus benefiting law enforcement. Officers also believed that because a 4-year degree would increase their qualifications for available positions, it would decrease competition. Furthermore, officers equated a 4-year degree with higher pay.

Clearly, the officers responding to the survey believed a 4-year college degree offered many advantages. In fact, nearly 30 percent of the officers in this survey had a 4-year degree or more. Furthermore, 23 percent contended that they would complete a college degree in the

next 5 years, and 56 percent said they planned to take college classes in the future.

For those not planning to continue their formal education, the majority indicated they either did not have the time or the resources. However, most of the officers (83 percent) said that if scholarships were made available, they would continue their education.

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Surprisingly, while these findings suggest that officers in Minnesota have favorable attitudes toward higher education, only 24 percent of the officers surveyed supported a 4-year degree requirement for law enforcement officers. The following quotes illustrate some of the officers' concerns regarding a degree requirement:

- “Thought should be given to the impact such a requirement would have on minority aspirants to the profession. I am concerned that good minority candidates may be tracked out of our profession by the 4-year degree requirement.”

- “Our profession remains paramilitary. The 4-year degree person is trained to question rather than to accept. I am concerned that our system needs time to change before an immediate infusion of 4-year degree persons.”
- “The 4-year degree requirement carries the real risk of disqualifying well-suited candidates, based on economic considerations.”
- “The person with a 4-year degree will not want to work at the pay scale small towns can afford to pay.”

This last comment strikes a chord with opponents of State-mandated education. In fact, critics opposed to adopting State-imposed minimum educational requirements contend that small departments and rural law enforcement agencies could not successfully compete with larger, urban police departments in recruiting personnel.

In Minnesota, larger departments do receive more applications for posted job openings (around 400-500 per opening) than smaller, rural departments (100 applications per opening). However, no shortage of qualified applicants exists. To illustrate, between 1982 and 1990, the POST Board issued 3,944 temporary licenses to those who passed the licensing examination. During that same period, the board issued 2,898 new licenses to officers working in law enforcement. In other words, during that 9-year period, there were over 1,000 *qualified* applicants unable to find employment in any police agency, large or small, in Minnesota.

The Future of Law Enforcement Education

In 1990, a bill introduced by members of the Minnesota State Legislature would have required all new peace officers hired after January 1, 1994, to have a bachelor's degree. The POST Board was commissioned to assess the feasibility of implementing the 4-year degree as a prerequisite for granting licenses.

To do this, the board consulted with law enforcement personnel, educators, and elected officials from municipalities and counties. After an intensive, year-long study, it concluded: "The POST Board supports, in principle, the attainment of a baccalaureate degree by all peace officers who aspire to this goal, but does not support mandating a baccalaureate degree as a prerequisite for licensing."³

During the study, the POST Board identified problems within the educational component that would make it difficult to supply communities with an adequate number of 4-year degree candidates. Therefore, to facilitate change within the educational component, the POST Board suggested a number of proposals to upgrade the delivery system. The Minnesota legislature adopted these suggestions and passed The Peace Officer Education Legislation of 1991.⁴

This legislation built on and improved the previous system in many ways. First, it increased the amount of general education in the professional peace officer education program, while simplifying the transfer of credits between lower division and upper division institu-

tions. It also required the integration of academic and clinical skills components into a college degree program. Finally, it created a professional school of law enforcement responsible for bachelor degree programs, graduate study, continuing education, and applied research. In essence, this legislation paved the way for the future enactment of a 4-year degree requirement for licensure as a police officer in Minnesota.

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In the near future, State legislatures across the Nation will start implementing standards designed to increase police professionalism. Currently, the responsibility for change has been left to the individual police agency. While efforts on the local level are commendable, for the most part, they have been ineffective in terms of bringing about far-reaching changes in law enforcement.

Individual agencies simply do not have the power to bring about change where it will be the most effective—the educational institutions. As Carter and Sapp point out: "The future of policing de-

pends on the future of higher education...[H]igher education... facilitates the development of innovative police practices...."⁵ Cooperation between academia and law enforcement is, therefore, essential for shaping the curriculum for law enforcement officers in the 21st century.

Conclusion

The Minnesota experience suggests that a centralized agency, such as the POST Board, has the potential to bring together law enforcement and academia. In Minnesota, the board has the authority to develop curriculum guidelines for institutions of higher education, while setting minimum educational standards for police personnel in the State. The POST Board combines the resources of law enforcement and academia in a campaign to professionalize law enforcement.

Meeting the changing needs of the police in the next century cannot be left to chance. A coordinated effort between education, law enforcement, and States will nurture the development of police professionalism in the years to come. ♦

Endnotes

¹ David L. Carter, Ph.D., and Allen D. Sapp, Ph.D., "College Education and Policing: Coming of Age," *FBI Law Enforcement Bulletin*, January 1992, 10.

² The survey included officers hired prior to 1977 when the Post Board was formed. These officers do not need to meet the 2-year degree requirement.

³ D. Glass, ed., *A Study of the Minnesota Professional Peace Officer Education System*, POST Board, St. Paul, MN., 1991.

⁴ 1991 Laws of Minnesota, Article 6, Section 4.

⁵ Supra note 1, p. 14.

Forensic Imaging Comes of Age

By
GENE O'DONNELL



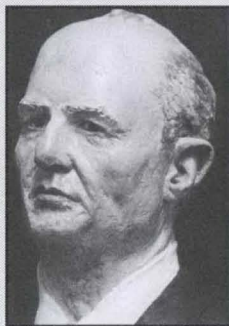
John List after his arrest in 1989.



Photograph of John List taken prior to 1971.



Age-enhanced image of John List prepared in 1987.



Plaster bust based on photographs of John List.

In 1987, the FBI's Newark, New Jersey, field office forwarded a then unusual request for forensic assistance to the Special Projects Section of the FBI Laboratory. Agents asked if it would be possible to produce age-enhanced photographs of a longtime fugitive in order to better represent to the public and to other investigative agencies how the subject might currently appear. The fugitive, John E. List, had eluded detection since murdering his entire family 17 years earlier.

Using newly acquired computer systems, visual information specialists in the FBI Laboratory prepared an age-enhanced image of John List and forwarded it to the field office. The office then publicized the photograph in various national publications. A woman recognized her neighbor as List (who lived under the assumed name Robert P. Clark) from the age-enhanced image that appeared in a supermarket tabloid. The woman dared Clark's wife to confront her husband with the photograph. Apparently, she never did.

Two years later, in 1989, the television show, *America's Most Wanted*, featured a plaster bust prepared by a forensic artist that was based on photographs of List. By this time, List had moved to Midlothian, Virginia, a suburb of Richmond. Convinced that Clark was, in fact, John List, his former neighbor asked her son-in-law to call the FBI and provide investigators with List's new address. When agents confronted the man, he denied he was List. But fingerprints from a gun permit application filed a month before the slayings revealed the truth. List was arrested and



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“The FBI’s imaging program is based on a sophisticated photo compositing and retouching system.”

returned to New Jersey, where he was convicted of murder and sentenced to life in prison.

The John List case is notable for several reasons, including List’s ability to elude detection for 17 years and the impact of mass media on his capture. For the FBI Laboratory, the List case also signaled a new age in computer-assisted forensic imaging.

BACKGROUND

Traditionally, forensic artists assisted investigators by producing drawings and airbrushed photographs based on witness accounts or photographs. Over the years, forensic artists produced many such images, which assisted in solving numerous cases. However, advances in computer technology now allow these same artists to create or alter images much faster, more accurately, and with many more options than ever before.

In 1986, the FBI purchased the computer system used for the age-enhancement of John List.

Composed primarily of off-the-shelf hardware and software, the system allows operators to alter photographs for investigative purposes by projecting the likeness of individuals as they might currently appear. By combining the sophistication of the computer system with the forensic art skills of the operator, age-enhancement and other imaging can be achieved with a high degree of accuracy.

The programmer who developed the system used by the FBI worked closely with Laboratory personnel in making necessary modifications to enhance the computer’s capabilities. The user-friendly format allows operators with limited computer training to make full use of the system. As always, the most critical element is the forensic art skills of the operators.

COMPUTER-ASSISTED FORENSIC IMAGING

The FBI’s imaging program is based on a sophisticated photo

compositing and retouching system. The system produces age-enhanced photographs, merged images (i.e., a human skull combined with antemortem photographs), and reconstructed facial images based solely on the skeletal remains. The forensic artist can also create detailed composite sketches on the system and use the system to perform other retouching functions.

In order to produce a desired image, forensic artists must generate several preliminary images. These initial and intermediate images, as well as the final product, are collected together in a folder referred to as a “film.”

A film consists of several images, or “frames,” in sequence. Each frame corresponds to one of the images used to produce the final product. To ease handling, the artist binds the frames together in a single film. This also ensures that all materials necessary to produce the final image can be found in a single place.

AGE ENHANCEMENT

The age-enhancement process begins by entering the images that will be used in an “update” into the computer system. Forensic artists enter these images into the system in several different ways.

In the most common method, the forensic artist uses the video camera to “grab” or digitize photographs into the system. This is accomplished by placing a photograph on a copy stand under an activated video camera to produce an image on the display monitor. When the photograph has been properly framed, the camera focused, and the lights adjusted, the image is

"grabbed." The computer then converts the image into digital form and stores it in its memory. The forensic artist then repeats the image entry process for each reference image used in the aging process. When all of the photographs have been entered into the system, the forensic artist begins creating the aged image.

The computer displays available commands in a collection of pop-up menus driven by a fixed menu selection that runs across the bottom of the screen. The operator selects a category by pointing to it with a pen-shaped stylus. Once the operator makes a selection, the list of commands in that category

appears in a pop-up menu. The operator alters the image by selecting different commands from the various menus and then drawing on the image using the stylus. Mistakes can be corrected through a variety of commands.

Child Aging

When "aging" childhood photographs, forensic artists can develop highly accurate and detailed enhancements by studying photographs of the subjects' family members to gauge accurate facial growth patterns. Since the introduction of the computer-assisted system, the FBI Laboratory has assisted in locating several missing persons,

based solely or in part, on this investigative technique.

To update a child's appearance, the forensic artist enters photos of the child, as well as one or both parents (or siblings who resemble the child) into the computer. The operator then creates grids for each image that "describe" the location of the facial features in that image. One or more of the missing child's photographs are "warped" or realigned to bring the features of that image into alignment with those of another.

After this process, the images can be composited (or combined). The result represents the aged image because warping simulates the

System Configuration

For any forensic imaging function, the software requires the following basic hardware configuration: A standard personal computer (PC) terminal containing at least 4 megabytes of memory and a minimum 100 megabyte hard disk, a digitizing tablet, color video display monitor, and a video camera with lights (preferably mounted on a stand). A "grabber/buffer" board should be installed in the main terminal. If necessary, custom hardware configurations can also be supported.

Connected to the PC, the digitizing tablet is used as a pointing device. The computer detects the position of the stylus and draws crosshairs on the video screen to show its current location. The operator draws with the

stylus, much as an artist might sketch with a pencil or pen.

The color video monitor displays the images and the menus that control the program. A color monitor is preferable, even though the images are black and white (also called gray-scale). The color monitor yields far greater resolution than an ordinary television screen.

A video camera captures the images that are used to produce an altered image. The camera is mounted on a copy stand so that the source photos used to produce updates can be easily scanned. The artist converts the image produced by the camera into digital information, which is then stored in the computer.

growth of the child's face. The percentages of the images to be composited can also be adjusted to emphasize one image or another. By adjusting these percentages, as well as the degree of warping, the artist determines the "age" of the resulting image. Retouching capabilities allow for various hairstyles or the removal of blemishes.

When deciding on what photographs to combine with the child's image, investigators should look for similarity of features in the photographs of the relatives taken at approximately the same age as the missing child. However, in photographs to be used in the update, relatives must be as close as possible to the age the child would be currently. The position of the heads in the photographs of the child and the relatives must match closely. Facial expressions should also match. Ideally, photographs should be evenly lit and of high quality.

Adult Aging

The aging of an adult subject works in a very similar manner to the updating process for a child. The primary difference lies in the use of an age template that is combined with the image to be aged. The artist modifies the template to fit the features of the image.

Because cranial growth is complete in adults, the artist gives special attention to preparing an accurate depiction of the skin surface, adding necessary creases around the eyes, forehead, and other appropriate areas. Indications of hair loss in earlier photos or information from witnesses may lead the artist to remove hair or make other changes, such as adding a beard or a scar or adjusting the weight of the face.

As with the updating of a child's image, any photographs that are to be combined must be in similar orientations—preferably head-on shots. Slight deviations

from this full-face angle can be compensated for during the warping process, but some distortion may result. If the deviation is too great, another image should be used.

SUPERIMPOSITION

Forensic laboratories often receive requests for assistance in cases that require the comparison of an antemortem photograph with a recovered cranium and mandible (jaw bone). The computer-assisted system for photographic superimposition offers a highly effective method to demonstrate consistency (or inconsistency) between skeletal features and facial photographs.

First, the antemortem photograph is scanned with a video camera and then digitized and stored in the computer. The artist traces key anatomical "landmarks" directly onto a plastic overlay on the monitor. The image of the photograph is removed from the monitor, and the image of the cranium and articulated mandible is oriented manually until the position approximates that of the individual in the photograph.

The image of the photograph and the image of the cranium/mandible are then merged or superimposed to allow detailed comparison. The artist stores the superimposed images and prints them on high-resolution printers. Accurate comparison requires the combined efforts of a skilled forensic artist and an experienced forensic anthropologist.

FACIAL REPRODUCTIONS

When investigators find human skeletal remains with few clues as to their identities, forensic scientists, artists, and anthropologists

Child Aging



Photograph of a child at age 3.



Age-enhanced image of the same child as a teenager.

often attempt to re-create the images of the individuals from the skeletal remains. In the past, two-dimensional drawings and three-dimensional reproductions of the remains—with clay added directly to the cranium to simulate anatomical features—produced helpful leads for investigators.

In recent years, facial reproduction has become an increasingly important tool within forensic anthropology to identify missing persons. While the technique is of little value for purposes of positive identification, it can be extremely useful in presenting an image to the public.

In computer-assisted facial reproduction, the cranium and articulated mandible are positioned in what is called the Frankfort horizontal plane (a scientific articulation of the cranium and mandible for photographing the cranium) and scanned with the camera. The artist selects features and adds them to the captured cranial image. The artist and the anthropologist then modify the features until a lifelike image conforming to the proportions of the underlying cranium is produced. In the FBI Laboratory, facial components are selected from a large database of handdrawings that depict wide variations in facial features, complexions, and hairstyles.

COMPOSITE SKETCHES

For many years, investigators have sought the assistance of forensic artists in yet another area of forensic imaging—composite sketching. FBI use of such drawings dates back to 1920; use in other agencies dates back even further. Television programs often depict a police composite artist at the bedside of a

victim, quickly sketching a portrait of an unknown assailant. While real-world forensic artists often produce portrait-style drawings, these images generally require hours of interviewing, drawing, and revision.

The FBI has converted its book of photographs used for interviewing witnesses for composites into handdrawn images to use as a database on a computer that will automatically generate images similar to

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...computer-assisted programs provide greatly improved capabilities at a fraction of the time similar imaging once took.
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those that are handdrawn. Once the witness selects features from the catalog, the composite image appears on the computer screen in just a few minutes.

Often, an artist is not even necessary. With practice, investigators can place the features on the screen and modify the image as the witness instructs. The system can be loaded into a laptop computer to further speed up the process by taking it directly to a crime scene. It can also be accessed via a modem hookup or put online, with an artist in another city available to prepare the composite while a witness views and suggests changes.

PUBLICIZING IMAGES

Investigators should remember that even the most accurate forensic images are of little value if potential witnesses never see them. This is especially true of age-enhanced photographs.

After sending the photographs to Federal, State, and local law enforcement agencies, investigators should consider additional ways to publicize the image. The more people who see the image, the better.

Generally, programs that spotlight criminals and missing persons on national or local television and/or in newspapers yield the best results. One investigator from Oakland, California, reached out across the United States and Canada with age-enhanced images of two missing brothers. After exhausting every lead, the investigator turned to the television program *Unsolved Mysteries*.

On the evening of the broadcast, hundreds of calls poured in from the Albuquerque, New Mexico, area. Authorities located the children in a trailer on the outskirts of town, where they lived with their mother and her new husband—a known drug dealer. The boys were returned to their father, who had not seen them in several years. Although the aged images of the boys were very accurate, the relentless determination of the investigator and the assistance of the public ultimately solved the case.

Other methods can be used to publicize an image. Most States have at least one agency dedicated to the location of missing children that assists investigators in publicizing such cases. Wanted and missing

Guidelines for Submitting Evidence

The FBI Laboratory accepts a limited number of forensic imaging requests each year from State and local law enforcement agencies. Before forwarding skeletal facial remains to the FBI Laboratory for reconstruction or comparison to antemortem photographs, the remains should be completely defleshed and cleaned, preferably by a medical examiner or anthropologist. The medical examiner's report and any hairs, fibers, and photographs taken at the discovery site or medical examiner's office, as well as any other pertinent evidence, should accompany the submission.

In cases where investigators suspect that they may know the identity of the subject, recent antemortem photographs, as well as photographs of the possible subject smiling (for dental comparisons), should be included.

Agencies should package materials carefully to avoid damage. All evidence and

bones should be packaged separately and then placed in a sturdy box. Soft bubble plastic or comparable materials should be used to cushion the evidence.

Before submitting evidence, however, investigators should first call the FBI Hairs and Fibers Unit to discuss the case. An explanatory letter with relevant background information should accompany the submission. Requests for superimpositions and facial reproductions should be sent to:

Federal Bureau of Investigation
9th and Pennsylvania Avenue, NW
Washington, DC 20535
Attention: Laboratory Division
Hairs and Fibers Unit

Requests concerning composite art, age-progression, or other photographic retouch should be sent to the attention of the Laboratory's Special Projects Section.

person posters often provide a worthwhile medium. Many printing companies produce posters and flyers concerning missing children at a reduced rate or at no charge. Companies offering coupon advertisements featuring missing children have also proven effective.

THE FUTURE

New computer-assisted forensic imaging technology looms just on the horizon. For example, the introduction of three-dimensional digital skull imaging will give forensic artists the ability to rotate

facial images on screen, allowing for more movement of facial expression and the addition of detailed facial features to the image.

New technology will also enhance superimposition capabilities. For example, on-screen rotation of cranial images will allow forensic artists to align antemortem photographs more accurately.

These and other improvements will enable forensic artists to provide new levels of assistance to investigators. Further computerization of the forensic imaging process promises to provide law enforce-

ment with enhanced facial identification capabilities as the 21st century approaches.

CONCLUSION

For decades, forensic imaging has benefited law enforcement. Now, computer-assisted programs provide greatly improved capabilities at a fraction of the time similar imaging once took. When combined with the communicative power of modern mass media, the impact of forensic imaging can produce impressive results, even for cases once deemed hopeless. ♦

Notable Speeches

The Causes of Violence

By
John Monahan, Ph.D.

I have been asked to summarize everything that we really know about the biological, sociological, and psychological causes of violence—in 20 minutes or less. Unfortunately, I think I can do it.

But, I warn you in advance what I cannot do—what no one can honestly do—and that is to offer a neat, simple story that explains why so many Americans are afraid to walk home alone at night. Only people on the extremes of the political spectrum have that luxury and that conceit.

The political right believes that the root cause of violent crime is bad genes or bad morals. Not so, says the left. The root cause of violent crime is bad housing or dead-end jobs. And, I tell you that while doing something about the causes of violence surely requires a political ideology, the only way we can determine what those causes are in the first place is to check our ideologies at the door and to try to keep our minds open as wide, and for as long, as we can bear.

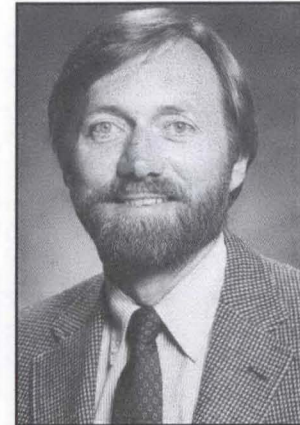
I realize that this is not easily done. But, if you give it a try, which I urge you to do, I think that you will find that violence does not have one root cause. Rather, violence has many tangled roots. Some grow toward the left and some grow toward the right. We have to find the largest ones, whichever way they grow, and only then can we debate how to cut them off.

Biological Causes

First, the biological causes. These are the easiest to talk about, because there is not much to say.

Many biological factors have been nominated as candidates for causes of violence. Hormones like testosterone, transmitters in the brain like serotonin, and blood abnormalities like hypoglycemia are only a few that have been mentioned.

Biological factors do not have to be hereditary. They could be caused by a head injury, poor nutrition, or environmental events, such as exposure to lead paint.



Dr. Monahan, a psychologist and a professor at the School of Law at the University of Virginia in Charlottesville, delivered this speech at the U.S. Sentencing Commission's Inaugural Symposium on Crime and Punishment in the United States in Washington, DC.

Fortunately, the National Academy of Sciences just reviewed hundreds of studies on the relationship between biology and violence, and it came to one clear bottom-line conclusion: "No patterns precise enough to be considered reliable biological markers for violent behavior have yet been identified."¹ The National Academy of Sciences found many promising leads that should be vigorously pursued by researchers, but so far, it could point to nothing as a proven, or even close to proven, biological risk factor for future violence.

Sociological Causes

Next come the sociological causes. We know the most about social factors and violence, because social factors, such as demography, are relatively easy to measure and because people have been measuring them for a long time. What do we know? We know a great deal about a relatively small number of things.

We know that to live in America is to live in the land of the brave, as well as in the home of the free. We are all familiar with depressing statistics about the U.S. trade deficit with Japan. But more depressing is this Nation's crime surplus. Compared with Japan, a nation of roughly comparable industrialization, with cities much more crowded than ours, the U.S.

homicide rate is over 5 times higher, the rape rate is 22 times higher, and the armed robbery rate is an astounding 114 times higher.²

We also know that within America, violence is subject to great regional variation. The murder rate, for example, is almost twice as high in the South as it is in the Northeast, but the robbery rate is almost twice as high in the Northeast as it is in the South.³

We know that communities within all regions of America differ drastically among themselves in how violent they are. In general, the smaller the community, the lower the rate of violence. Within the same city, some neighborhoods have rates of violent crime 300 times higher than other neighborhoods.⁴

We know that people who commit violence on the street are disproportionately poor and unemployed. Prior to their arrest, jail inmates had, on the average, an annual income at the Federal Government's official "poverty level," and about one-half were unemployed at the time they committed a violent crime.⁵

We know that the overwhelming majority—close to 90 percent—of the people arrested for crimes of violence are men and that despite enormous changes in gender roles in recent decades, this figure has not budged for as long as criminal records have been kept.⁶ Indeed, there is no place in the world where men make up less than 80 percent of the people arrested for violence, now or at any time in history.⁷

We know that violence is primarily the work of the young. People in their late teens and twenties are much more likely to be arrested for violence than younger or older people.⁸

We know that the arrest rate—and the victimization rate—for violent crime for African-Americans is now about six times higher than for whites.⁹

Finally, we know that official violent crime rates, as high as they are, drastically underestimate the actual rate of violence in America, particularly violence within the family.¹⁰

After this, what we know about the sociological correlates of violence falls off rapidly. Note that I said "correlates," not "causes."

Two problems keep us from knowing which factor really matters as a cause of violence and which is irrelevant. One problem is that each factor relates not only to violence but to other sociological factors as well. Call this the "ball of wax" problem. Poverty and race, for example, are related not just to violence but also to each other. If poverty is taken into account, the effect of race on violence decreases drastically, and in some studies, disappears entirely.

The second problem is that it is sometimes hard to tell which came first, the sociological factor or the violence. Call this the "cause and effect" problem.

It is true, of course, that violence does not cause people to be male or to be young. But it is not clear whether unemployment leads people to commit violent acts or whether, for at least some people, their violent acts lead employers to not want to hire them. It is also possible that, at least for some people, a third factor—like an "impulsive" temperament—causes them both to be violent and to be unlikely to keep a steady job.¹¹

Psychological Causes

Finally, the psychological causes. If research on violence were like stock on Wall Street, then I would put my money right now on psychology. By this, I most emphatically do not mean mental disorder. The best epidemiological evidence indicates that major mental disorder accounts for, at most, 3 percent of the violence in American society.¹²

What I mean, instead, are the developmental processes that we all go through, most of us more or less successfully, but some of us with great difficulty. I mean particularly the family¹³—the filter through which most of the sociological factors, such as a parent's being unemployed, and many of the biological factors, like poor nutrition, seem to have their effect on a child growing up.

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...‘No patterns
precise enough to
be considered
reliable biological
markers for
violent behavior
have yet been
identified.’
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There is a risk, of course, that whenever someone talks about families and children, that person invokes images that may never have existed, except perhaps on 1950's television. And, even if these images did once exist, they surely no longer reflect the great variety of relationships in contemporary America.

But, whether we prefer Ozzie and Harriet Nelson or Murphy Brown, there is one important thing we should not forget. That is, all types of families share something in common. Whether they are married or cohabitating, biological or adoptive or foster, single or dual, gay or straight, and whatever their ethnicity, virtually all parents try to raise their children to be neither the victims nor the perpetrators of violence.

Fortunately, most families, whatever their type, succeed. Unfortunately, some fail.

Family, Children, and Violence

What do we know about families and children and violence?

We know that while many aggressive children go on to be law-abiding adults, aggression at age 8 significantly predicts violent convictions well into the thirties, in every culture in which it has been studied.¹⁴

We know that most children who have been physically abused by their parents go on to be perfectly normal adults. Yet, physical abuse doubles the risk that a boy will have convictions for violent crime as an adult.¹⁵

We know that failure of a child in school is one of the most enduring correlates of later violence. Four out of five violent offenders in prison never finished high school.¹⁶

We know that stability matters. The more changes of placement a foster child experiences while growing up, the more likely that child will later be arrested for a violent crime.¹⁷

We know that lack of parental supervision has been consistently related to delinquency, including violent delinquency. One study, for example, found

that 10 percent of nondelinquents were poorly supervised by their parents, one-third of one- and two-time delinquents were poorly supervised, and over three-quarters of repeat offenders were poorly supervised.¹⁸ Another study found that for children growing up in very disadvantaged and violent neighborhoods, who look like they have everything going against them, the one factor that seems to protect that child from growing up to be violent is having a parent—overwhelmingly, a mother—who supervises her child very strictly and who nips misbehavior in the bud, rather than waiting for the principal to call or the police officer to knock on the door.¹⁹

Finally, we know much about the relationship between illegal drugs and violence. But it is important to remember that the connection between one legal drug—alcohol—and violence is beyond dispute. About one-third of all violent offenders are alcoholic, and the earlier an adolescent starts to drink, the more likely that teen will be violent as an adult.²⁰

These findings are not immune from either “ball of wax” or “cause and effect” problems. Failure in

school, for example, is associated not only with violence but also with poor parental supervision. And, it is not obvious whether frequent changes of placement for a foster child leads to violence, or whether a child's violence at home leads foster parents to give the child back to the agency. But surely, the accumulated findings provide reason to believe that families have an enormous influence, for better or worse, on how children develop.

None of these findings in any way negates the influence of social conditions in giving rise to violence. Poor people, for example, without adequate child care, may have a much more difficult time monitoring their children's behavior than affluent people with live-in help.

Nor do the findings necessarily negate the possible influence of biological factors. Nutrition, to give another example, is something that parents literally

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...the accumulated findings provide reason to believe that families have an enormous influence, for better or worse, on how children develop.

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put on the table for the child to eat. But it is through the family that these things have their effects and through the family that those effects might best be redirected.

We know some important things about violence, particularly about the home environment and violence. But, we do not know nearly enough about how to prevent violence in the first place or how to stop it from happening again once it begins. How can we learn more, so that 10 years from now, it will take a bit longer to summarize the field?

Learning About Violence

We can learn more if we do four things. We need to 1) make a long-term national investment in research and development, 2) have a coherent and coordinated Federal strategy for studying violence, 3) implement a comprehensive and inclusive violence research agenda, and 4) institute a program of rigorously evaluated interventions to reduce violence.

Long-term national investment in research and development for a safer America—It takes resources to isolate the biological, sociological, and psychological factors that are associated with violence, to untangle the ball of wax in which they are found, and to determine which are the causes of violence and which are its effects. The National Academy of Sciences just did an audit and concluded that the Federal Government spends a total of \$20 million a year on violence research, which works out to about \$3 per violent victimization.²¹

Researchers always say that more money is needed for research. But let me point out that the Nation's budget for research on violence is considerably less than one-half what the Federal Government will spend this year on mohair price subsidies.²² Nothing against goats, but a shortage of fuzzy sweaters is not what is keeping people behind locked doors at night.

A coherent and coordinated Federal strategy for studying violence—Organizational responsibility for research on violence is spread across a number of Federal agencies—the National Institute of Justice, the National Institute of Mental Health, the National Science Foundation, the Centers for Disease Control, and several smaller programs.²³ Surely, we do not need a "violence czar" to provide central management of the Nation's research on violence. But we do need to be sure that all bases are covered and that there is a forum where innovative ideas can be shared and followed up quickly.

Partnerships with private foundations may be particularly cost-effective. The collaborations between the MacArthur Foundation and the National Institute of Justice in funding the Program on Human Development and Criminal Behavior and between the MacArthur Foundation and the National Institute of Mental Health in funding the MacArthur Risk Assessment Study are exciting examples of strategic leveraging of public and private resources.²⁴

A comprehensive and inclusive violence research agenda—The agenda needs to promote the three kinds of research I mentioned—biology, sociology, and psychology. It has to study them not in isolation from one another but together as different pieces of the same puzzle.

The time is ripe to give some priority to studying developmental influences and the effect of the family environment on violence. But this has to include health-related and biological factors that are mediated through the family, as well as social and psychological influences. You cannot paint a full, life-like picture of the causes of violence if you mark a corner of the canvas ideologically off limits before you start painting.

A program of rigorously evaluated interventions to reduce violence—This goes to the top of the agenda. We will finally understand the causes of

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violence when we can take a group of children at high risk of becoming violent and ethically offer them opportunities and services to defy our predictions.

The interventions should be intensive and broadly based in practice, but initially, small-scale in scope. We simply do not know enough to mount major national programs to attack the causes of violence, even if we had the money to do so. But we certainly do know enough to start trying many things in a completely voluntary way, without unnecessarily labeling anyone, and see what works.²⁵

One Approach

One modest idea is derived from the research on child rearing that finds parental supervision so important in preventing crime and violence. Taking a cue from studies like this, we could offer an intensive, long-term, state-of-the-art education program to a random group of parents whose children are enrolled in Federal child care programs.²⁶ This program would teach parents how to effectively monitor their children's behavior, how to recognize potentially serious misbehavior when it occurs, and how to consistently, but fairly, discipline their children in response to misbehavior.²⁷

If this worked, if children whose parents received the program had lower levels of aggression and other social problems when compared to a control group, we could gradually expand the program, rigorously evaluating its effects each step of the way. If it did not work, we would go back to the drawing board, roll up our sleeves, and try something different.

A dozen ideas like this—none of them panaceas—could be derived from research on children and families and tried simultaneously in different parts of the country. If even a few of them worked, we would have taken a giant leap forward in violence prevention.

Conclusion

The short of it is that first, we need to make a national scientific commitment to understand the causes of violence. Once this happens, we need to make a national political commitment to do something about them. ♦

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VICAP Alert

Robert Lee Clegg

CRIME

Clegg is currently incarcerated for life in Wyoming for the April 1990, death of a teenage female. He has also admitted to a 1988 homicide of another teenage female in Sedona, Arizona.

BACKGROUND

While on leave from the U.S. Navy, Clegg was arrested in 1981 for three counts of rape in Thermopolis, Wyoming. He was convicted, sentenced to 5 to 7 years in a State penitentiary, and subsequently paroled. In July 1987, he traveled to Phoenix and then went to Cottonwood and Sedona, Arizona, where he remained until March 1988. For the remainder of that year, Clegg's known whereabouts were Saratoga, Wyoming, and Marshal, Virginia, where he attended a vocational school (name unknown) from March to August 1988.

Clegg then traveled to Ketchikan, Alaska, in January 1989. From January to July 1989, he remained in Alaska, where he was arrested for driving under the influence and eluding a police officer. At the time of his arrest, he had Canadian money in his possession, although inquiries to INTERPOL-Canada were negative.

Clegg returned to Saratoga, Wyoming, in July 1989, and began construction work that involved travel to the Denver, Colorado, area. On July 6, 1989, he was arrested by the Carbon County, Wyoming, Sheriff's Department for simple battery and placed on 6 months' unsupervised probation. On April 4, 1990, Clegg was arrested again and charged with the murder of a teenager who had disappeared 4 days earlier in Rawlins, Wyoming.

MODUS OPERANDI

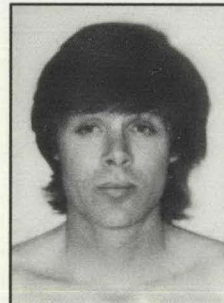
On March 31, 1990, Clegg abducted the victim as she was walking in town, took her to a remote area, and sexually assaulted her. He then drove to another location, where he murdered and buried her. Clegg used a tire iron to beat the victim and then drove a vehicle over her. The car used in the crime was borrowed from one of Clegg's friends.

On April, 1, 1990, a family member reported the victim missing. That same day, her clothing was

found along a major highway, approximately 5 miles from the body recovery site. Three days later, Clegg was identified and subsequently assisted in locating the victim's body. In an attempt to save himself from a death penalty conviction, he also admitted to a 1988 homicide in Sedona, Arizona, and led officers to the body.

The Sedona victim, who had a history as a runaway, was last seen by her father in January 1988. For this homicide, Clegg picked up the victim, who was hitchhiking on a highway near her home. He told the victim he would give her a ride, but that he had to stop at his house first. Instead, Clegg drove to a remote area, where he raped the victim. After making her lie face down on the ground, he struck the victim

Robert Lee Clegg



Tattoo

RACE: Caucasian

DOB: 6/4/61

POB: Thermopolis, Wyoming

HEIGHT: 6'1"

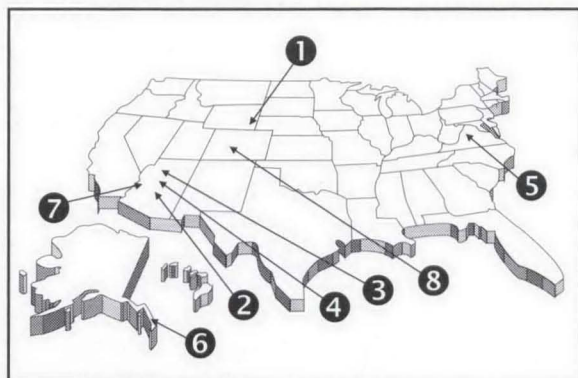
WEIGHT: 165 lbs.

HAIR: Dark brown

EYES: Brown, wears glasses

TATTOO: Sailing ship in red background on left side of chest

Known Travel of Robert Lee Clegg 1/87 - 4/90



1. Saratoga, Wyoming
(1/87 - 8/87, 3/88, 8/88 - 1/89, 7/89 - 4/90).
2. Phoenix, Arizona (8/87).
3. Cottonwood, Arizona (8/87).
4. Sedona, Arizona (8/87 - 3/88).
5. Marshal, Virginia (3/88 - 8/88).
6. Ketchikan, Alaska (1/89 - 7/89).
7. Lake Havasu City, Arizona (exact dates unknown).
8. Denver, Colorado (exact dates unknown).

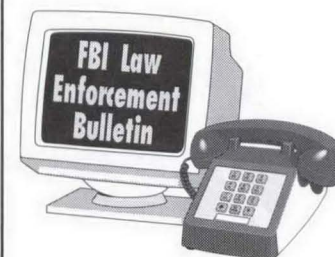
on the head several times with the flat side of a pick. Clegg then placed the nude body in the trunk and returned to work. Later, he drove to another remote area and dumped the body and clothing.

ALERT

Since Clegg's conviction, inquiries have been made to several law enforcement agencies, including the Alaska State Police, the Arizona Department of Public Safety, the Phoenix, Arizona, Police Department, the Lake Havasu, Arizona, Police Department, the Mohave County, Arizona, Sheriff's Department, and the Yavapai County, Arizona, Sheriff's Department. Investigators also contacted the Virginia State Police, the Fauquier County, Virginia, Sheriff's Department, the Douglas County, Nebraska, Sheriff's Department, INTERPOL-Canada, and NCIC.

Should any chief, sheriff, or homicide investigator have any unsolved case that matches Clegg's MO, or if additional information is needed, contact Special Agent Charles Dorsey, FBI, Washington, DC, 1-202-324-7786, or Jim Bell, National Center for the Analysis of Violent Crime, VICAP, FBI Academy, Quantico, Virginia, 1-800-634-4097. ♦

Dial-the-Bulletin



Law Enforcement is now available via three computer dial-up services. Authorized law enforcement practitioners and related professionals who have a personal computer and a modem can access, download, or print current issues of *Law Enforcement* in their homes or offices by contacting these services. Those interested in obtaining information regarding these services should dial the following numbers directly:

- SEARCH Group, Inc.
(916) 392-4640
- IACP NET
1-800-227-9640
- CompuServe
1-800-848-8199 (Ask for Representative 346.
Law Enforcement is available only through their restricted law enforcement library.)

Bulletin Reports

Gang Information

The National Youth Gang Information Center (NYGIC) recently released the first issue of *Gang Update*, a quarterly newsletter that contains articles, information, and services available through NYGIC and other sources. Each issue features profiles of selected gang-response programs across the Nation, news on gang policy and legislation, a calendar of seminars and conferences, book reviews, and a list of documents available directly from NYGIC.

Established by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), NYGIC serves as a clearinghouse for gang-related information. It also provides a link between gang-related professionals across the Nation.

To receive Gang Update free of charge, call NYGIC's toll-free information line, 1-800-446-4264, or write NYGIC at 4301 N. Fairfax Drive, Suite 730, Arlington, VA 22203. For those calling from the Washington, DC, metropolitan area, the telephone number is 703-522-4007.

Needle Exchange Programs

The U.S. General Accounting Office (GAO) has issued a research report on needle exchange programs currently being conducted. Needle exchange programs represent one strategy to reduce the spread of the human immunodeficiency virus (HIV) among drug users.

The report covers the scope and methodology of the research and gives an account of the results. It also provides information gleaned from projects conducted outside the United States that studied needle exchange programs. Other portions of the report include the legal barriers to Federal funding of such programs and a detailed bibliography of published studies, abstracts, presentations, and government monographs.

One copy of the GAO report can be obtained free of charge from the U.S. General Accounting Office, P.O. Box 6015, Gaithersburg, MD 20884-6015. Orders may also be placed by calling 202-512-6000 or by using fax number 301-258-4066.

Clarification

In the October 1993, issue, the "Bulletin Alert" informed readers of a mini-revolver that resembles an electronic paging device. However, only the grip can be purchased through the mail, not the entire weapon as the notice implied.

Child Abuse

Interviewing Possible Victims

By
DAVID GULLO



Law enforcement officers often respond to incidents that involve children, including calls that require emergency placement, social service referrals, and criminal investigations. However, with increasing regularity, officers must also respond to calls that involve child sexual abuse.

This raises the question of whether law enforcement officers understand how to interview children effectively when faced with cases of this nature. Clearly, investigators who conduct such interviews must possess special skills. At a minimum, they should know

how to ask questions that are not leading, and they should have a good working knowledge of how to structure an interview.

Most important, however, officers who deal with child abuse cases should have a fundamental understanding of child development. Adults may remember what it was like to be a child, but childhood memories are not enough to understand child behavior. A nationwide child-care facility believes that it takes a well-trained mind to think like a child—interviewers need to learn as much as possible about how children think and develop.

Basic knowledge in the area of child development helps to build a foundation for successful interviews of children. Without this foundation, interviews involving children are likely to be unsuccessful, perhaps even disastrous.

Child Development

Investigators who understand how children develop can more readily choose appropriate methods to gain information and assess the child's response during the interview process. There are five stages of child development—infancy, early childhood, preschool age, school age, and adolescence.¹

Interviewers familiar with the various developmental stages can better judge whether the child is likely—at a particular age—to comprehend the questions, as well as whether the child can successfully communicate thoughts and feelings.

For example, investigators who know that children between the ages of 4 and 6 do not generally comprehend such major concepts as time, space, and distance avoid asking such questions as “What time did your daddy touch you?” Instead, they frame their questions around times familiar to children, such as dinner, bedtime, or playtime.

At the same time, while understanding the development of young children is important, investigators should not neglect to educate themselves on the developmental stages of adolescents as well. Interviewers armed with the information that teenagers frequently mask their true feelings with humor or denial can approach the interview by first developing a rapport with them in

order to put them at ease. Teenagers at ease with their interviewers are much more likely to share their experiences and feelings.

Child Sexual Behavior

Obtaining some background information about a child’s sexual behavior is also critical. This type of information helps interviewers to understand why children may respond the way they do.

Generally, questions about sex start as early as 2 years of age. Between the ages of 6 months and 2 years, children handle their genitals as they would their noses or toes. They are exploring and discovering their bodies. From 2 to 5 years of age, normal curiosity prompts children to look at and touch others. Playing “doctor” is not uncommon, and children may masturbate.²

After age 6, children seem to know that they should keep sexual activity and curiosity private. Children who continue to touch their genitals or masturbate exces-

sively, ask a lot of sexual questions, are occupied with the bodies of others, or show overt sexual aggression are usually disturbed about something.³ It is important to remember, however, that while sexual abuse is a possibility in these cases, other problems that cause fear or anxiety may also provoke this type of behavior.

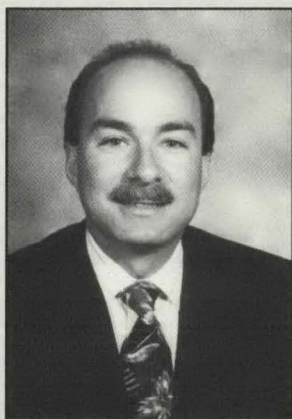
When parents find their children masturbating, they sometimes report this behavior to law enforcement officers. The parents, believing that this behavior is abnormal, suspect that the child has been molested. It is up to police interviewers to rule out the possibility of sexual abuse.

Officers who have some knowledge of child sexual behavior can ask the children appropriate questions that are understandable and nonthreatening, but are not accusatory. They can also help parents to understand the behavior of their children.

Emotional Style

Another factor that impacts the manner in which officers approach an interview is the emotional style exhibited by the child. Some children are outgoing and verbal (expressive), while others are timid and nonverbal (controlled).⁴ Expressive children usually speak with ease on a range of topics. At times, they may even be too talkative. Controlled children, on the other hand, are quiet and usually do not show their feelings. In addition, they often avoid eye contact and keep their heads or bodies turned away from interviewers.

Investigators should attempt to identify the child’s emotional style prior to the interview. Parents and



**“
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”**

Lieutenant Gullo is the commander of the Special Enforcement Division of the Campbell, California, Police Department.

Child Development Stages

Infancy (Birth to 2 years old)

Children in this age group are unable to form concepts, are self-centered, and just learning to trust others.

Early Childhood (2 to 4 years old)

During this timespan, children develop basic language skills. They engage in imaginative behavior, gather information from sense and environment, and are learning independence.

Preschool Age (4 to 6 years old)

During the preschool years, language becomes the primary mode of communication for children. During this time, however, they still do not understand abstract concepts; therefore, their verbal skills may imply more comprehension than they actually possess. They memorize without comprehension, and their memories are spotty. They can distinguish some fact from fantasy and are capable of lying to get out of a problem situation.

School Age (6 to 11 years old)

During this timespan, children continue to master the language. They develop group loyalty, usually with members of their own gender, and they seldom lie about major issues.

Adolescence (12 to 18 years old)

Adolescents undergo profound physical and emotional changes during this time period. They may have minimal rapport with adults, at least outwardly, and they often question the values and beliefs they have been taught.

They may be extremely shy in some settings, while very responsive and outgoing in others. They are capable of deception and manipulation, and an outward show of bravado or hostility often covers feelings of shyness and inferiority.

Source: National Center for Missing and Exploited Children, *Interviewing Child Victims of Sexual Exploitation*, 1987.

teachers often make good sources for this type of information. However, if children exhibit uncharacteristic emotional styles, interviewers should not assume that they have been abused. Instead, they should attempt to determine why their emotional style has changed and then include this information in a written interview report.

Questioning Victims

In addition to understanding child development, child sexuality, and the different emotional styles of

children, investigators who interview children regarding abuse also need to know the various types of questions they can ask. They should be aware that this important factor can impact on the final result of the interview.

Questioning victims is an integral part of child abuse investigations. Proper techniques facilitate the child's response, but do not suggest a particular one. This, in turn, leads to disclosure of the facts. The primary goal of the questioning is to obtain untainted information from

the child that prosecutors can use in court proceedings.

Five common types of questions exist—general, focused, multiple choice, yes or no, and leading.⁵ Investigators who interview children regarding abuse should be aware of what types of questions gain information from children most effectively. They should attempt to stay within the framework of open-ended, general, or focused questions.

If interviewers try several of these types of questions without

obtaining results, they should stop the interview and schedule a second meeting with the child. A change in emotional circumstances may make the child feel more comfortable speaking about the incident.⁶

General Questions

General questions inquire in a nonspecific manner about the child's state of mind or specific circumstances. Examples might include how the child has been feeling lately or why the child is seeing the interviewer. While these questions may be appropriate for adults, they are less likely to evoke effective responses from children, who generally require more specific information. When asked why they are meeting with the interviewer, children often respond "I do not know" or "I forgot."

Focused Questions

Focused questions require that children offer more information as a response. An example of a focused question would be, "What secrets do you have with your dad?" This type of question identifies a specific person, and therefore, limits the discussion.

Multiple-Choice Questions

Investigators should use multiple choice questions with children who have difficulty describing their abuse. However, interviewers should first test the child's response pattern to multiple-choice questions with nonessential questions. Some children respond to only the last choice they hear. By asking a short series of multiple-choice questions, the interviewer can establish whether

the child responds honestly or to the same choice each time.

Another good indicator of whether children are being open and honest is when they use their own words to respond to a multiple-choice question. For example, when asked whether they were wearing day clothes or night clothes, they may describe their attire in detail, including color, style, etc.

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It is critical that investigators who must interview children learn as much as possible about child behavior.

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Yes or No Questions

Yes or no questions are generally ineffective when used in interviews with children. An exception to this would be to ask a general question requiring a yes or no answer, followed by a question that requires more specific information. An example would be to ask about whether a specific act of abuse occurred. If the answer is yes, the interviewer should ask the child who committed the abuse.

Leading Questions

Leading questions are inappropriate for interviews of children. Children are easily led, and in the majority of circumstances, their answers will reflect the way the inter-

viewer slants the question. For instance, if interviewers indicate who they believe committed the abuse, the children will usually sustain this belief.

Conclusion

It is critical that investigators who must interview children learn as much as possible about child behavior. Most law enforcement regional training centers offer classes in how to interview children to officers who obtain positions that require this skill. Those who have a basic foundation in this area can interview children more effectively because they are better equipped to choose appropriate methods for gaining information.

The number of reported child abuse cases in the United States continues to grow. Members of the law enforcement community must prepare to meet this growing challenge. They can do this by developing a basic knowledge of child development and behavior. Armed with this valuable knowledge, officers can gain critical information from children and contribute to the successful prosecution of these serious cases. ♦

Endnotes

¹ *Interviewing Child Victims of Sexual Exploitation*, National Center for Missing and Exploited Children, Arlington, Virginia, 1987.

² Loraine Stern, M.D., "Your Child's Health, Children and Sex," *Woman's Day*, August 1990.

³ *Ibid.*

⁴ Ann Wolbert Burgess, R.N., D.N.Sc., "Counseling Young Victims," *Sexual Assault of Children and Adolescents* (Lexington, MA: D.C. Heath Co., 1978).

⁵ Kathleen Coulborn Faller, M.S., Ph.D., *Child Sexual Abuse: An Interdisciplinary Manual for the Diagnosis, Case Management, and Treatment* (New York: Columbia University Press, 1988).

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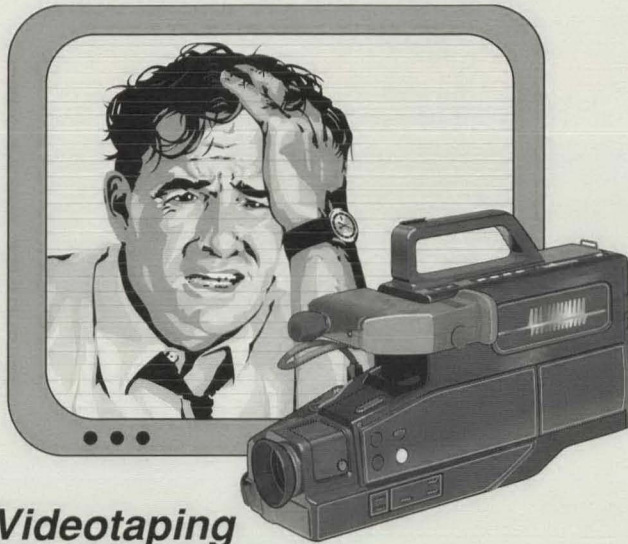
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Videotaping Interrogations and Confessions

Report by William A. Geller, J.D., Associate Director of the Police Executive Research Forum, Washington, DC.

Every aspect of American society feels the impact of video technology. No longer just for documenting baby's first steps, video cameras now play an increasingly important role in the criminal justice system. Law enforcement's use of audio-video technology ranges from providing department store surveillance to documenting police field stops of suspects and their interrogations in station house interview rooms.

In March 1993, the National Institute of Justice published the results of a preliminary study on the use of video technology in criminal interrogations.¹ The study provides a useful guide for departments in deciding whether to use videotaping. It identifies questions to consider when developing a videotaping policy, procedural issues to resolve, and the perceived effects of videotaped interrogations on case preparation and court proceedings.

The Study

In the three-part study, Geller first reviewed the relevant literature to define the issues involved in videotaping confessions and interrogations. Then, he surveyed police and sheriffs' departments nationwide to identify those that do and do not videotape,

followed by a phone survey on practices employed and practitioners' perceptions of the efficiency of such videotaping. Finally, Geller conducted indepth interviews of criminal justice practitioners (including police, prosecutors, defense attorneys, and judges) in 11 cities and counties where confessions and interrogations were videotaped to determine their perceptions about the practice and its effects.

The Results

Geller's exploration of videotaping practices employed by police across the country brought out a number of important issues. For example, each police department had to decide when to tape interrogations, whether tapes should be made overtly or covertly, how the use of tapes affected prosecutors' and defense attorneys' case preparation and court proceedings, and how the taping influenced the interviewers' choice of interrogation tactics.

Overview

The survey revealed that in 1990, approximately one-third of law enforcement agencies serving populations of 50,000 or more were videotaping at least some interrogations; that number was expected to swell to more than 60 percent of such departments by 1993. Larger departments used video technology more than smaller ones, perhaps because of budget constraints or caseload considerations. Most of the departments surveyed in 1990 had been using video technology for interrogations for at least 3 years, and 41 percent had done so for at least 5 years. Generally, departments had moved gradually from written reports to audiotapes and then to video documentation.

Types of Cases

Videotaping suspects' statements and interrogations is most prevalent in felony cases—the more severe the felony, the more likely videotaping will be used. Homicide suspects' statements were taped by 83 percent of the surveyed agencies that used videotaping. The majority of the videotaping departments also made some use of video documentation of interrogations in the other types of violent crime cases—rape, aggravated battery or assault, and armed robbery—as well as in drunk driving cases.

Reasons for Taping

Interrogations and confessions were taped for a variety of reasons. Many surveyed agencies sought to refute defense attorneys' criticisms of police interrogation techniques and challenges to the completeness and accuracy of written confessions or audiotaped statements. Others cited a desire to show clearly that suspects confessed voluntarily. Videotaped statements also served to remind detectives of important details when testifying in court.

At the same time, strong arguments were made against videotaping. These arguments were advanced primarily by practitioners who had never used videotaping and had no firsthand knowledge of its costs and benefits. Those opposed to such video recordings believed that suspects are more afraid to talk freely in front of a camera, knowing that every detail could be seen and heard in court. Some departments also cited the prohibitive costs involved in purchasing and maintaining equipment, remodeling interview rooms, and storing tapes.

Another concern revealed by the interviews was the fear that introduction of video technology in court would result in required taping of all statements in most serious felony cases. Detectives worried that courts would suppress nonvideotaped statements or that judges and juries would find written confessions unconvincing.

In fact, Geller's survey found that 70 percent of the agencies found it no harder to present nonvideotaped confessions and statements in court, even after introducing videotapes in other cases. Defense attorneys sometimes tried to insinuate that confessions were intentionally *not* taped because they couldn't withstand the close scrutiny, but the argument rarely persuaded judges to suppress such statements. Thirty percent of agencies surveyed, however, did find judges more reluctant to admit nonvideotaped confessions after the video program began.

Those who were apprehensive about being required to videotape all statements generally had never videotaped an interrogation. Most video users did not object to taping all statements; they usually believed videotaping was so beneficial that they employed it uniformly and avoided the selective taping issue entirely. Still, Geller speculates selective taping could cause problems and merits further evaluation.

Overt vs. Covert Taping

Very few agencies in the survey used covert taping methods. Most agencies either informed suspects that a tape was being made or simply left the camera or microphone in plain view during the interrogation.

Covert taping brings up some sticky ethical questions, such as privacy rights, but proponents say the benefits still should be considered. One obvious benefit is that suspects who are reluctant to talk on camera can be recorded speaking freely and willingly. Covert recording also reduces the distraction to the interviewer and interviewee of having the equipment and camera operator in the interview room.

Other considerations may lead departments to decide against surreptitious taping of station house interrogations. State and local laws might prohibit it, even though Federal law does not. A "reasonable expectation of privacy," a Federal constitutional doctrine, does not exist during a station house interrogation.

Another issue is the futility of taping covertly when word spreads rapidly through the jails and on the street. Finally, such taping practices may not support the fair and just image a department wants to project to the community.

The desire to minimize distractions has led many departments to use covert techniques, even when suspects were made aware that the interview was being documented on video tape. In this way, some

“

...video technology
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efficiency, and
legitimacy.

”

benefits of covert taping are gained without accompanying ethical or other drawbacks.

Portion of the Interview to Tape

Geller found a sharp division of opinion among practitioners over whether to tape the entire interrogation or just to record a restated summary, or recap, of a previously unrecorded interrogation. Recaps generally include exculpatory, as well as incriminating, statements. Full interrogations last 2 to 4 hours on average, whereas recaps average 15 to 45 minutes. In this era of shrinking budgets, the cost of purchasing blank tapes and creating transcripts—if judges and the attorneys on either side request transcripts—merits significant consideration, but there are other more significant arguments on both sides.

Defense attorneys generally favor recording full interrogations and object to recaps filled with leading questions. They believe full recordings help to keep police mindful of suspects' rights. Defense attorneys and judges assert that recaps often minimize defendants' expressions of remorse. Because the defendant's story typically has been repeated often during the preceding interrogation, the emotional edge reflective of remorse can be lost during the recorded recap.

Many detectives appreciate the capture of seemingly trivial comments that could later prove crucial to the case. Full recordings can also discredit accusations that coercion was used to obtain confessions.

On the other side of the issue, detectives who use recaps prefer getting concise and clearly incriminating statements. Some investigators object to full tapes that usually begin with denials of guilt, which are useful to the defense. Those using recaps can rebut defense charges of coercion by describing what preceded the taped statement.

In rebuttal, advocates of taping full interviews contend that juries and judges expect interrogations to begin with a suspect's protestations of innocence. Thus, they eventually find a confession most credible if they can follow the flow from denial of guilt to the

moment of transition and through to admission and a confession.

Procedural Aspects of Taping

Once a taping program has been instituted, a number of decisions need to be made about equipment and maintenance, and certain procedures must be established. For example, agencies must decide who has authority to determine which interrogations will be videotaped and whether comprehensive written guidelines are necessary.

Most departments surveyed allowed the interrogating officer to decide whether to tape, some gave that authority to the sergeant, while still others always taped in specific types of cases. Interview rooms might need to be remodeled to accommodate video equipment, which could consist of high-quality consumer products or professional television equipment. Geller's study describes a variety of ways in which the surveyed agencies handled these and other issues.

“ Geller's study revealed a generally positive perception of videotaping among criminal justice practitioners who have used it. ”

Effects of Videotaping

The bottom line in any decision about videotaping confessions and interrogations is whether tapes are useful and within legitimate bounds of fairness in preparing and prosecuting cases. Geller's study revealed a generally positive perception of videotaping among criminal justice practitioners who have used it.

Prosecutors across the board said that videotaped interrogations and confessions help them to assess the State's case, prepare for trial, and conduct plea negotiations. The videotapes capture subtle, often nonverbal, details missed in written transcripts and audiotapes.

Defense attorneys, however, had mixed views. Because videotaped statements are more difficult for the defense to attack than written transcripts or audiotapes, some defense attorneys disliked the strategic edge video tapes give to prosecutors. Others, though, appreciated the details video recordings supply and the fact that they can also help clients to

remember important details. Seeing the demeanor and sophistication of the defendant helps defense attorneys to determine whether to put their clients on the witness stand.

As evidence, it is somewhat easier to secure admission of videotaped confessions than written confessions because prosecutors can demonstrate the voluntary nature of the suspect's statement. As for the effect on convictions and sentences, police departments and prosecutors reported that videotaped interrogations helped them to negotiate more guilty pleas and longer sentences and secure more convictions. However, tapes sometimes work for the defense, too, such as by indicating that a confession was coerced or by leading a judge to impose a lesser sentence on a demonstrably contrite defendant.

Conclusion

Based upon this initial, exploratory study, it appears that criminal justice practitioners generally

find videotaping to be a useful tool. Videos help to assess a suspect's guilt or innocence, encourage fair treatment of suspects and respect for their civil rights, reduce the stress on officers who must defend their interrogation techniques in court, and capture important details lost through other recording methods. Thus, video technology used in this aspect of police operations appears to simultaneously serve three often disparate goals of the criminal justice system—effectiveness, efficiency, and legitimacy. ♦

Endnote

¹ William A. Geller's full report titled "Police Videotaping of Suspect Interrogations and Confessions: A Preliminary Examination of Issues and Practices" is available from the Police Executive Research Forum, 2300 M Street NW., Suite 910, Washington, DC 20037 (202) 466-7820. A shorter version of the report was published by the National Institute of Justice, which funded the underlying study, in March 1993 (Request NCJ # 139962).

This Research Forum was prepared by Julie R. Linkins, Office of Public and Congressional Affairs, FBI Headquarters, Washington, DC, based on a report by the author.

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Obtaining Consent to Enter by Deception

By
JOHN GALES SAULS



A delivery service truck pulls to the curb in a residential neighborhood, and a uniformed delivery man walks to the front door of a house. The package that he carries bears the address of the house, but the addressee of the package is not the resident. He asks the person who answers the door if the addressee is there, and when told no one of that name lives at the house, the delivery man asks if he might use the phone to call his company.

While being escorted to the phone, the delivery man observes a "hot box" and other drug trafficking

paraphernalia in one of the rooms. After making his call, he thanks his "host" and leaves. In a couple of hours, the delivery man and other police officers will return with a search warrant for the premises, based in part on what he saw on the covert visit.

This article discusses the legal considerations of police officers who conceal their official identities and use deception to gain admittance to homes and businesses. It first addresses whether entry into particular classes of premises constitutes a "search" implicating fourth amendment concerns. The

article then sets forth the requirements of the consent exception to the fourth amendment warrant requirement, emphasizing the factual predicate officers must be prepared to produce to establish the "reasonableness" of their entry and the lawfulness of their actions.

PLACES OPEN TO THE PUBLIC

On May 6, 1981, a plainclothes detective entered an adult bookstore, and after browsing through displayed merchandise for several minutes, purchased two magazines from a clerk. A short time later, after

determining the magazines to be obscene, the detective returned to the store and arrested the clerk. In the prosecution that followed, the clerk moved to suppress the magazines from evidence, claiming that the officer's entry into the store was an unreasonable search in violation of the fourth amendment.

The U.S. Supreme Court concluded that the clerk "...did not have any reasonable expectation of privacy in areas of the store where the public was invited to enter and transact business,"¹ and that the "...mere expectation that the possibly illegal nature of a product will not come to the attention of the authorities, whether because a customer will not complain or because undercover officers will not transact business with the store, is not one that society is prepared to recognize as reasonable."² The Court found the "...officer's action in entering the bookstore and examining the wares that were intentionally displayed to all who frequent the place of business did not infringe a legitimate expectation of privacy and hence did not constitute a search within the meaning of the Fourth Amendment."³

Consequently, officers may disguise their official identities and enter private commercial premises open to the public. Once there, they may examine items on display as any other member of the public might be expected to do without this conduct constituting a search.⁴

NONPUBLIC PLACES

An officer's entry into nonpublic places, such as nonpublic business premises, hotel rooms, or private residences, will constitute a

fourth amendment search.⁵ In determining the reasonableness of government intrusions under the fourth amendment, the Court has expressed an emphatic preference for searches made pursuant to judicially issued warrants.⁶ As the Court has stated, the "Constitution requires that the deliberate, impartial judgment of a judicial officer be interposed between the citizen and the police...[and] searches conducted outside the judicial process, without prior approval by a judge or magistrate, are per se unreasonable under the Fourth Amendment—subject to a few specifically established and well-delineated exceptions."⁷

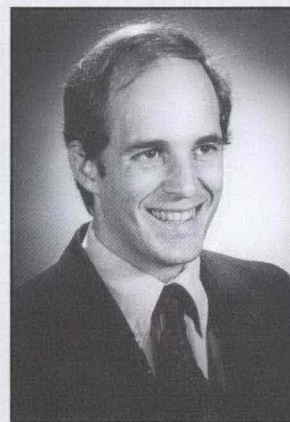
One exception the Court has recognized to the warrant requirement is that of consent.⁸ An officer entering premises based on consent should be prepared to prove at a later time that: 1) The consent was voluntarily given;⁹ 2) the person giving

the consent was in apparent lawful control of the premises searched;¹⁰ and 3) the search performed was within the scope of the consent that was given.¹¹

VOLUNTARINESS

A voluntary consent is one that is the product of a person's exercise of free will.¹² In assessing voluntariness, courts examine the totality of circumstances surrounding the consent, scrutinizing the facts to detect if coercive factors were present, such as the use of force, the making of promises or threats, and badgering or harassment.¹³ Because the Supreme Court has held that a consent need not be a knowing waiver, the use of *noncoercive* deceptions by law enforcement in seeking consent is lawful.¹⁴ In this regard, certain types of deception used by officers in seeking consent have been routinely accepted by courts.

“...officers should use care to choose a noncoercive deception and to carefully document the circumstances under which consent is obtained....”



Special Agent Sauls is a legal instructor at the FBI Academy.

TYPES OF DECEPTION

"Loyal Friend" Deception

Between October 22 and December 23, 1962, James Hoffa was being tried in Federal court in Nashville, Tennessee, for a violation of the Taft-Hartley Act. During the trial, Hoffa occupied a three-room suite in the Andrew Jackson Hotel. Edward Partin, a Teamsters union official from Baton Rouge, Louisiana, was a frequent social guest in Hoffa's suite and was present when Hoffa and others discussed bribing the jurors in the case on trial.

Partin, a government informant, relayed information about the bribery to Federal officers, which resulted in a subsequent prosecution of Hoffa for bribery. In an effort to suppress Partin's testimony about the conversations, Hoffa asserted that Partin's failure to contemporaneously disclose his role as a government informant vitiated Hoffa's consent to Partin's repeated entries into his hotel suite.¹⁵

The Supreme Court held that Hoffa's consent was voluntary and binding.¹⁶ The Court noted that the fourth amendment did not protect "...a wrongdoer's misplaced belief that a person to whom he voluntarily confides his wrongdoing will not reveal it."¹⁷ Similarly, courts have held that an employer who relies on an employee to conceal evidence of crime revealed to him and an employee who shares details of criminal conduct with a coworker assume the risk that the person is a government informant or an undercover police officer.¹⁸

"Fellow Criminal" Deception

On December 3, 1964, an undercover Federal drug agent telephoned a man named Lewis, and pretending to have been referred by a friend of Lewis', sought to purchase marijuana. Lewis told the agent to come to his home. The agent did so, knocked on the door, and continuing to conceal his official identity, was admitted. At his subsequent trial for sale of marijuana, Lewis claimed that this entry by the agent was an unreasonable search in violation of the fourth amendment, because the invitation to the agent to enter was the product of fraud and deception.



In holding that no fourth amendment violation had occurred, the Supreme Court focused on the evidence indicating that Lewis had voluntarily admitted the agent¹⁹ and noted that the agent did not "...see, hear, or take anything that was not contemplated, and in fact intended, by [Lewis] as a necessary part of his illegal business."²⁰ In approving the use of deception in this circumstance, the Court stated that doing otherwise would "...severely

hamper the Government in ferreting out those organized criminal activities that are characterized by covert dealings with victims who either cannot or do not protest."²¹ Consequently, lower courts have routinely approved consent to enter based on the deception by undercover law enforcement officers that they are also criminals.²²

"Mundane or Ordinary Visitor" Deception

On May 6, 1988, a United Parcel Service (UPS) delivery man and a police officer posing as a UPS employee entered the defendant's residence at his invitation in order to receive payment for a COD delivery. While inside the house, the police officer detected a strong chemical odor that he associated with the manufacture of methamphetamine. This fact was included in an affidavit supporting the issuance of a search warrant for the residence.

In the criminal prosecution that resulted, the defendant sought to have the warrant invalidated, claiming that the entry into his house by deception was an unreasonable search. In holding that no fourth amendment violation had occurred, the Eighth Circuit Court of Appeals noted that "...one who consents to an undercover agent's entry into his house 'has no legally enforceable expectation that [the agent] is not an undercover officer.'"²³

Other courts have similarly upheld the validity of consent to enter based on the deception that the undercover officer is a sort of individual who might ordinarily visit one's

home. For example, in *United States v. Wright*,²⁴ undercover officers knocked on the door of the defendant's motel room, told him that they had experienced car trouble, and asked to borrow tools and a flashlight. While obtaining the flashlight and tools from the defendant, the officers saw white powder and drug paraphernalia in the motel room. This information was incorporated into an affidavit supporting the issuance of a search warrant for the room. In reviewing the use of deception to obtain the view of the incriminating objects, the court held that no fourth amendment violation had occurred.²⁵

Coercive Deception

In a few cases, courts have cited deceptions that were out of the ordinary in holding that a consent to enter was the product of coercion, and therefore not voluntary in a particular circumstance. For example, in *United States v. Giraldo*,²⁶ officers gained entry into the defendant's residence while dressed as utility company employees claiming to be investigating a gas leak.

In holding the consent to enter involuntary, the court noted the apparent danger of the situation presented to the defendant and the fact that the officers were presenting an offer that no reasonable person could refuse. Similarly, use of a second ruse when the first fails has been held "coercive."²⁷ Therefore, it is advisable to devise a deception that might routinely be experienced by residents in the ordinary course of events.

Ironically, officers may increase the likelihood that a consent to enter will be deemed involuntary

when they reveal that they are law enforcement officers, but are deceptive regarding the purpose or justification for their visit. In *United States v. Bosse*,²⁸ a Federal firearms enforcement agent accompanied a State firearms licensing agent to the defendant's home, pretending to be the State officer's assistant. The State officer wanted to ask the defendant questions about the firearms license application that he made.

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**An officer's entry
into nonpublic
places...will
constitute a fourth
amendment search.**

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The Ninth Circuit Court of Appeals held that the Federal agent's entry into and observation of the defendant's home was an unreasonable search due to the deception employed.²⁹ Although the reasoning of this case seems in conflict with the Supreme Court's decisions relating to the use of deceit to obtain consent, officers overtly seeking consent to enter should recognize that deception regarding their purpose may be viewed by some courts as coercive conduct that invalidates a consent.³⁰

FACTUAL PREDICATE FOR DECEPTION

A few courts have imposed a requirement that officers possess at least reasonable suspicion that per-

sons in a residence are engaged in criminal conduct prior to seeking a consent to enter by means of deception. For example, in *United States v. Maldonado Garcia*,³¹ the U.S. District Court for Puerto Rico stated:

“[O]fficers cannot use a ruse to gain access unless they have more than conjecture that criminal activity is underway. To hold otherwise would be to give police a blanket license to enter homes randomly in the hope of uncovering incriminating evidence and information.”³²

The Supreme Court has upheld as constitutional the suspicionless following³³ or questioning³⁴ of persons in public places and officer requests of persons in public places for consent to search.³⁵ However, until the Court rules on the legality of seeking a consent by deception from a person not suspected of criminal activity, it is recommended that officers preserve a complete record of all the facts known about a person's suspected criminal activity at the time they seek to obtain consent by deception.

APPARENT AUTHORITY REQUIREMENT

Gaining a voluntary consent to enter satisfies the first requirement of a lawful entry. The second requirement is that the consent be acquired from a person who apparently has the authority to admit guests.³⁶ Generally, an adult who answers the door will apparently have such authority. Where the person who admits the officers is someone other than the defendant, it is prudent to determine the person's

relationship to the premises so that the person's authority can be factually established at a later time.³⁷

SCOPE OF ACTION

As with any other search based on consent, officers may not exceed the limits of the license they have been given. Consequently, the officer pretending to be a delivery man may only do those things a genuine delivery man would be likely to do under the circumstances. Exceeding the scope of the consent by walking unescorted away from the area into which one has been invited or by looking into drawers or other places that a delivery man would not will result in an unreasonable search that violates the fourth amendment.³⁸

CONCLUSION

Obtaining consent to enter through deception is an extremely useful law enforcement tool in certain circumstances, particularly when acquiring a search warrant is not possible because of insufficient facts for establishing probable cause. In using this technique, officers should use care to choose a noncoercive deception and to carefully document the circumstances under which consent is obtained, the scope of license acquired, and the factual support for use of the technique. ♦

Endnotes

¹ *Maryland v. Macon*, 105 S.Ct. 2778, 2782 (1985).

² *Id.*

³ *Id.*

⁴ *Id.* See also, *Autoworld Specialty Cars, Inc. v. United States*, 815 F.2d 385 (6th Cir. 1987)(Customs agent entered car dealership and inspected illegally imported cars); *Winkel v. Reserve Officer of City of Beloit, Kansas*, 773 F.Supp. 1487 (D. Kan. 1991)(19-year-old

reserve officer entered tavern and bought beer, claiming to be the legal drinking age).

⁵ *Michigan v. Tyler*, 436 US 499 (1978); *Michigan v. Clifford*, 464 U.S. 287 (1984); *Payton v. New York*, 445 U.S. 573 (1980); *Steagald v. United States*, 451 U.S. 204 (1981); *Minnesota v. Olsen*, 110 S. Ct. 1687 (1990).

⁶ See *Katz v. United States*, 389 U.S. 347 (1967).

⁷ *Id.* at 357.

⁸ *Illinois v. Rodriguez*, 110 S.Ct. 2793 (1990); *United States v. Matlock*, 415 U.S. 164 (1974).

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**One exception the
Court has recognized
to the warrant
requirement is that of
consent.**
”

⁹ See *Schneekloth v. Bustamonte*, 412 U.S. 218 (1973).

¹⁰ *Illinois v. Rodriguez*, 110 S.Ct. 2793 (1990).

¹¹ *Florida v. Jimeno*, 111 S.Ct. 1801 (1991).

¹² *Schneekloth v. Bustamonte*, 412 U.S. 218 (1973).

¹³ *Id.*

¹⁴ Compare *Lewis v. United States*, 385 U.S. 206 (1966), with *Bumper v. North Carolina*, 391 U.S. 543 (1968).

¹⁵ *Hoffa v. United States*, 385 U.S. 293, 300 (1966).

¹⁶ *Id.* at 302.

¹⁷ *Id.* at 301. See also, *United States v. Scherer*, 673 F.2d 176 (7th Cir. 1982)(undercover officer invited on defendant's property to help build duck blind observed evidence of crime); *United States v. Raines*, 536 F.2d 796 (8th Cir. 1976)(undercover officer gained entry into defendant's apartment where he observed evidence of crime by claiming to be friend of defendant's drug associate).

¹⁸ See *Pleasant v. Lovell*, 876 F.2d 787 (10th Cir. 1989)(employer); *Matter of John Doe Trader Number One*, 894 F.2d 240 (7th Cir. 1990)(co-worker).

¹⁹ *Lewis v. United States*, 385 U.S. 206 (1966).

²⁰ *Id.* at 210.

²¹ *Id.*

²² See *United States v. Paul*, 808 F.2d 645 (7th Cir. 1986)(undercover drug purchase in defendant's residence); *United States v. Robinson*, 720 F.2d 18 (8th Cir. 1983)(undercover officers enter defendant's residence to engage in illegal gambling); *United States v. Lyons*, 706 F.2d 321 (D.C.Cir. 1983)(undercover drug purchase in defendant's hotel room); *United States v. Shigemura*, 682 F.2d 699 (8th Cir. 1982)(entry into defendant's residence to purchase stolen meat).

²³ *United States v. Wagner*, 884 F.2d 1090, 1095 (8th Cir. 1989).

²⁴ 641 F.2d 602 (8th Cir. 1981).

²⁵ *Id.* at 604 (and cases cited therein). See also, *Hrubeck v. United States*, 734 F.Supp. 60 (E.D.N.Y. 1990)(postal inspector disguised as letter carrier admitted into defendant's residence while defendant signed receipt).

²⁶ 743 F.Supp. 152 (E.D.N.Y. 1990).

²⁷ *United States v. Rivera*, 762 F.Supp. 49 (S.D.N.Y. 1991).

²⁸ 898 F.2d 113 (9th Cir. 1990).

²⁹ *Id.*

³⁰ See also, *United States v. Briley*, 726 F.2d 1301 (8th Cir. 1984)(officers claimed purpose for entry was desire to talk to roommate when in fact they were there to arrest him. The court noted that deception could be a coercive factor, but that in this case, it did not render the consent invalid.)

³¹ 655 F.Supp. 1363 (D.P.R. 1987). See also *United States v. Montoya*, 760 F.Supp. 37 (E.D.N.Y. 1991).

³² 655 F.Supp. at 1367. The court's reasoning appears to disregard a citizen's ability to turn away unwanted visitors from his door, a frequent occurrence for most.

³³ *Michigan v. Chestnut*, 486 U.S. 567 (1988).

³⁴ *United States v. Mendenhall*, 446 U.S. 544 (1980); *Florida v. Bostic*, 111 S. Ct. 2382 (1991).

³⁵ *Id.*

³⁶ See *Illinois v. Rodriguez*, 110 S.Ct. 2793 (1990).

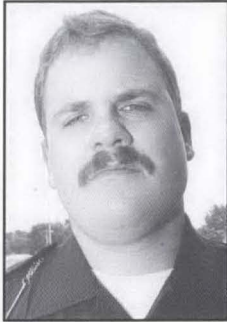
³⁷ See *United States v. Matlock*, 415 U.S. 164 (1974).

³⁸ See *United States v. Aguilar*, 883 F.2d 662 (9th Cir. 1989); *Pleasant v. Lovell*, 876 F.2d 787 (10th Cir. 1989).

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

The Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize their exemplary service to the law enforcement profession.



Officer Burkheiser

Officer Brett Burkheiser of the Garden City, Michigan, Police Department responded to the report of a man who had stopped breathing. Upon arriving at the man's residence, Officer Burkheiser was informed by family members that the victim may be choking on a piece of fruit. Officer Burkheiser promptly took hold of the man, whose condition was rapidly deteriorating, and began performing the Heimlich maneuver. After several abdominal thrusts, the obstruction was dislodged, and the man began to breathe again. Fire department personnel later transported the victim to an area hospital, where he completely recovered.

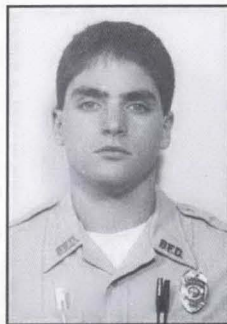


Chief Goldman

Chief Andrew Goldman of the Holts Summit, Missouri, Police Department responded to a radio broadcast alerting law enforcement officers in several counties to an armed bank robbery. Chief Goldman immediately proceeded to a main highway, where he observed a vehicle matching the description given in the radio broadcast. Without assistance, Chief Goldman conducted a vehicle stop, and after a brief struggle, arrested the offender. During the encounter, the man's spouse fled the scene and was captured a short time later by Chief Goldman. All of the stolen money was subsequently recovered.



Officer Saunders



Officer Robinson

Officer Hiram Saunders and part-time Officer Jay Robinson of the Bartow, Florida, Police Department responded to the report of a residential fire, which had trapped a wheelchair-bound individual inside the burning building. Upon their arrival, the officers heard the woman screaming. They quickly entered the dense smoke-filled residence, located the victim, and carried her to safety. She was then transported by air to a local burn center for treatment.

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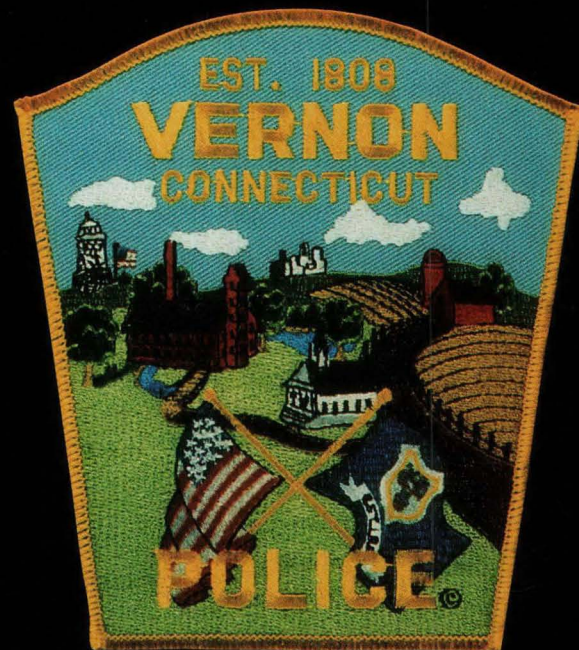
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Patch Call



The Port of Seattle, Washington, Police Department patch illustrates the department's dual airport and marine responsibilities.



The patch of the Vernon, Connecticut, Police Department depicts several of the city's historical buildings and its close proximity to Hartford, the State capital.