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40th ANNIVERSARY--FBI NATIONAL ACADEMY



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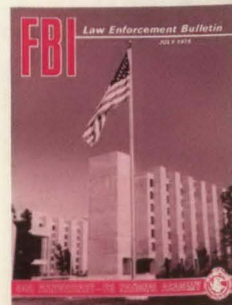
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THE COVER

In honor of the FBI National Academy's 40th Anniversary, the Bulletin cover for July pictures the towering dormitory buildings at the new Academy at Quantico, Va. See article beginning page 16.



Message from the Director . . .



FOUR DECADES AGO THIS MONTH, an historic step was taken to elevate law enforcement to the status of a truly professional vocation. This action was the launching at our Nation's Capital of the Police Training School of the Federal Bureau of Investigation, later to become the esteemed FBI National Academy.

Inauguration of this novel police training medium in 1935 was spurred by a crisis in the ranks of law enforcement. Wide-ranging criminal gangs, openly flouting the law, spread a wave of terror and violence which threatened this country's rural and urban communities alike. Poorly trained and ill-equipped police, frequently lacking adequate leadership and hampered by deep-seated corruption throughout the criminal justice system, were no match for these lawless elements.

A clamor arose to establish a national police force. Wisely, this was rejected. Since crime is essentially a local problem, a long-range program was foreseen as needed to train a select corps of career law enforcement officers as executives, administrators, investigators, and instructors for advancing police performance at all levels. With commencement of the Academy's first session, what had been only a concept began to take real form. This had been made possible through the foresight and efforts of then Director J. Edgar Hoover, closely assisted and supported by the leadership of the International Association of Chiefs of Police and ranking Department of Justice officials.

Today, over 9,000 officers have successfully completed the National Academy's intense course

of instruction. Of those graduates still active in law enforcement, 20 percent hold top positions in their respective agencies. This is striking evidence of the superior attainment of the program's objectives.

The FBI is proud and appreciative of the many accomplishments of graduates who, over the last 40 years, have epitomized the National Academy motto, "Knowledge, Courage, Integrity." By their example, dedication, and sacrifice, they have immeasurably raised the standards and public image of those sworn to uphold the law.

We are presently living in an era characterized by rapid change and rampant crime. The importance and necessity of professional preparation for the complex duties of law enforcement have never been more evident. The American public expects lawmen to display a high degree of competence and possess a broad range of skills and attributes in order to discharge police responsibilities properly.

The FBI National Academy, with an expanded enrollment capacity, ultramodern facilities, and a comprehensive and stimulating curriculum, strives to provide a challenging educational opportunity for law enforcement officers which will prepare them to effectively cope with changing patterns of criminality and constantly rising standards of performance. In this pursuit, we seek to build on a tradition of excellence, long associated with the National Academy, its staff and graduates. You may be assured that FBI determination to hold fast to these high ideals will not diminish in the future.


CLARENCE M. KELLEY
Director

JULY 1, 1975

SMOKEJUMPERS

Leap into Fire Investigations



By

D. W. LONGACRE

**Special Agent in Charge
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In 1905, the administration of the national forests was transferred from the Secretary of the Interior to the Secretary of Agriculture, and the U.S. Forest Service came into being. Along with their land management responsibilities, the Forest Service was also charged with the enforcement of the Federal laws and regulations relating to the national forests and national grasslands. In order to accomplish this goal, all Forest Service officers were empowered with Federal arrest authority on March 3, 1905, by title 16, United States Code, section 559 (16 U.S.C. 559).

On May 23, 1908, the Forest Service was charged by 16 U.S.C. 553 to aid in the enforcement of the laws of the States with regard to livestock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to the national forests, aid other Federal



Smokejumpers board an aircraft to be taken to the area where they will parachute into rugged, remote terrain to investigate a wildfire.

agencies in the performance of the duties imposed on them by law.

Then in 1971, in order to provide for better protection for the public, Congress passed Public Law 92-82 which authorized the cooperation by the Forest Service with local and State law enforcement agencies in the enforcement of State and local laws on lands within or a part of the Na-

Mr. Longacre



tional Forest System. Also included in this statute was authority for the Forest Service to reimburse local law enforcement agencies for certain extraordinary expenses incurred by them on National Forest System lands.

The Forest Service currently employs 39 Special Agents throughout the United States who specialize in law enforcement and investigation work. Because there are 226,171,028 acres in the National Forest System (area more than six times the size of Illinois, 56,400 square miles), it is obvious these 39 Special Agents cannot meet all the investigative and law en-

forcement needs within the national forests. Therefore, the basic responsibility for law enforcement and initial investigation rests with the district forest ranger and his staff. Special Agents participate in the more complex and difficult investigations.

Of all the incidents occurring in the National Forest System, none have the potential for loss and damage as do wildfires. In 1973, over 13,459 fires occurred on National Forest System lands destroying almost 150,000 acres of timber, forage, and watershed. The damages resulting from wildfires during the 1973-74 season totaled over \$200 million.

"Of all the incidents occurring in the National Forest System, none have the potential for loss and damage as do wildfires."

There are many reasons for prompt and thorough investigation of all wildfires, regardless of size, whether it is a single spot fire or consumes thousands of acres.

Basically, it must first be determined if the fire is man or lightning caused. If man caused, the standard investigative questions of who, how, when, where, and why must be pursued.

Each year, hundreds of thousands of dollars are expended in fire prevention campaigns, the most familiar, of course, being Smokey the Bear. However, in order to have an effective fire

prevention program, the causes of fires must be identified so as to direct a prevention campaign in the right direction. Little is to be gained in a campaign against careless smoking if the majority of fires in a given area are being caused by faulty exhaust systems or vice versa.

In man-caused wildfires, the investigation is also directed toward ascertaining if criminal violations are involved and, if so, bringing the violators before the bar of justice. On Government lands, investigation must also be conducted into the civil liability aspects in order that damages sus-

"Recreational use of the wilderness and primitive areas, as well as use of all national forest lands, has increased tremendously. . . . As a consequence, the number of man-caused fires . . . is increasing."

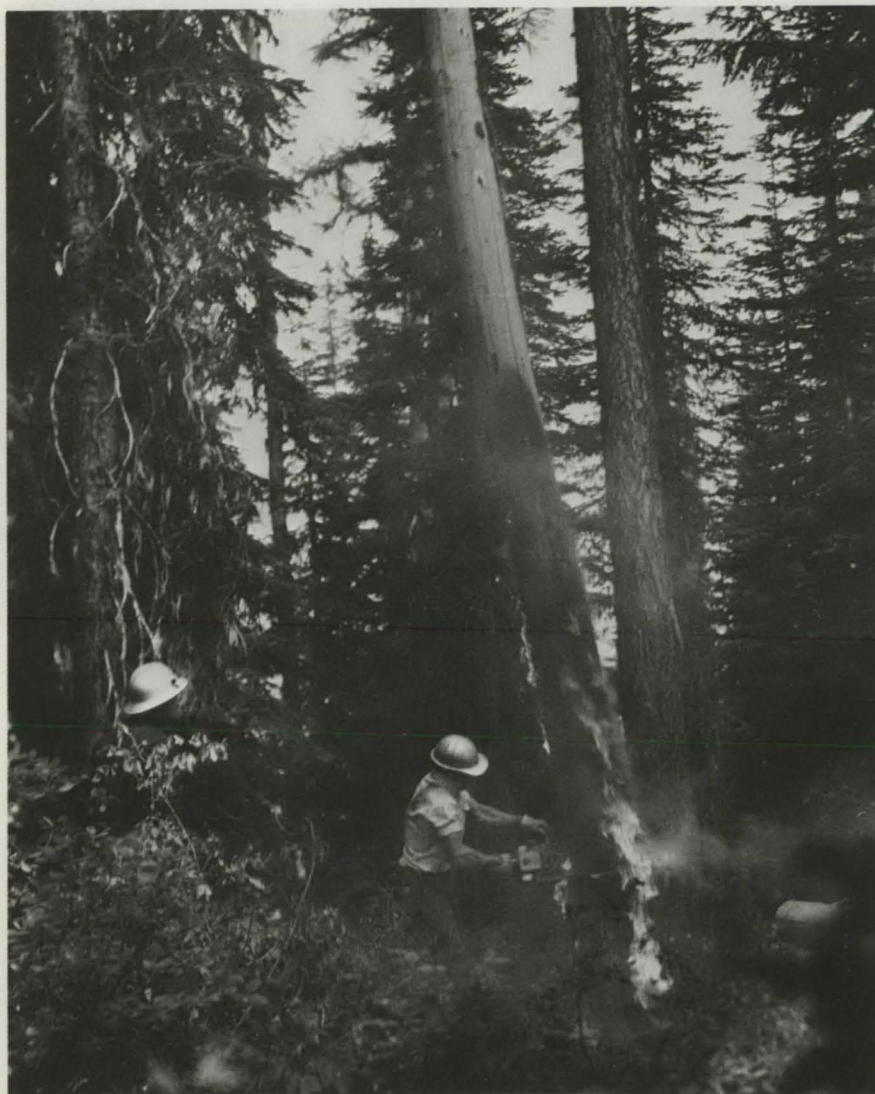
tained as a result of wildfires, including the costs of suppressing the fires, can be recovered in civil action initiated in Federal court.

Due to the types of material involved, size of the vast areas, and multitude of possible causes, wildfires pose unique investigation problems. For years, however, it has been known that wildfires leave identifiable char patterns and, coupled with a knowledge of fire behavior, their point of origin and specific cause can be determined. Of paramount importance in the investigation of these fires is the need for immediate determination and protection of the general origin areas, as in any crime scene, until they can be examined by trained investigators.

The remoteness of the Northern Region of the Forest Service, coupled with the inherent difficulties of wildfire investigation, poses formidable obstacles to successful investigation. The Forest Service's Northern Region includes approximately 25 million acres in 15 national forests and 4 national grasslands in North Dakota, Montana, northern Idaho, and western South Dakota. Much of the acreage has poor accessibility. More than 3 million acres are in roadless wilderness and primitive areas. Law prohibits motorized traffic in these classified areas.

To overcome this inaccessibility in forest fire suppression work, the Forest Service organized the famed Smokejumper firefighting forces in 1940. Main headquarters and training center for the Northern Region's Smokejumper program is at the

Firefighters attend to burning snags.





A fire investigation kit is dropped to Smokejumpers investigating a wildland fire.

Aerial Fire Depot, 7 miles west of Missoula in western Montana.

Recreational use of the wilderness and primitive areas, as well as use of all national forest lands, has increased tremendously in the years since World War II. As a consequence, the number of man-caused fires in national forests is increasing. In order to fulfill the investigation responsibilities in these fires, more rapid initial investigation procedures had to be developed. The solution was either to have Forest Service Special Agents jump out of airplanes to investigate man-caused wildfires, or to teach Forest Service Smokejumpers to investigate fires.

The Special Agents voted overwhelmingly for the latter approach for two reasons: Smokejumpers were

"An essential requirement in wildfire origin investigation is the examination of the specific point of origin with a powerful magnet to recover any exhaust particle residue or metals used in incendiary devices."

actively interested in the program and willing to accept the responsibility and the Special Agents should not be required to perform the hazardous, especially acquired skill of jumping from aircraft into rugged, remote mountainous terrain.

An intensive training program was planned for the Smokejumpers. Special Agents of the FBI and Forest

Service conducted the training at the Missoula Aerial Fire Depot. Classroom training included lectures covering laws and rules of evidence, crime scene search, collection and preservation of evidence, wildland fire origin determination, and interviewing witnesses and suspects.

In addition to the lectures, the Smokejumpers were provided experience in the actual collection of evidence, including the lifting of latent prints, photography, and the making of plaster casts.

Upon completion of classroom instruction, the Smokejumpers were assigned field problems on fire scenes with "planted" evidence. Divided into teams of three, the Smokejumpers were required to conduct a complete crime scene search, to determine the

origin of the fire, and, if necessary, to interview "suspects" and witnesses.

Instructors started 10 "problem fires," using a variety of incendiary devices, as well as simulated, "accidental" fires, such as a motorcycle exhaust particle fire. Field problem preparation procedures were filmed on magnetic TV tape and included the actual ignition, development of char patterns, and planting of evidence.

Smokejumper teams started working on the field problem by entering a "no man's land," delineated by ribboned off areas where everything was "for real." Investigative aids were available to the teams at a central location. These aids included latent print materials, casting supplies, cameras, and evidence containers.

Instructors roamed around the investigation areas, offering advice, but their primary role was to attempt to contaminate the crime scenes by unauthorized entry and to assume roles as witnesses or suspects, as the occasion required.

All field problems required the Smokejumpers to pour casts, collect

burned materials, and search for and properly preserve collected evidence. An essential requirement in wildfire origin investigation is the examination of the specific point of origin with a powerful magnet to recover any exhaust particle residue or metals used in incendiary devices.

One problem fire was ignited by a cigarette lighter which the instructor retained in his possession. A determination as to the specific origin of such a fire is difficult to make. One common procedure to establish a fire's incendiary origin is by the logical elimination of all accidental causes. The necessity of thorough examination of the specific point of origin to circumstantially support this conclusion is obvious.

After the Smokejumpers' field investigation, each three-man team presented an oral investigation report with displays of the evidence they had collected. Following the team presentation, the TV tapes were shown to the group to "see the crime committed" and to determine if the team conclusions were correct. Use of the TV

tape proved a great aid in the training.

In all of the field investigations, the Smokejumper teams determined the correct point of origin and ignition device and collected the planted evidence. At one fire, the Smokejumpers found and preserved a single paper match used by the instructor to ignite an incendiary device. This was not planned evidence. However, the TV tape, made at the time the field problem was prepared, clearly showed the instructor dropping the match some distance away from the fire area. It was an act he had not remembered until he saw it on the TV screen.

After the training, the Smokejumpers prepared several investigation kits. These kits are dropped from aircraft upon request from the Smokejumpers at a fire scene. The kits contain marking ribbons, casting plaster and equipment, evidence containers, cameras, magnets, evidence tags, magnifying glasses, measuring devices, latent print materials, and writing materials.

The Smokejumpers and Forest Service personnel who conducted the training feel the Smokejumper fire investigation training was very successful. Now prepared to leap "feet first" into back country wildfire investigations, the Forest Service Smokejumpers have, with their investigative "know how," revealed the causes of and the persons or things responsible for a number of national forest wildfires. The Northern Region fire management staff officers are pleased with the results and recommend the training program for fire detection and suppression personnel in other Forest Service regions, as well as any fire service agency having wildfire responsibilities.

Firefighter-investigators provide a formidable and timely deterrent to the careless or lawless who endanger a vital national resource—the forest lands.

Headquarters of the Smokejumpers in Missoula, Mont.





By

JONAS R. RAPPEPORT, M.D.*
Chief Medical Officer
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The vision that immediately comes to mind when we hear the words "forensic psychiatrist" is one of a bushy-haired, bearded doctor in the witness chair testifying in a trial in which an insanity plea has been made. However, in his modern-day role, the forensic psychiatrist is involved in many other areas of the legal system in which his special expertise might be useful. Forensic psychiatry may be defined as that branch of psychiatry dealing with the legal aspects of mental disorders.

While the law recognizes any psychiatrist as an expert on medico-legal matters, there are an increasing number of psychiatrists who devote a substantial part of their professional time to this type of work and, therefore, refer to themselves as forensic psychiatrists.

In their training, psychiatrists receive only a few lectures on the legal aspects of psychiatry and rarely have more than minimal (or chance) contact with offenders or those involved in civil legal matters. The average psychiatrist in practice will rarely see a patient who does not come to him more or less voluntarily. Such a pa-

tient wants help for his problems, problems that he sees as personal and related to "self," as opposed to the individual who is charged with a crime and wants help in dealing with others, i.e., the law. To complicate matters further for the general psychiatrist there is a vast amount of very special material in civil law, as well as criminal law, each with its own language and rules.

At the present time, training of the forensic psychiatrist in the United States is not formalized into a well-organized program nor is there any formal recognition of a subspecialty of forensic psychiatry. Most of us who are considered forensic psychiatrists have trained ourselves or have learned from senior colleagues in an informal manner. Several have J.D. degrees to add to their M.D.'s, but this is not seen as a necessity.

In the 1960's and early 1970's, the National Institute of Mental Health supported several training programs in forensic psychiatry. These were de-

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THE FORENSIC

PSYCHIATRIST

signed to establish a fourth year (beyond the 3 regular years of psychiatric training) for those who were interested in this subspecialty of psychiatry. This training consisted of work in a court clinic or a special forensic psychiatry clinic at a medical school plus work in a correctional system or maximum security (criminally insane) State hospital. During the past few years, most of these programs have closed due to lack of funding. However, there continue to be a few such programs: one at the University of Southern California in Los Angeles, another at Temple University in Philadelphia, Pa., and a program operated by the author at the Supreme Bench of Baltimore, in association with the University of Maryland's Department of Psychiatry and the University of Maryland Law School. Generally altered to the individual's time limits and needs, these programs vary in length, lasting up to 2 full years.

In 1969, the American Academy of Psychiatry and the Law was established as an organization of psychiatrists devoted to the furthering of training and research in forensic psychiatry and to the development of treatment techniques for offenders. The Academy has over 300 members, publishes a quarterly bulletin, and presents seminars in various parts of the country with the goal of teaching and involving the general psychiatrist in forensic work.

There are many different areas in which the forensic psychiatrist operates. Basically, he may be involved in all aspects of criminal and civil law from crime investigation to treatment of the sentenced offender or from child custody recommendations to the evaluation of the mental state of a deceased person whose will is being challenged.

For the purposes of this article, I will focus on the role of the forensic psychiatrist in the criminal law.

Investigation Stage

The Offender

The forensic psychiatrist may be called in by law enforcement officers early in a case to assist them in conducting their investigation. He may be of help in attempting to describe the type of individual who might have committed the crime. While this predictive or inductive art is not well developed, there are a few psychiatrists who, on repeated occasions, have been able to describe with a high degree of accuracy the types of persons who might have committed the crimes. Such descriptions have included personal attributes such as dress, manner, speech, and educational level. Such assistance may be particularly useful when investigators are stumped or have an "unusual" or "bizarre" case. Even when no specific description of

"The psychiatrist may be of assistance to the investigator in helping a witness recall factual information concerning the crime."

the perpetrator is obtained, investigators may find it useful to discuss evidence and ideas with someone who looks at the facts from an entirely different approach.

The Witness

The psychiatrist may be of assistance to the investigator in helping a witness recall factual information concerning the crime. A key witness may have a psychological amnesia or have suffered a head injury or other trauma which interferes with his memory of important facts such as license plate numbers or a good description of the offender. Under hypnosis or during a

sodium amytal (a sedative-hypnotic) interview, he may be able to recall the information. While this doesn't always work, there have been several cases reported in which the victim of the crime was able to recall with great clarity very important details, leading to the apprehension of the offender. One such case in Maryland involved a woman who had been driven to the country, raped, and shot. Under hypnosis, she was able to recall the license plate number and a description of her rapist, leading eventually to his arrest and conviction.

On many occasions witnesses may appear to be of defective intelligence, raising serious question as to the validity of their statements, or there may be some reason to believe the witness might be lying. While a psychiatric interview is not equal to the mythical "truth serum," in the quiet of the consultation room a witness might recall or reveal information that he had been unable to remember during formal police interviews. The determination of the witness' I.Q., as well as other personality factors, may be of great importance in evaluating the validity of his claims. Those with severe mental defects, which affect their intellectual understanding, frequently have a vivid fantasy life or readily repeat whatever is asked or told them. Such individuals may change their story from time to time and, therefore, make poor witnesses at a trial. In prosecutive situations, the charge against an accused may be more serious if it can be shown that the victim was so mentally ill or defective as to be unable to give consent (as in rape).

Pretrial Examination

Competency to Stand Trial (Insane Now)

The main interest here is whether or not the defendant is able to "understand what's going on," or put in

legal terms, "whether or not the individual understands the charges against him and is able to assist counsel in his defense." This is the test as used in most jurisdictions.

Rarely is an individual so mentally ill as to not be competent to stand trial. Nevertheless, in many cases this issue is raised by the defense. Counsel may raise this issue, particularly when a client has a history of prior psychiatric treatment. The question of competency can be raised by the judge or the prosecutor, as well as by defense counsel.

Once the issue is raised, of course, the individual must be evaluated. In some jurisdictions, this is done by a psychiatrist appointed by the court and may be done in the county jail. In other instances, the patient is transferred to a State mental hospital designated for such evaluations or to a special clinic attached to the court.

In making such evaluations, forensic psychiatry subscribes to the general philosophy that every individual deserves his day in court. It may not help many individuals who have committed minor offenses such as vagrancy or petty larceny and have been committed by criminal court orders to State hospitals to await the time when they might become well enough to be considered competent to stand trial. This places undue burdens on patients who are in hospitals under court orders. Such patients are not given the same treatment or privileges available to civilly committed or voluntary patients, thus actually delaying their improvement or recovery. With this in mind, it is generally conceded that only the sickest individuals would be considered not competent to stand trial. If it is concluded that the individual is not competent to stand trial, a report is made to the court and the patient (defendant) is held at the hospital until such time as he becomes competent to stand trial.

Recently, under *Jackson v. Indiana*, 406 U.S. 715 (1972), the Supreme Court stated that the hospital must report to the court within a short period of time how long they feel it will be before the individual will become competent. If they do not feel that he is likely to ever become competent, then he must either be released or be civilly committed, and it is up to the State to decide whether or not to drop the charges. Most patients who are found incompetent to stand trial will, with modern psychiatric treatment, become competent to stand trial within a period of 6 months to a year. The individual who believes that he is being persecuted and that his lawyer, the prosecutor, the judge, and the jury are actually actors who have been paid to impersonate his detractors, is not fit for trial. He would feel that his trial is merely a mockery based on the persecutory system which he believes is operative. Certainly, it would not be fair to bring such an individual to trial since, at the least, he would be unable to cooperate with his attorney. The special training of the forensic psychiatrist is quite valuable since he knows that simple amnesia, the mere presence of mental illness, or even the presence of a severe mental illness, may not incapacitate a person to such an extent that he is unable to stand trial.

Criminal Responsibility (Insane Then)

Criminal responsibility is the issue which is most commonly thought of when one speaks of psychiatry and the law or forensic psychiatry. Many notorious trials have seen one psychiatrist pitted against another, one for the prosecution and one for the defense, each presenting diametrically opposed positions. Recent examples of this would be the trial of Jack Ruby for the murder of Lee Harvey Oswald, the case of Sirhan Sirhan for the murder of Senator Robert Kennedy and,

more recently, the trial of Arthur Bremer for the assault with intent to murder Gov. George Wallace. The author examined Arthur Bremer at the request of the Federal courts and as a result was called upon to testify for the prosecution in the State trial held in Prince George's County, Md., in August 1972. It was my opinion that while Arthur Bremer suffered from a mental disorder which limited his capacity to conform his behavior to the requirements of the law to some extent, his capacity to conform his behavior was not limited substantially. Other psychiatrists testifying for the defense felt that his capacity was substantially limited, although it appeared from their testimony that they were basing this conclusion primarily upon the fact that he was suffering from, in their opinion, a schizophrenic illness as opposed to some deliberate consideration of how substantially his capacity was actually impaired.

There are primarily two basic tests for criminal responsibility used by all States and Federal jurisdictions. The oldest and most used test is the so-called M'Naghten Rule, which, in essence, states that it must be clearly proved that at the time of the committing of the act, the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong. Several jurisdictions have added the concept of the "irresistible impulse." In essence, they state that the person, even knowing that his act was wrong, lacked the governing power to decide. As one court said of a defendant, his mind has been so completely destroyed that his actions are not subject to it and are beyond its control. He could not resist the impulse, the impulse could not be controlled as opposed to was not controlled.

Currently, the American Law Institute test of responsibility set out in the proposed official draft (1962) of the Model Penal Code is being utilized in 12 States and in all except one Federal jurisdictions. It reads, "A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality [wrongfulness] of his conduct or to conform his conduct to the requirements of law." As used in this article, the terms "mental disease or defect" do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

To the lay person, it may appear that it should be a relatively simple task for the psychiatrist to determine whether or not the defendant who pleads insanity fits the test. However, this is a legal test, put in legal terms, and does not specifically apply

"Discrepancies in testimony [by psychiatrists] may quite honestly be presented without the loss of professional integrity. . . ."

to any particular psychiatric diagnosis, test results, or other types of findings that may appear clear and specific to the psychiatrist. Therefore, all he is able to do is evaluate the patient and the facts as fully as possible and render what frequently may be nothing more than an educated guess. At either extreme, that is, severe illness or relative normality, there may be no problem. However, in the middle of this continuum, there is obviously much room for disagreement. The insanity plea is rarely invoked unless the consequences of being found guilty for the offense would result in severe punishment or when the crime is so unusual or bizarre as

to immediately arouse suspicion in everyone's mind that the offender "must have been insane."

As stated, many of these situations may be "borderline" from the standpoint of the individual's criminal responsibility, resulting in disagreements by psychiatrists depending on who has asked them to conduct their evaluation and to testify. While the doctor will hopefully not abuse his professionalism by completely being an adversary, it is certainly his job, within reasonable medical certainty, to assist counsel in presenting his opinion in a way that would be helpful to the defendant. Discrepancies in testimony may quite honestly be presented without the loss of professional integrity since we are not dealing with the same plain, simple, clear factors that might exist in other branches of medicine. If a leg is clearly broken, it is clearly broken and there may be no argument. However, there may be an argument as to how it was broken, what forces caused the fracture, how well it might heal, and what functional use may be obtained from that leg in the future. In a similar manner, how and to what degree the patient's past history and current mental functioning affected his ability to know right from wrong or to conform his behavior to the requirements of the law, is strictly a question of experience and opinion. It should, therefore, be obvious that quite often there will be disagreements in psychiatric testimony. This allows the jury to hear varying opinions about something that is medically not specific and clear so that they, as it should be, can be the final decisionmakers.

In order to accomplish the most difficult task of determining criminal responsibility, it is absolutely necessary that the psychiatrist have as much information as he can on the actual facts concerning the crime, as well as data of the defendant's past development and behavior. Police reports de-

scribing the crime, statements of the defendant and witnesses, and similar information are very helpful. Interviews with friends and relatives concerning the defendant's growth and development and behavior immediately preceding and following the offense may be of further use.

At the Supreme Bench, we are furnished copies of the arresting or investigating officer's report regularly and all of the material available from the State's attorney's file. We frequently interview the defendant's parents or spouse, or on occasion, his employer.

The pretrial examination may take from 1 to 2 hours of the psychiatrist's time, followed by a battery of psychological tests requiring 2 to 4 hours, and a social worker may be involved in family interviews requiring another hour. The psychiatrist in charge of the case then reviews his material in conjunction with the other members of

"The experienced psychiatrist can assist the court in determining the sentence that will best serve society and the defendant."

the staff and a report is then furnished the court.

Presentence Examination

The experienced psychiatrist can assist the court in determining the sentence that will best serve society and the defendant. At the Supreme Bench of Baltimore Medical Service, most of our work is done after the individual is found guilty of a crime and when the court wishes to have professional guidance in determining the appropriate sentence. At the same time that the judge orders a medical evaluation, he may also order a probation report,

"The role of the forensic psychiatrist in the criminal justice system is broad."

or the probation department itself, in conducting its investigation prior to sentencing, may request a medical evaluation because of certain factors that have come to its attention. The judge, upon requesting a psychiatric examination, will frequently comment with reference to his particular concerns. In the case of a sex offense, his concerns will be whether or not this individual is dangerous if he is released into the community, and if so, is there likelihood that this offense will be recommitted. Is there any particular treatment available in the community which might prevent such recidivism? In the case of a particularly serious or horrible crime, the court wants to know if the defendant requires psychiatric hospitalization or whether he should receive the full effect of criminal sanctions, i.e., the severest punishment available.

On the other hand, an offense of a less serious nature still may have certain factors about it which lead the judge to be concerned about placing the individual on probation without certain special conditions. Our office sees the request for assistance from the judge as leaving open all possibilities that are reasonable and available. I insist that all of our reports must represent practical recommendations although we will frequently add innovative or speculative ideas, recognizing that they may not be able to be implemented at the present time but represent goals for the future.


It must be remembered, of course, that the forensic psychiatrist, while having a great deal of experience in

working with offenders, may not, in fact, be able to predict dangerousness better than others such as judges or policemen. The psychiatrist may not know many of the circumstances that were brought out in the trial which have rendered his opinions less valuable. It is understood that the judge who is privy to all the trial information may for that reason reject the recommendations of the psychiatrist. The forensic psychiatrist, having a greater knowledge of criminal behavior, should be able to present recommendations which are more practical than, for example, a psychiatrist without much experience in working with offenders. It must be recognized, however, that psychiatry does not have all the answers. While our correctional system has not produced the results many persons expect of it, psychiatry is attempting to improve its performance by becoming more involved with the convicted offender. There are only a few psychiatric programs involving offenders and not all of these have proven to be successful in reducing recidivism. Some of the special sex offender clinics, however, have done well and have gathered much new and valuable information.

Summary

The role of the forensic psychiatrist in the criminal justice system is broad. He can offer specialized assistance at the investigative, prosecutive, and correctional stages. His experience and training should be of a nature that will help him to understand the rather complex issues to be found in the criminal justice system. Questions requiring his expertise are most often put in specific legal terms, while he is accustomed to the somewhat vague terms of medical science. As a result, psychiatric testimony is commonly expressed in terms reflecting honest differences of opinion between psychiatrists on questions involving human

behavior where there are no precise or exact answers.

The Supreme Bench of Baltimore Medical Service represents one model for the utilization of expert psychiatric assistance by the court. This psychiatric service strives to provide evaluations which will protect not only society but also the needs of the offender or witness. 

NCIC Newsletter 3/75

DOUBLE TROUBLE

In Daytona Beach, Fla., a fugitive ended up in double trouble when he discovered, too late, that the man whose identity he had assumed to avoid detection was also wanted. When Volusia County Sheriff's deputies stopped a suspicious looking hitchhiker and made an inquiry of the Florida Crime Information Center (FCIC) based on the identification he was carrying, the inquiry developed a wanted person record for a man being sought by the local police in connection with a hit-and-run accident. The hitchhiker was turned over to the local authorities, and after questioning, it became apparent that he was not the hit-and-run offender. The hitchhiker confessed to police that he had bought the driver's license and Social Security card and, thereafter, assumed the identity of the person named on these, unaware that this individual was also wanted for a crime. An inquiry on the hitchhiker's true name revealed why he wanted another identity—the National Crime Information Center (NCIC) had a record for him as wanted by Los Angeles authorities in a fraud case.

As a result of the need for improvement of training at the Burlington, Vt., Police Department, a formal training program was initiated in September 1973. The following is an outline of the steps taken to establish and maintain the ongoing program of this department.

Burlington's police department employs 71 sworn officers and 20 civilian personnel. This city's population fluctuates between 40,000 and 60,000, depending primarily on the flow of students at the four college campuses located in the area.

The initial step taken to formalize training was appointment of a full-time training officer. A uniformed patrolman with some "street" experience and a sociology background in college was chosen. He was charged with the immediate responsibility of organizing recruit and inservice programs. He was assured of full administrative cooperation and was given freedom to create and present relevant suggestions.

Recruit Training

A multiphase recruit training program was tested and adopted. A trainee is placed in a 6-month training status immediately after employment begins. This period is broken down into three phases: Indoctrination, basic academy, and the Field Training Program.

One month is spent with the training officer. This indoctrination phase is designated to familiarize the recruit with the facility, personnel, administrative structure, and general operating procedures. The "Police Reference Notebook," published by the International Association of Chiefs of Police (IACP), is used extensively during this period. Time is also devoted to

The training officer, charged with organizing training programs, was assured of full administrative cooperation and was given freedom to present suggestions.

laws of arrest, first aid, use of firearms, and other emergency procedures which cannot be safely postponed.

The recruit spends 2 of the next 5 months at the Basic Training Academy. Depending on when his basic academy is scheduled to begin, a recruit may be placed in a field training status prior to attending the academy.

A FUNCTIONAL TRAINING PROGRAM FOR A SMALL POLICE DEPARTMENT

By

ROBERT G. ABARE
Deputy Chief
Police Department
Burlington, Vt.



The Field Training Program is designed so that it may be interrupted at any time without creating problems. It is also designed to supply the on-the-job practical experience which formal classroom sessions cannot.

Three field training officers (FTOs) are carefully chosen for each trainee.

Experienced officers who are willing to assume the additional responsibilities of working with recruits, they are screened for teaching and guidance aptitude and briefed thoroughly on the field training procedures.

A recruit is assigned to each FTO for 1 month. During this period, he works the same shift and has the same days' off as his FTO. The FTO maintains a field training record containing an extensive listing of duties and situations which may arise. He notes when situations are explained, demonstrated, and practiced. When the recruit rotates to the next FTO, there is no question about what type of exposure he has had.

Ideally, the recruit's involvement increases as his ability develops. He observes, assists, and handles situations at the discretion of the FTO. Experience has shown that near the end of a recruit's Field Training Program he is handling himself well and the FTO is doing most of the observing.

The FTO is encouraged to work closely with his unit commander, who is also well briefed on the purpose of the program, and submits a progress report to him each week. The supervisor reviews and discusses the report and then forwards it to the training office to be filed with the recruit's training record. Also, at the end of each month, the FTO submits a comprehensive evaluation to his unit commander. It includes a recommendation whether or not the recruit should be released to a regular assignment.

This Field Training Program has been well received. Unit commanders have indicated that they feel a recruit develops as much in 6 months as he would have in 18 months under the old system. The program has also proven to be a valuable tool in identifying the recruit who is simply not suited for police work and causes shortcomings to surface during the probationary period when action can



Chief Richard E. Beaulieu

be taken to terminate or supplement training if necessary.

Inservice Training

The training officer's initial efforts were also directed toward inservice training. A program of monthly training "themes" was undertaken. Small classes are conducted regularly and all instruction, handouts, guest speakers, and visual aids relating to the theme are presented to each officer during the course of a given month. All classes are presented on duty time by temporarily removing officers from patrol.

The training officer works an extremely flexible schedule in order to make contact with all line personnel each month. Inservice classes average 2 hours in length. The curriculum is prepared by the training officer, subject to administrative approval.

Twelve general themes, including investigation, patrol techniques, proficiency areas (e.g., firearms, first aid), drugs, and juvenile procedures are projected on an annual basis. The training officer then organizes the specific subject matter for each month to fit the predetermined theme.

"The inservice classes have proven to be an excellent means of disseminating administrative information which may warrant discussion and/or explanation."

The inservice classes have proven to be an excellent means of disseminating administrative information which may warrant discussion and/or explanation. Communication problems have been reduced by simply devoting a portion of each training session to administrative announcements.

Brief informational bulletins are prepared and distributed by the training officer in conjunction with the theme for the month. These "training bulletins" are modeled along the lines of the IACP "Training Key," which is also provided to all members of the department.

Several other attempts are being made to supplement the inservice program. For example, firearms training has been increased substantially. The training officer was developed as a certified firearms instructor. Mandatory department firearms training and qualification is now conducted semi-annually. The training officer also coordinates the department's participation in regional shooting matches. This makes competitive shooting available to interested members.

The training officer has started a small law enforcement library. Department-owned publications and literature are available on a loan basis.

Individual help on specific problems (e.g., shooting, report writing) is now available. Personal interviews are conducted regularly to discuss problems, objectives, and career plans. Officers are encouraged to take advantage of law enforcement programs at the area colleges, and those who enroll are assigned to work the shift which best suits their school schedule.

Since emphasis has been placed on inservice training, the department has been able to take better advantage of out-of-State schools. This is due, in part, to the fact that the training officer has been able to gather and organize information about available resources. He makes arrangements for these schools and maintains a record

of summary evaluations when an officer returns.

Problems

Problems are obviously going to arise when any ambitious program is undertaken. Burlington has certainly not been exempted from the typical problems of insufficient funds, inadequate facilities, and a lack of qualified instructors.

Two factors have surfaced with respect to the problem of funds. First, we have found that the members of a municipal governing agency such as Burlington's are very poorly informed about the status of training for their police officers. After submitting a modest training budget request for fiscal year 1974-75, the outlook for approval was dismal. The training officer was granted time to personally justify the request prior to a final decision by the board of aldermen. The board was appalled when it realized the actual quality and quantity of training made available to its police officers in the past. When the truth was known, approval was quick and affirmative.

"As the concept of internal specialization develops, the training officer becomes more of a resource coordinator than an instructor."

Second, we have found that most small police agencies simply do not realize how much outside assistance is available for legitimate training functions. Communication between the training officer and representatives of the State planning agency and the Vermont Law Enforcement Training Council has helped bridge this gap. By giving the training officer a free hand to investigate possible fund sources and the time to work on grant applications, a great deal of outside funding has been realized.

The program of monthly inservice sessions has nearly eliminated the



The training officer conducts a small class.

need for paying overtime. Nevertheless, there is a constant flow of training information reaching the officer on the street.

Lack of facilities is another problem which is not as bad as it seems to the small department administrator. Personnel involved with training can be very resourceful when properly motivated. It is surprising how many individuals and agencies are willing to help their police when they are tactfully approached about the use of facilities and equipment.

Lack of qualified instructors is one of the most difficult problems to overcome. Most small- and medium-sized departments are specialized enough to tap internal resources. The training officer obviously cannot carry the entire burden of instruction. He is, however, in an excellent position to coordinate and utilize available resources within the department and the community.

Our department has found that sending the right person (not necessarily the training officer) to the right school is an excellent way of developing "in-house" expertise. The effective

administrator must obviously get maximum productivity from his personnel. He should recognize that many officers, even in a small department, have a specific interest and are thrilled by the opportunity to develop that interest at a school and then to share it with their fellow officers.

Realizing that specialized training is an excellent personal motivator, we have developed internal instructors in scuba diving, firearms identification, hazardous devices, juvenile procedures, and crisis intervention. With very little administrative problem, these officers can be assimilated into the appropriate inservice theme. We find that intradepartmental training is well received, is not costly, and often helps discover unknown talent. As the concept of internal specialization develops, the training officer becomes more of a resource coordinator than an instructor.

Future Plans

Training plans are being built around the concept of getting information to personnel in on-duty incre-



A training program is discussed with Chief Beaulieu.

ments. This is the principle behind the monthly themes. It has worked well and can be expanded.

Rollcall training is a good example. We are planning to incorporate the sight/sound programs made available by IACP into rollcalls. A preprogrammed audio cassette and approximately 50 slides make up each program. After each rollcall, the unit commander will designate two or three officers to stay and view the 8- to 10-minute program prior to beginning patrol. IACP currently has 60 such programs. This inservice program can be conducted almost indefinitely and involves no instructor, no overtime, and very little reduction of patrol time.

Also being planned is a modified version of the TOP (Training on Patrol) program used by New Haven and other police departments. Basically, this program involves the broadcast of brief training messages to patrol units using regular radio frequencies. The messages are only 25 to 35 seconds long and are broadcast by the dispatcher during inactive periods.

The program offers an effective, low-cost extension of inservice training.

A third training projection is to expand the use of video equipment. The acquisition of basic video equipment can be expensive, but the cost-justification in terms of training is tremendous. Even with the basic equipment, television can be used for rollcall training, role playing, broadcasting of periodic messages from the chief, etc. Also, commercially prepared video cassette programs are becoming increasingly available.

Audiovisual aids have long since proven themselves in terms of training effectiveness. Our exposure has convinced us that the bounds of their applications are only limited by one's imagination. Television is one of the best aids available, and we feel that no good training program can be without it.

Regional Programs

Nearly all the previously mentioned techniques have the potential to be even more effective if several agencies

become involved. Cooperative regional efforts in law enforcement training are certainly worth pursuing in some geographic areas. We have found that the district attorney's office can be helpful in coordinating such efforts. Prosecutors have a common interest in law enforcement efficiency and are usually willing to cooperate.

A regional training program obviously helps break down communication barriers. A spirit of fraternalism and professionalism is fostered. We have been very pleased with the willingness to share resources, including films, instructors, and facilities in the greater Burlington area.

The aforementioned comments are only examples of the options available for a functional training program in a small department. One prerequisite to any successful program is objectivity on the part of administrative personnel. They must be willing to sacrifice some manpower from the patrol operation. They must not be misled by the myth that local training is an expensive venture. Finally, they must realize that the cost effectiveness of training is determined by its overall influence on the efficiency of law enforcement personnel. By using these performance standards, we have found that a functional training program in a small department is certainly a justifiable effort.

FUGITIVE INVESTIGATIONS

Nearly 36,000 FBI fugitives were located during 1974, including 6 from the FBI's "Ten Most Wanted Fugitives" list. More than 3,000 of these were being sought for fleeing across State lines to avoid prosecution, custody, or confinement for felonies.

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ANNIVERSARY

"Monday morning, July 29, 1935, was hot and humid in Washington, D.C. As I walked down Pennsylvania Avenue to the Department of Justice Building, I felt a keen sense of excitement and anticipation. I was on the threshold of a worthwhile experiment—establishment of the new Academy of the Federal Bureau of Investigation."

These observations, recorded by one of the 23 police officer graduates of the first session of what has become

the renowned FBI National Academy, clearly express the hopes and anxieties of those associated with this pioneer project four decades ago. The ancient Chinese proverb "A thousand-mile journey begins with the first stride" appears appropriately applied to the modest beginnings and long-range objectives of this new police training endeavor.

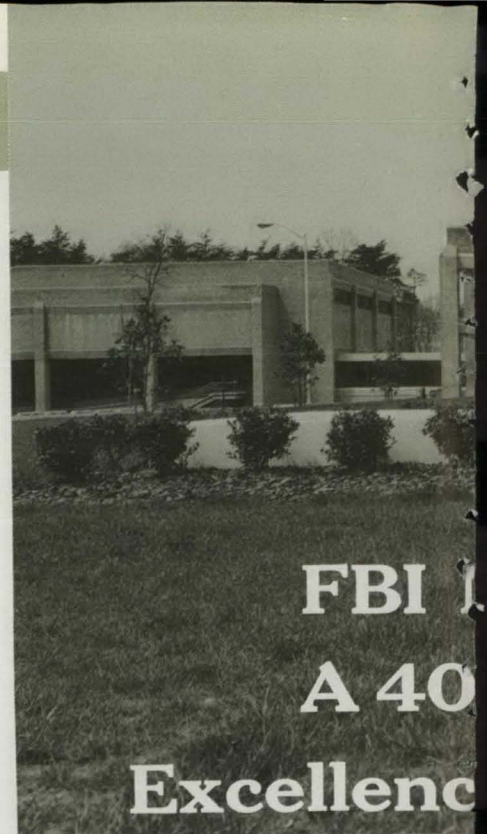
What occasioned this unique undertaking? Who made it possible?

Lawless Era

During the 1930's, daring and vicious criminal gangs roamed broad areas of the United States terrorizing communities and challenging constituted authority. Some of these outlaws, due to their daring exploits, were often glorified by many as folk heroes. Police, frequently inept in trying to cope with these villains, were common targets of public scorn and jest. A pressing need was evident for elevating the competence and quality of local law enforcement across the length and breadth of this land.

National Crime Conference

Flourishing crime prompted President Franklin D. Roosevelt to convene a national crime conference in late 1934. At this assembly, FBI Director J. Edgar Hoover and Attorney General Homer S. Cummings presented a novel proposal—institution of a permanent police training school at Washington, D.C., for selected career peace officers. This school would be modeled after the successful FBI Special Agent Training School, however, oriented toward local law enforcement problems. Its objective would be to train attending officers as executives, administrators, investigators, and in-



structors for raising the standard and proficiency of law enforcement at all levels.

This proposal was well received and widely acclaimed as a necessary and timely measure for professionalizing law enforcement. Among the endorsers and supporters from the outset was the International Association of Chiefs of Police.

Early Academy History

With this prelude, 40 years ago this month the "Police Training School of the Federal Bureau of Investigation," as the National Academy was officially referred to in the early days, became a reality.

During the first 5 years of operation, National Academy training was primarily afforded on the premises of the U.S. Department of Justice Building in downtown Washington, D.C. In 1940, the first Academy structure was completed at the U.S. Marine Corps Base at Quantico, Va. This one-building facility was designed to augment

Some Highlights in FBI National Academy History

December 10-13, 1934—

At Attorney General's Crime Commission meeting, FBI Director J. Edgar Hoover and Attorney General Homer S. Cummings present proposal for police training school.

July 29, 1935—

First Session commenced.

October 19, 1935—

Graduation of 23 officers attending First Session.

1939-40—

At the invitation of the U.S. Marine Corps and by special congressional appropriation and authorization, construction of first FBI Academy structure was initiated and completed at Quantico, Va.

November 8, 1957—

Dwight D. Eisenhower becomes first U.S. President to address National Academy graduates (60th Session).

May 28, 1969—

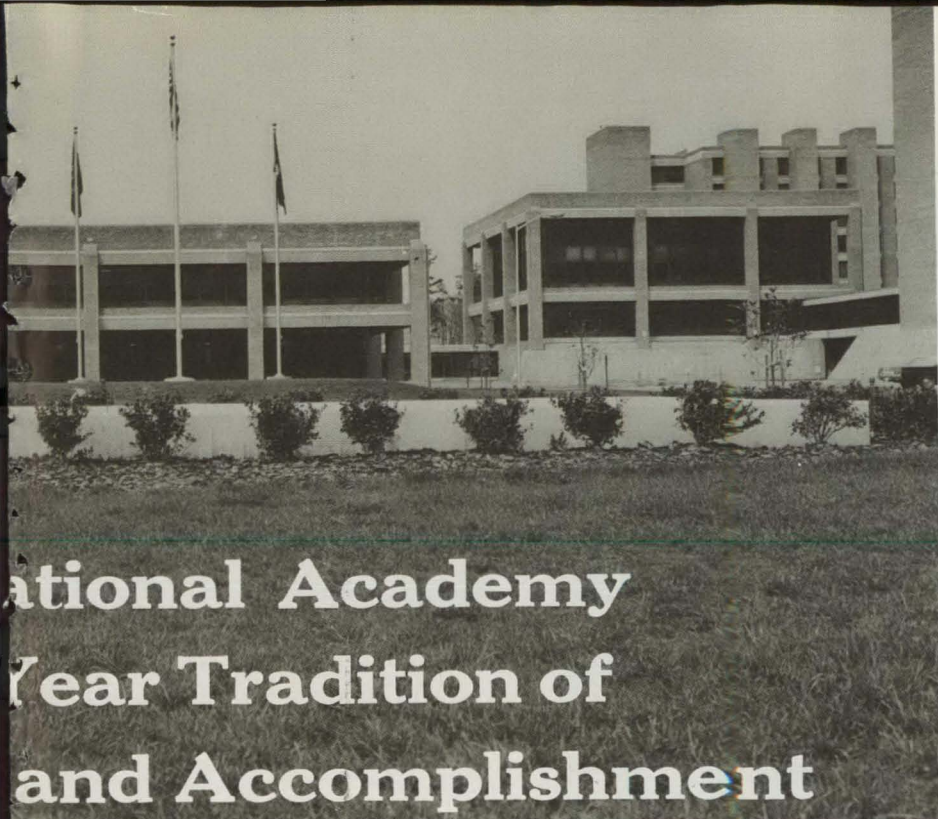
National Academy graduation for 83d Session held in the East Room of the White House.

June 26, 1972—

First substantially expanded National Academy class (90th Session) commences at recently completed ultramodern academy facilities at Quantico, Va.

March 20, 1975—

Graduation of 100th Session during 40th year of National Academy operation with total graduates numbering almost 9,000.



National Academy Year Tradition of and Accomplishment

academic training at the Justice Building by providing housing and instructional space for use of National Academy students during firearms and field training phases of the program conducted at nearby range areas. It was utilized for this purpose for 32 years.

Academy Facilities Greatly Expanded

Today, all National Academy instruction and training take place at the greatly expanded FBI Academy facilities dedicated in mid-1972. This ultramodern 10-building Academy complex is situated amid rolling woodlands on the Quantico Marine Corps Reservation some 40 miles south of the Nation's Capital. It was designed as an autonomous community for learning and set in a secluded environment conducive to acquiring knowledge.

Most prominent at the Academy are the twin seven-story dormitory buildings, centrally located within the complex. These structures feature dou-

ble-occupancy rooms with individual study desks and shared bathroom facilities. Comfortable lounge and recreation areas on the first floor complement these student quarters.

Adjacent to the dormitories is a large cafeteria-style dining area. Nearby are a refreshment bar, banking facility, mailroom, barbershop, general store, chapel, and other student service accommodations, including laundry and drycleaning outlets.

The main classroom building encompasses 23 specially designed classrooms and 8 seminar-size conference rooms. The classrooms feature the latest in audiovisual aids and instructional support equipment. Included are a capability for closed-circuit television and a highly sophisticated student response system. Several classrooms are uniquely equipped for specialized instruction and laboratory work in the fields of forensic science, photography, and fingerprint identification. Seating in most of the classrooms is arranged in a tiered and

semicircular manner to provide each student an unimpaired view of instruction presented.

With over 80,000 titles, the Academy's Learning Resource Center is recognized as one of the foremost law enforcement-oriented libraries in the world. Highlights of its collection include an extensive legal section and a broad array of visual study aids.

The physical training center allows a full range of athletic activities and is available for student use after regular class hours. A special exercise room, complete with weights and modern exercise bars and apparatus, is only a few steps from the main gymnasium where basketball and volleyball courts are available. Nearby is a varied-depth water training pool situated in temperature-controlled surroundings.

Since several firearms training courses are offered as part of the National Academy format, a number of firearms ranges, indoor and out, are available for this purpose. These permit use of all standard police weapons.

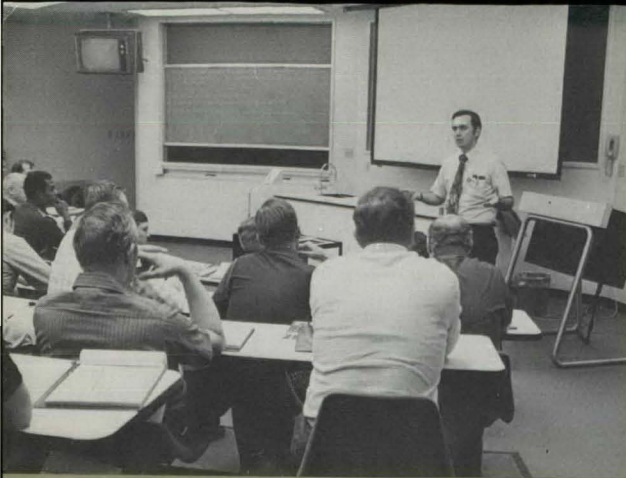
Graduation exercises are held in the impressive 1,000-seat Academy auditorium. This spacious hall also serves as a forum for appearances of noted speakers and, during evenings, as a movie theater for Academy residents.

Cost Factors

All instruction, meals, lodging, laundry, and necessary equipment and supplies associated with students' training are provided without cost to them. Attending officers from local, county, and State law enforcement agencies of the United States are also provided transportation expenses from place of assignment to the National Academy.

Intense 11-Week Program

Each National Academy session consists of a comprehensive and bal-



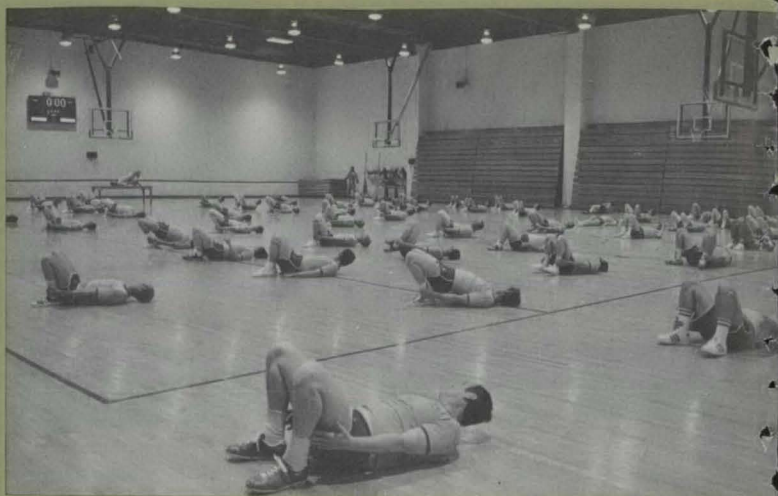
NA students receive academic instruction in specially equipped classroom.

NATIONAL ACADEMY TRAINING: an intense program of varied phases



NA refresher class receives water safety instruction at training pool.

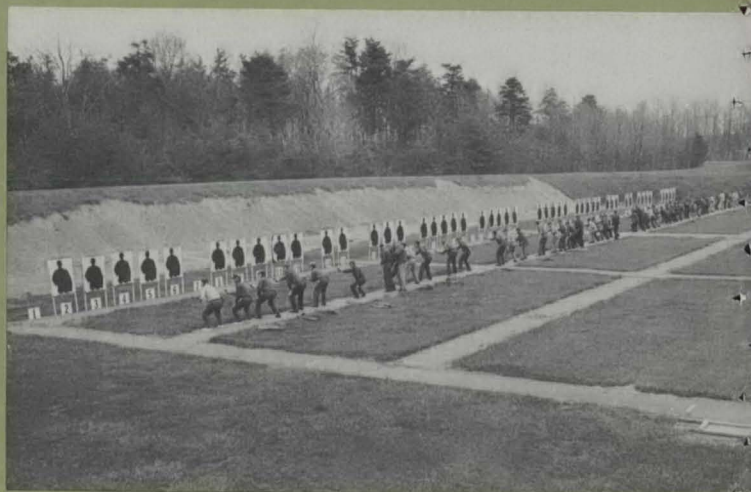
Spacious gymnasium is setting for regular NA physical fitness training.



Instructor critiques search by students at crime scene set.



NA firearms training at one of many ranges.



anced 11-week program of advanced professional instruction.

The academic curriculum is composed of courses relating to management science, behavioral science, law, education and communication arts, and forensic science. Through affiliation with the University of Virginia, up to 16 hours of undergraduate credit can be earned. For officers who qualify, an opportunity exists for taking a total of 9 graduate credit hours in selected disciplines. Overall, a minimum of 14 semester hours of academic work is required. Each student may elect to take an additional 1 or 2 semester hours in a variety of electives offered, such as budgeting for law enforcement, police unions, instructional technology, legal research, and others.

In addition to the academic requirements, National Academy students must participate in 20 hours of law enforcement arts noncredit electives. This training is available in 24 areas of vocational interest, for example, basic pistol marksmanship, advanced disarming techniques, latent fingerprint photography, hostage situations, and rappelling and rope rescue operations. All of these electives except one are of 10 hours' total duration, allowing students to select two such courses to fulfill this requirement. The exception is a 20-hour elective entitled "Current Events Affecting Law Enforcement."

Program Review

All phases of the National Academy program are under continual review to insure they are current, relevant, and practical. The overall course is regularly analyzed to insure attending officers are being motivated to put forth their best effort, thereby maximizing their potential for achievement.

During 1972-73, a 12-member FBI Law Enforcement Training Advisory

Significant Statistics—FBI National Academy	
(Figures are tabulated through 100th Session graduation Mar. 20, 1975)	
Total graduates -----	8,919
Graduates still active in law enforcement -----	5,442
Graduates who are currently heads of agencies -----	1,068
Chiefs of police -----	794
Sheriffs -----	151
State police commanders -----	7
Other top executives -----	116
Graduates from U.S. territories and possessions ----	91
Foreign graduates (representing 54 countries) -----	355
Largest graduating class (members, 92d Session, March 1973) -----	299

Committee, comprised of 5 law enforcement executives, 4 educators, and 3 representatives of business and industry, evaluated the National Academy, giving particular attention to its adequacy in fulfilling the needs of local and State law enforcement. This committee issued a report complimentary to the Academy and its program. Some comments from this report are worth repeating:

"The National Academy is unique in that it is a blend of three critically significant factors:

- "(1) A training and educational facility without equal in the history of the Criminal Justice System.
- "(2) A faculty and staff which includes experienced and qualified FBI personnel, recognized and prestigious representatives of the University of Virginia, and successful practitioners of law enforcement.
- "(3) A potential for sustained study and analysis of the

This photo, taken October 19, 1935, pictures Attorney General Homer S. Cummings (right) presenting diploma to a graduate of First Session of "FBI Police Training School." Others present include FBI Director J. Edgar Hoover (center), and members of collaborating committee of the International Association of Chiefs of Police.





Pleasant, modern surroundings of FBI Academy dining area.

needs of law enforcement for training and education, coupled with an opportunity to provide direct and catalytic responses to these needs."

High Esteem of Academy


The esteem with which the National Academy is viewed is attested to by the distinguished line of dignitaries who have appeared as speakers and guests at Academy graduation exercises. This prestigious group includes 3 U.S. Presidents, 4 Vice Presidents, 2 Chief Justices of the Supreme Court, 26 Congressmen, numerous Cabinet members, and several ranking police and military figures. From the private sector, notable national leaders in the business, industry, labor, media, and religious fields have further graced these commencement proceedings by their presence and tributes to graduates.

FBI National Academy Associates

Graduation does not sever the attending officer's bond with the Na-

tional Academy. Upon successful completion of the program, membership is automatic in the FBI National Academy Associates. This organization, with 40 active chapters, sponsors periodic chapter and regional retraining sessions. Activities of its members, along with current items of interest about the National Academy, are published in the NA "Newsletter." Issues of this pamphlet are published six times a year and forwarded to graduates.

Future Most Promising

Achievement and excellence have been hallmarks in the National Academy's long and proud history. The original premise that better law enforcement is founded upon advanced training and education has been proven time and time again. Those associated with the Academy continue to be dedicated to providing the finest professional training possible to career law enforcement officers who potentially will benefit most from it. Considering this commitment and the National Academy's past as prologue, the future is most promising. 

Requirements for National Academy Candidates

Only promising career officers who can be expected to benefit most, both in terms of their own performance and that of their fellow officers, are selected for candidacy. Although chosen without regard to race, creed, color, sex, or national origin, a candidate must:

- (1) Be at least 25 years of age and not have reached his or her 51st birthday.
- (2) Be a full-time officer employed by a duly established law enforcement agency with at least 5 years of substantially continuous law enforcement experience.
- (3) Possess at least a high school diploma, or its equivalency, and show aptitude and interest in academic achievement.
- (4) Be in excellent physical condition and within prescribed weight requirements based on height and build.
- (5) Possess outstanding character and reputation and have demonstrated unimpeachable moral conduct and integrity. (The FBI will investigate each officer nominated to insure these standards are met.)
- (6) Possess leadership qualities, enjoy the confidence and respect of fellow officers, and have a serious commitment to law enforcement as a public service.
- (7) Be nominated by the head of respective agency, or if the head, be self-nominated or nominated by a supervisor such as a mayor or city manager.
- (8) Be willing to certify to the nominating official or entity that candidate will remain in law enforcement for a minimum of 3 years following National Academy graduation.

Applications—Officers who believe they qualify should request that their agency obtain application forms from the nearest FBI field office. When completed and properly endorsed, these forms should be forwarded to the Special Agent in Charge of the FBI field office covering the candidate's area of employment.

Impounding Premises

Introduction

Police officers have probable cause to believe evidence presently is located within constitutionally protected premises, but they do not have a search warrant because the facts known to them did not ripen into probable cause until they arrived on or near the premises. About the same time probable cause appeared so did some person who is not subject to arrest but lawfully possesses the premises. What can the officer do, if anything, pending issuance of a search warrant, to prevent the possibility of the destruction of the evidence by the person?

The problem actually arose in *Vale v. Louisiana*.¹ In *Vale*, Louisiana officers who possessed two warrants for the arrest of Donald Vale instituted a surveillance of Vale's house. What happened was summarized by the Louisiana Supreme Court as follows:

"After approximately 15 minutes the officers observed a green 1958 Chevrolet drive up and sound the horn and after backing into a parking place, again blew the horn. At this juncture Donald Vale, who was well known to Officer Brady having arrested him twice in the previous month, was seen coming out of the house and walking up to the passenger side of the Chevrolet where he had a close brief conversation with the driver; and after looking up and down the street returned inside of the house. Within a few minutes he reappeared on the porch, and again cautiously looked up and down the street before proceeding to the passenger side of the Chevrolet, leaning through the window. From this the

officers were convinced a narcotics sale had taken place. They returned to their car and immediately drove toward Donald Vale, and as they reached within approximately three car lengths from the accused, (Donald Vale) he looked up and, obviously recognizing the officers, turned around, walking quickly toward the house. At the same time the driver of the Chevrolet started to make his getaway when the car was blocked by the police vehicle. The three officers promptly alighted from the car, whereupon Officers Soule and Laumann called to Donald Vale to stop as he reached the front steps of the house, telling him he was under arrest. Officer Brady at the same time, seeing the driver of the Chevrolet, Arizzio Saucier, whom the officers knew to be a narcotic addict, place something hurriedly in his mouth, immediately placed him under arrest and joined his co-officers. Because of the transaction they had just observed they informed Donald Vale they were going to search the house, and thereupon advised him of his constitutional rights. After they all entered the front room, Officer Laumann made a cursory inspection of the house to ascertain if anyone else was present and within about three minutes Mrs. Vale and James Vale, mother and brother of Donald Vale, returned home carrying groceries and were informed of the arrest and impending search."²

The officers searched the house and found narcotics in a rear bedroom. Vale was convicted and appealed.

The Supreme Court of the United States held the search illegal and reversed the conviction. It had no difficulty finding the search was not a valid search incidental to Vale's arrest because the arrest occurred outside the house. The Court then enu-

"Given a situation in which the probable cause for a search arises for the first time when they arrive on the scene, the police are on the horns of a dilemma not of their own making."

By

JOHN DENNIS MILLER

Special Agent
Federal Bureau of Investigation
Washington, D.C.

PART I

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

merated the other few situations in which the police may conduct a warrantless search of a dwelling: by consent, in response to an emergency, in hot pursuit of a fleeing felon, to seize evidence *in the process of destruction*, and to seize evidence about to be removed from the jurisdiction. As the State failed to demonstrate the existence of any of these situations, the search was unconstitutional.

Schmerber v. California,³ *United States v. Jeffers*,⁴ and *McDonald v. United States*⁵ were cited as authority for the proposition that evidence must be in the process of destruction before a warrantless entry is permissible. Although in *Schmerber* the evidence was in the process of destruction (alcohol in the arrestee's blood was dissipating rapidly), the Court in *Jeffers* said, "There was no question of violence, no movable vehicle was involved, nor was there an arrest or imminent destruction, removal, or concealment of the property intended to be seized."⁶ In *McDonald*, the Court observed, "Nor was the property in the process of destruction *nor as likely to be destroyed* as the opium paraphernalia in the *Johnson* case."⁷ And in *Johnson v. United States*,⁸ the Court noted, "No evidence or contraband was threatened with removal or destruction. . . ." ⁹ Because of such language, there were those who, prior to *Vale*, thought it permissible for the police to enter a dwelling and seize evidence without a warrant if the evidence was in imminent danger of destruction.¹⁰ Be that as it may, in *Vale* the police were not justified in searching Donald Vale's house without a warrant merely because the evidence was threatened with destruction by Vale's mother and brother.

After noting the officers were able to obtain two warrants for Vale's arrest and knew where he lived, the Court confessed it was unable to understand why the police could not

have obtained a search warrant as well. Justice Black explained in a dissenting opinion the two warrants were issued because Vale's bond had been increased for an earlier narcotics charge and when "the police came to arrest Vale, they knew only that his bond had been increased. . . . Probable cause for the search arose for the first time when the police observed the activity of Vale and Saucier in and around the house."¹¹

Justice Black's analysis seems to be correct¹² but, that aside, he certainly was correct when he stated, "This case raises most graphically the question how does a policeman protect evidence necessary to the State if he must leave the premises to get a warrant, allowing the evidence he seeks to be destroyed."¹³

What is the answer to Justice Black's question?¹⁴ How can the evidence be protected? Given a situation in which the probable cause for a search arises for the first time when they arrive on the scene, the police are on the horns of a dilemma not of their own making. If they enter the house, search for and seize the evidence, they may conduct an illegal search and seizure. If they leave the premises to obtain a search warrant, the evidence may be destroyed or hidden or rendered unidentifiable (for example, by the obliteration or removal of a serial number). The result is a total defeat of the warrant process.

Can the police remove themselves from the horns of the dilemma without tearing constitutional fabric by posting a guard to impound the premises while a search warrant is obtained? Could the officers have said, "Mrs. Vale, you are not under arrest. You are free to go wherever you desire or to do whatever you want, but you cannot enter the house. Other officers are asking a judge for a search warrant. If the judge refuses to issue a warrant, we will leave immediately.

If he does issue the warrant, we will search the house, and then leave."

Initial Thoughts

Some initial thoughts can be expressed about this idea of impounding premises.

The police would have only two motives in impounding premises while they obtain a warrant: to comply with the warrant requirement of the fourth amendment and to prevent the destruction of evidence.

On a continuing basis, the courts of the land stress a preference for searches conducted under the authority of a warrant, remind law enforcement officers exceptions to the warrant requirement are drawn narrowly, and instruct the police to obtain warrants whenever possible. It is to follow this counsel while insuring evidence is not destroyed that the police would impound premises. The first thought, then, is that an officer who impounds premises is doing so in a good faith effort to do what he has been told to do; that is, get a warrant. His heart is in the right place.

The power to impound has nothing to do with arresting people.

Assume Donald Vale had sped around his house and eluded the police, but Mrs. Vale and James Vale had observed the entire scene. There is no reason why the authority to impound the house should be affected by the sprinting ability of Donald Vale. The basic facts which give rise to the problem would remain: there is probable cause to search, there is no warrant, and the evidence is in danger of destruction.¹⁵

Furthermore, those principles of law concerning the authority to restrict the freedom of an arrestee and to enter premises to arrest are inapplicable for the discussion here relates to the authority of the police to restrict persons who are not under arrest or subject to arrest.

The power to impound premises is an awesome power.

Allowing the police to restrict a person's access to his own home is a serious matter. Authority to intrude upon the right of a person to enjoy his premises must be defined very narrowly and viewed with the utmost caution. Thus, there can be no place for employing this power in cases in which the dilemma has arisen because of the failure of the police to obtain a search warrant before arriving on the scene when they could have done so. The police cannot create an emergency by failing to obtain a warrant and then use the emergency as a justification for a warrantless intrusion.¹⁶

Governmental power to impound premises and/or restrict persons not under arrest is not unprecedented.

Securing the scene of a crime and quarantining a house to protect against the spread of a contagious disease are commonly employed exercises of State police power. Press coverage of the Watergate trial reported the jurors spent Christmas day in their homes with their families and a court officer who censored their conversation. Police are permitted to invoke reasonable restrictions on the movement of persons not under arrest while a search warrant is being executed in homes.¹⁷ Moreover, following an apprehension when it is necessary to insure others thought to be present do not frustrate the arrest, officers are permitted to check the premises for the presence of such third persons.¹⁸

And, of course, police officers with less than probable cause to arrest can stop and detain a person briefly while conducting an investigation of conduct or circumstances indicative of criminal activity.¹⁹

The power to impound premises is the only method of resolving the dilemma.

It is not a suitable answer to say the dilemma can be resolved by in-

structing the police to leave, obtain a warrant, execute it and, if the evidence cannot be found, then arrest Mrs. Vale and James Vale for destroying evidence. In the first place, the narcotics is evidence against Donald Vale and that evidence is lost. Secondly, it is not clear whom the police could arrest, Mrs. Vale, or James Vale, or both, or neither. Thirdly, even if the police made a lawful arrest of Mrs. Vale, it is far from certain a conviction could be had, for facts sufficient to justify an arrest often fall far short of what is required to support a guilty verdict.²⁰

Likewise it is not satisfactory to say the dilemma can be resolved by instructing the police to obtain consent to search. A person can refuse to consent to a warrantless search of his house and what the police need is a lawful, consistently effective method of obtaining the evidence.

In addition, the problems and pitfalls of consent searches are legion. Ascertaining the identity of and obtaining voluntary consent of the proper scope from the person having the requisite possessory interest in the area to be searched can be difficult. Proving the matter is even more difficult. Since searches by consent are conducted in the absence of a search warrant, they are examined closely by the courts, whether or not they involve an actual waiver of constitutional rights.²¹

Obtaining consent is not a consistently effective means of resolving the dilemma. The technique will work only on occasion, can be difficult to employ properly, is always difficult to prove, and involves searching premises without a search warrant.

If the police cannot enter and search, and *Vale* holds they cannot, then they have but three alternatives.

The first of these is to leave and do nothing. Can this be the proper response in the face of probable cause to believe there is evidence in the house?

The second alternative is to leave and post a guard on a public place and allow Mrs. Vale to enter her house. Although this approach will work in those cases in which the evidence is a large item incapable of being destroyed or rendered unidentifiable, it will be totally ineffective in other situations. No officer could determine whether Mrs. Vale possessed the narcotics if she entered the house and attempted to leave a few minutes later. Furthermore, no officer standing outside Vale's house could prevent persons inside the house from quickly and easily destroying narcotics. Clearly, in many cases this second alternative creates a great risk the evidence will be destroyed.

The third and only other alternative is to impound the premises.

(Continued Next Month)

FOOTNOTES

¹ 399 U.S. 30 (1970).

² Id. at 32.

³ 384 U.S. 757 (1966).

⁴ 342 U.S. 48 (1951).

⁵ 335 U.S. 451 (1948).

⁶ 342 U.S. at 52 (emphasis added).

⁷ 335 U.S. at 455 (emphasis added).

⁸ 333 U.S. 10 (1948).

⁹ Id. at 15 (emphasis added).

¹⁰ See also *Ker v. California*, 374 U.S. 23 (1963).

It may be *Vale* did not change entirely the exception for warrantless entry from a "threatened destruction" to "in the process of destruction." See *United States v. Rubin*, 474 F. 2d 262 (3d Cir. 1973).

¹¹ 399 U.S. at 40 (dissenting opinion).

¹² See La Fave, "Warrantless Searches and the Supreme Court: Further Ventures Into the 'Quagmire,'" 8 Criminal Law Bulletin 9 (1972).

¹³ 399 U.S. at 41 (dissenting opinion).

¹⁴ The Court may have answered in *Chambers v. Maroney*, 399 U.S. 42 (1970), decided on the same day as *Vale*. The hint in *Chambers*, quoted in Part II, is cited at footnote 25.

¹⁵ A statute authorizing police to impound following an arrest has been suggested. See note, "Police Practices and the Threatened Destruction of Tangible Evidence," 84 Harvard L. Rev. 1465 at 1480-81 (1971).

¹⁶ See *McDonald v. United States*, 335 U.S. 451 (1948).

¹⁷ See, for example, *United States v. McKethan*, 247 F. Supp. 324 (D.D.C. 1965).

¹⁸ See, for examples, *United States v. Looney*, 481 F. 2d 31 (5th Cir. 1973), cert. denied, 414 U.S. 1070 (1973); and, McLaughlin, "The Protective Sweep," FBI Law Enforcement Bulletin, August 1974, and cases collected therein.

¹⁹ *Terry v. Ohio*, 392 U.S. 1 (1968).

²⁰ See *Hoffa v. United States*, 385 U.S. 293 (1966).

²¹ *Johnson v. Zerbst*, 304 U.S. 458 (1938); *Schneekloth v. Bustamonte*, 412 U.S. 218 (1973).

GETTING THE MESSAGE: Telecommunications in the Patrol Car

By

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The Hillsborough County Sheriff's Department in Tampa, Fla., is utilizing the awesome potential of telecommunications technology in law enforcement. The vast computerized data available in local, State, and national police telecommunications systems is an invaluable tool to law enforcement personnel. This data should be available at electronic speeds to the officer in the patrol car. However, a major bottleneck has existed between the police dispatcher and the officer in the field who initiates the request to interrogate the computerized records. The bottleneck is radio channel congestion on many existing police radio networks. Only through alleviation of this problem can the computerized crime data be instantly and accurately disseminated, as it was designed for, to the officer in the field.

To understand the need for the rapid dissemination of information one needs only examine the Uniform Crime Reports issued by the FBI. In 1974, 132 local, county, State, and Federal law enforcement officers were killed in the United States and Puerto

Rico by felonious criminal action, bringing the total killed from 1972 through 1974 up to 382. Of the officers slain in 1974, 83 were assigned to patrol cars. Officers assigned to patrol duty are the most frequent targets of the police killer. We must ask ourselves how many of the slain policemen's lives would have been spared by computerized crime data that might

have warned the officers of the grave dangers of a situation or of individuals that led to the deaths.

In September 1972, the State of Florida issued a document entitled "A Master Plan for Criminal Justice Information Systems for the State of Florida." This master plan for information systems sets out guidelines for all elements of Florida's criminal justice community to develop an integrated, statewide system of information collection and distribution. The priorities for this system are: (1) to improve the safety of law enforcement officers, (2) to provide better command allocation and control of criminal justice resources, (3) to compile readily available statistical material for more productive analysis and research, and (4) to enable management to base its decisions on accurate and comprehensive information.

Since 1969, the Hillsborough County Sheriff's Department has been evaluating methods of implementing a system to respond to the growing information needs of the department. The State plan and the department's

needs were almost identical. To pursue the required system priorities, a new approach to communications systems was sought in the relatively new area of two-way mobile digital communications.

Approach to a New Communications System

On a voice radio system, in order to satisfy the information needs of the officers in the field, manual procedures have been developed to permit officers to initiate requests for review and retrieval of information stored in various law enforcement data repositories. The officer waits for the radio channel to clear, then makes a verbal request to the police dispatcher to cause a search of the records he desires. The dispatcher logs the request and initiates or passes the request to an operator to initiate on a telecommunications terminal online with computerized records. The response to the terminal typically takes approximately 10 seconds. The dispatcher would then verbally relay the information over the radio network to the requesting officer, who would normally be in a two-way radio equipped mobile patrol unit. The interval from request to receipt by the officer would take several minutes. Delays due to radio channel congestion cause the usually speedy service time of telecommunications to slow substantially. During periods of intensified police activity, the radio channels become saturated; precisely the time when information requests are usually most urgently needed due to a corresponding increase in criminal activity or emergency situations requiring police attention. As a result, operational communications suffer with fewer officers getting the information needed at the time necessary to carry out their responsibilities properly.

To solve the problem requires reducing two-way radio channel conges-

tion and other interventions between the officer in the field and the law enforcement data base he wishes to have searched. One new approach to this problem is nonvoice data transmissions. The system that performs this type of communication is called mobile digital communications.

Digital Communications

What can be performed utilizing digital communications in a law enforcement communications system? The answer: almost everything. This is not to suggest or imply that voice capability of two-way radios should be eliminated. A department should never consider removing voice capability from a patrol vehicle or communications center operation. Voice communications are irreplaceable in certain emergency situations. A lone patrolman in a high-speed pursuit certainly could not or be expected to communicate with a manually operated digital transmission device. For this reason, voice must always maintain priority. In emergency situations, the keying of a two-way radio microphone by a patrolman or dispatcher should silence digital traffic on the same radio channel.

The original concept of a mobile digital communications system was to solve the problem of delay between inquiry of established data bases and responses to these requests. For example, in medium- to large-sized city police departments, if you were to monitor the radio frequencies you would probably find them occupied up to 80 or 90 percent of the time with voice messages relating to the dispatch or status of mobile patrol units. The other 10 to 20 percent is available for inquiries for information necessary to the officer's performance of his duties. These facts point out that developing and implementing a system to solve the inquiry problem only is undesirable. Interference with responses is equally important. Since most radio channels are dominated by voice traffic which must have priority, automated inquiry-only devices will have marginal utility since they must rely on the uncertainties and frequent delays of voice transmission of the response.

Now consider a digital transmitting and receiving system which can automate inquiries and responses of data bases as well as dispatch and patrol status radio communication messages. The speed with which digital transmission occurs can take a radio

This digital terminal mounted in a patrol car allows officers full access to the data in the computer files.



channel previously loaded 80 or 90 percent of the time with voice traffic and reduce its "air time" to less than 25 percent (a conservative estimate) of that formerly used. *Now* information inquiries may use the excess available time on a channel.

Inquiry Importance

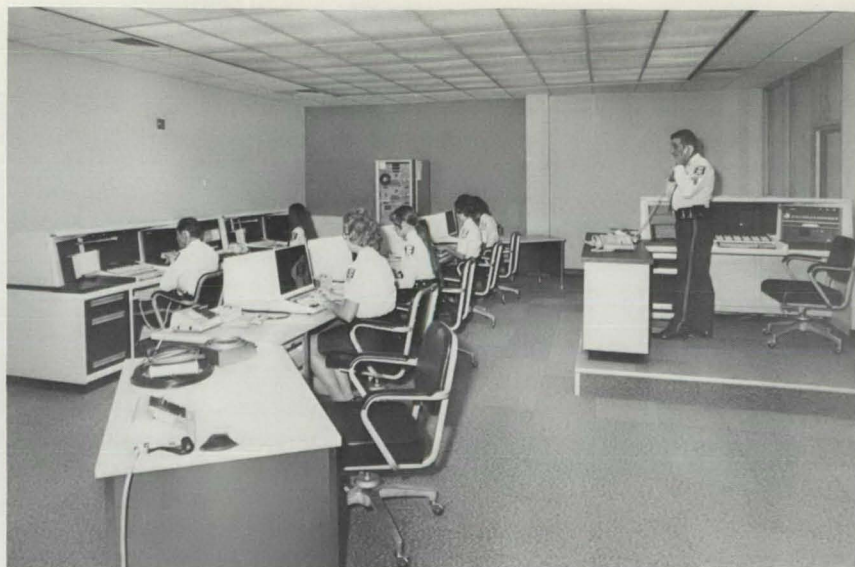
The only possible way of repaying the funds necessary for the computerization of criminal files is through improved police efficiency brought about by their use. If a data base exists which contains *all* stolen cars, *all* wanted persons, and *all* stolen articles and cannot be readily or easily used by the patrolman or deputy, it is of little value and the money spent compiling it is a waste.

"In order to take full advantage of the assembled data, the officer needs rapid and accurate responses. Digital systems serve this goal."

The inquiry function is important. Data has been assembled to assist officers in carrying out their varied and demanding responsibilities. From inquiries on suspect persons to a tag check before approaching a suspect vehicle, the officer is assisted by positive information in response to his questions. In order to take full advantage of the assembled data, the officer needs rapid and accurate responses. Digital systems serve this goal. In order to effectively use mobile digital terminals on existing radio channels, they should be equipped to reduce as much voice traffic as possible.

Dispatch Automation

Patrol dispatch functions should be automated regardless of information



The communications center of the Hillsborough County Sheriff's Department.

inquiry needs. Law enforcement is big business and most big businesses have been substantially improved by automation of important phases of their operations. Automation already exists in police record sections, payroll departments, and to a certain degree, their communications centers. The next and logical extension of automation in law enforcement is that of certain complaint reports and patrol vehicle dispatching, status, and location procedures.

Command and Control Center

As a solution to the problems of radio channel congestion, officer safety, and the ever-growing need for more rapid police response to situations affecting the community, the Hillsborough County Sheriff's Department has devised and constructed a new command and control center. The center is operating with the most advanced mobile digital communications equipment available today.

In procuring our mobile digital system, design and operational features for the mobile terminal were given a high priority. Some of these considerations are as follows:

- The terminal should include a large visual screen for reading printouts of responses to inquiries. Hard copy (paper) responses to inquiries in a vehicle pose a problem of quantity and security of the communications. In tests, for example, a hard copy mobile receiver of digital messages can generate up to 20 feet of paper per hour, all of which must be accounted for and checked off at the end of the shift to the communications supervisor against a list of messages sent to the vehicle. A cumbersome process, to say the least.
- The visual screen in the vehicle, on the other hand, should keep data, when not needed, available for recall in the secure environment of the communications center. It is much more easily read from the terminal screen in a tactical situation and it can be indexed for recall by an officer for subsequent viewing. The indexing of data on the visual terminal is accomplished by the termi-

nal controller at the communications center.

- The terminal should be constructed for vehicular use and not as general purpose equipment. It should be shock and moisture resistant as well as padded or in some way designed to meet requirements for personnel safety in a moving vehicle. The keyboard should be fully encapsulated, and the viewing screen preferably should be solid state rather than a cathode ray tube type which is more susceptible to breakage.
- The terminal should be self-contained and interchangeable among vehicles with only a single cable connection necessary for operational installation. This permits all patrol vehicles to be equipped with terminal mounts and cabling although only the units on active patrol will utilize the mobile terminal.
- Radio digital terminals should be fully buffered, i.e., designed to meter the flow of digital traffic consistent with the capacity of the radio frequency utilized. The terminal should have a buffering capability which allows messages to be received and held in the terminal while other messages are being prepared by the operator for outgoing transmission. A nonbuffered terminal system can limit the capability of the radio channel by as much as 50 percent.
- The terminal system should be able to operate on either a simplex (transmit and receive separately) or duplex (transmit and receive at the same time) channel configuration. This again gives the user the capability of upgrading his system in the future to full duplex operation, when data communications traffic requires simultaneous sending and receiving of messages. This is an extremely important requirement of a terminal system in the consideration of future expansion.
- The digital terminal system should be able to coexist with voice transmissions on a radio frequency as well as be able to operate on an exclusively (dedicated) digital channel. The expense of the terminal system dictates that it should be adaptable at a future date

if changes are made in the radio network system. Coexistence with voice will allow this flexibility in the future, even if the initial installation involves the additional expense of dedicated digital channels.

- The terminal system must be able to operate through assorted radio network voter (radio signal selector) and repeater (radio signal relay) systems. This again insures the necessary present and future flexibility of the radio network.
- The terminal system must have the inherent design capability of high-speed data transmission. This capability should be at the rate of at least 180 characters per second on a standard 3 KZ (narrow) radio bandwidth. The higher the speed of data transmissions, the more a radio channel can be used for data exchange. Air time on radio channels is the weak link in radio digital communications. The higher the speed of digital data transmissions, the less serious is this weakness.
- The terminal should utilize an "automatic end of message" transmission scheme. This allows the system to edit certain responses to the data necessary to the inquiry.
- Present digital terminal systems are being utilized for inquiry and response transmissions of data, emergency signals, emergency recall of prior data transmissions, vehicle status maintenance, digital patrol dispatching, report generation, and general administrative information. The terminal system should be inherently capable of furnishing all of these functional capabilities,

A display terminal used for recording complaints and dispatching them for assignment.



"... the capability to make queries to computerized data centers directly from the patrol unit ... will afford our officers a higher degree of protection."

regardless of whether or not all are implemented initially.

Mobile Terminal Functions

The mobile digital terminals of the Hillsborough County Sheriff's Department system will transmit and receive data over our existing radio network into the command and control minicomputer located in the communications center. The minicomputer provides the data base interface into the Hillsborough County Data System, the Florida Crime Information Center, and the FBI National Crime Information Center.

Each marked patrol unit on shift will be equipped with a mobile digital terminal with a 256-character plasma video screen and a typewriter-like keyboard with seven function keys, four status keys, and an emergency key. Expected response time to most queries will be less than 10 seconds.

The use of preprogrammed function and status keys, for example, the standard "10-signal" series, and the capability to make queries to computerized data centers directly from the patrol unit without human intervention, will afford our officers a higher degree of protection. Greater safety will result from officers performing their assigned duties more efficiently and effectively than before.

Communications Center Operation

Each dispatcher and the communications center operation supervisor

man consoles equipped with dual video display and a typewriter keyboard with special function keys. These consoles additionally contain all necessary controls for voice communication. Complaint writers and information operators at the center, in addition, utilize a video display terminal also equipped with typewriter keyboard and special function keys.

Typical flow of a complaint through the automated system would be as follows:

The complaint officer, while taking the telephone call, would type the data into a predefined complaint format on the screen of the display terminal. The most vital information would be entered first, i.e., type of incident and location. As soon as all pertinent information is entered, the complaint is transferred by the system to the appropriate dispatcher for assignment.

The dispatcher will review the complaint, add additional information as required, and assign an available unit(s) to service the incident. The dispatcher utilizes the status monitor (second display in the console) to determine which unit is available for assignment.

The status monitor is constantly displaying the status of all incidents which have been assigned to personnel as well as those awaiting servicing. As status changes from the mobile patrol terminals are made, the monitor displays these changes to constantly update all activities requiring attention and the resources that can be committed to them.

Once the dispatcher assigns a unit to a complaint and depresses the send key, the dispatch message is automatically transmitted to the mobile terminal(s) in the

assigned patrol unit(s) and/or zone(s). Through the use of the status keys, the officer acknowledges, on the mobile digital terminal, receipt of the dispatch and his progress, such as back in service, enroute to the scene, at the scene, and so on. These changes in status are monitored at the control center and updated automatically by preprogrammed function and status keys of the digital terminal in the patrol car.

All transactions through the systems are, moreover, automatically logged by two line printers. In addition to logging all query traffic on one printer, the second printer records dispatch and status messages. Periodically, complete status and incident summaries are logged so, in the event the system should fail due to a power failure or other cause, this hardcopy backup would be used to maintain operational continuity when reverting to manual backup procedures.

The system, in addition to the many operational benefits it brings to officers in the field, provides department administration with invaluable management information. All data associated with a complaint and all status changes are recorded on a magnetic storage device. This automatically captured data can be passed into the county data processing system on a requested basis to create reports for analysis of crime trends, manpower utilization patterns, resource needs, patrol activity and deployments, Uniform Crime Reports, and long-range planning of departmental budgeting. Truly, the advanced technology of telecommunications, which first made its imprint on law enforcement performance at the national and State levels, is now having great impact at the patrol car level for many city and county agencies.

TENANT PATROL

In late November 1973, a leading public opinion and market research firm conducted a survey of 1,341 New York City residents for one of the city's daily newspapers. Respondents were asked to name the issue that was of the greatest concern to them personally and which they would like to see the city administration do something about. Two out of 5 New Yorkers—41 percent of those surveyed—cited various aspects of crime as their prime concern. Crime was selected four times as frequently as any other issue. From all accounts, that high priority for measures to combat crime would still prevail.

Respondents were also asked: "What's the one thing that would make you feel safer—more policemen on the beat, better lighting, some kind of private neighborhood patrol, or having a gun or some weapon of defense?" While 3 out of 5 chose more policemen, it was interesting to note 21 percent thought neighborhood patrols would help most.

A form of neighborhood patrol had been in effect in the New York City Housing Authority's (NYCHA) St. Nicholas Houses in Harlem as early as January 1967. Organized by a public-spirited tenant, 40 young men, paid through Neighborhood Youth Corps funds, had been providing lobby patrol, tenant escort, and related-community services.

About the same time, a group of adult male residents of the Carlton Manor development, a single building

in the Rockaways, having no housing police coverage, commenced a volunteer building patrol.

Both of these organizations produced promising results. It was felt that this type of patrol could have an impact on crime and vandalism, while giving neighbors of all ethnic backgrounds an opportunity to meet and work together constructively for the common good.

For several years, the authority had noted that its tenants placed greater emphasis on improved security than on physical improvements within the developments. Tenants appeared to believe that the only solution to the security problem was the addition of more and more police officers to the authority's force. The prohibitive financial expenditures involved in enlarging the housing police force, to the size required to meet the tenant's request, were not lost on responsible tenants when the figures were made available to them.

With a sincere concern for the security of its tenants and the concurrence of the Department of Housing and Urban Development, the authority devised a hallway and block attendant security system to utilize this widespread tenant concern.

By

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Volunteer Tenant Patrols

Since funds for financing paid youth patrols were severely limited, it was apparent that it would be necessary to rely heavily on volunteers. The need for a supporting structure to organize, encourage, and support the proposed volunteer patrols was recognized and a tenant patrol unit was established within the authority's management department. This unit consists of a supervisor, an assistant supervisor, and three part-time consultants.

The supervisor and his assistant are responsible for supervising consultants, maintaining liaison with project managers, reviewing weekly reports from patrol supervisors, reviewing requisitions for equipment, attending meetings at projects, preparing monthly reports and the tenant patrol newsletter, conducting monthly meetings with tenant patrol supervisors, establishing a training program, and encouraging the tenant patrol beautification program.

The consultants are responsible for visiting various developments to aid in the formation and maintenance of patrols. However, even the minimal supervision of members of the patrol

and reports required for insurance purposes require more than could reasonably be expected of a volunteer. Therefore, developments are authorized to hire one or two tenant patrol supervisors who work 10 or 20 hours weekly at approximately \$2.96 per hour.

The tenant patrol supervisors are usually hired by the development manager after consultation with members of the patrol. The supervisor's job is not an easy one.

Although quite often the tenants involved may have a real need for supplementary income, surprisingly enough there has been very little resentment over the fact that only one member of the group receives a salary. Patrol supervisors, carefully selected, are often men or women who are already respected as community leaders. Most of them voluntarily put in more hours than they are paid for.

The careful choice of local tenant patrol supervisors is essential to good rapport with existing tenant organizations whose active support and sponsorship of the program is highly desirable. Quite commonly, in fact, the first steps toward a new patrol are taken after a manager, discussing security problems with the project tenant organizations, mentions how tenant patrols in other developments have helped to alleviate some of the same type problems.

In other cases, unorganized tenants, petitioning the manager concerning security supply the initial impetus. As a matter of fact, the patrol program successfully involves many people who were not organization minded and had shown little civic interest previously. This is one of its most encouraging aspects.

It would, however, be misleading to convey the impression that widespread tenant participation is generally easy to achieve, or that it usually arises spontaneously. Sometimes there is outright opposition, even in proj-

ects that badly need a patrol. Tenants insist that it is the obligation of the authority, or the city, to supply all necessary protection, whatever the cost. No attempt is made to set up a patrol in the face of this type of opposition, indeed the limited and hard-pressed central tenant patrol unit staff can barely keep up with requests for advice and assistance from projects in which tenants have expressed a sincere interest in the program. Not infrequently, opponents become supporters when they see a successful patrol in operation in a neighboring project.

Maintaining Tenant Interest

A more common problem than opposition is insufficient tenant participation, limiting the program to only a few of the buildings in a development. While the experienced central unit staff can be extremely helpful in recruiting, they can do no more than tenant interest dictates. This is strictly a tenants' program. Tenants set the hours and make most of the other decisions governing the local patrol. The program can only go as far as they want it to go, and this is entirely as it should be, since meaningful tenant participation must be voluntary.

Since maintaining interest is imperative, various patrol aids designed to instill pride and maintain interest have been authorized, such as: arm-bands or identification cards; whistles; flashlights; portable two-way radios; light refreshments; indoor-type games for patrol headquarters; telephone with jacks for lobbies wherever feasible; and suitable tables and chairs.

In addition, the following uniforms are issued by the authority: during the summer, T-shirts and unlined water-repellent nylon jackets, both inscribed with the name of the project and identifying words such as N.Y.C.H.A. Tenant Patrol; during the

winter, pile-lined washable nylon jackets for use in lobby-control situations and stadium coats for use on outside patrol, inscribed in the same manner as the summer jacket.

Awards, testimonial dinners, and other forms of recognition are also helpful. In the long run, however, a patrol will last only if it brings a continuing sense of pride and satisfaction to its members. Practically speaking, this means that a social component must be built in.

To this end, the patrol is provided with a room of its own where possible. Unused carriage rooms, usually located off the building lobbies, are ideal for this purpose since they permit members to socialize and at the same time keep the lobby and persons entering and leaving under observation. Often, however, two or three tenants simply sit in the lobby, using a table and chairs provided for the purpose, and control access to the building.

The social aspect of the tenant patrol is important in a number of ways beyond the indispensable function of helping to maintain interest. It helps to build up tenant pride and civic interest. In some cases, local patrol headquarters have become a gathering spot for off-duty members and have begun to involve teenagers in constructive activity. Moreover, as patrols have developed in this manner, fears that they might turn into vigilantes have diminished.

Close cooperation with police is stressed and helps to curb any latent impulse toward the vigilante spirit. Such cooperation is basic to the entire tenant patrol concept. Members are advised from the very beginning that they are not expected to be policemen or to take police action. Their job is to act as a deterrent and to call the housing police should trouble develop or they observe anything of a suspicious nature.

The authority has not reduced police coverage where active patrols

exist. Rather than being employed as substitutes, the patrols assist the police by acting as eyes and ears for the officer on patrol.

Types of Operation

Many factors determine the type of operation the tenant patrol will institute at the individual development. Tenant willingness to volunteer will determine if a patrol is established or not. Local conditions will determine if the patrol will consist of lobby control, escort service, outside patrol, building patrol, or a combination of all four.

The most popular, lobby control, basically consists of tenants donating a certain number of hours a week, after determining the hours they feel the lobby should be covered. Tenants work in their own buildings, and when there are sufficient volunteers, the lobby is covered daily during the agreed upon hours.

Wherever feasible, a telephone jack is installed in the lobby, usually in a closed area or other space that can be secured when the patrol is not functioning. This provides the patrol members with a telephone readily at hand should the need arise to call the police. The lobby door is usually locked, and tenants enter by using their keys. Visitors to the building are required to inform the patrol members where they are going, and this may be verified by calling the tenant on the phone or escorting the visitor to the apartment.

Escort service usually involves volunteers remaining at a central location during specified evening hours, usually patrol headquarters, and escorting tenants to their apartments upon request. Any tenants entering the project and wishing to avail themselves of this free service simply stop at the patrol headquarters and request same.

Outside patrol, usually favored by youths, involves teams of from two to

five youths patrolling the project grounds and basement ramps. When requested to escort a tenant home, they will do so.

Building patrol is usually performed in conjunction with lobby control. A team of two or three tenant patrol members may check the building stairwells and upper floors while others remain in the lobby. The main purpose of the building patrol is to prevent vandalism and graffiti by resident children playing in the halls.

Developments with high-rise buildings have a large number of tenants and sizable lobbies. Consequently, they are better suited to a system of control by lobby attendants screening persons entering the building. Escort service, particularly for elderly tenants or unescorted females returning home from work late in the evening, may be more appropriate in developments having small buildings.

The age of participants available may also influence the type of patrol. An important, but unexpected, development was the extent of senior citizen participation. The tenant patrol apparently provided them with an opportunity to help themselves and their community while becoming involved in social contact with congenial neighbors having similar interests.

By August 1973, there were over 110 individual patrols composed of more than 11,000 volunteers. Although this figure tends to fluctuate, the prognosis for increased tenant participation seems good.

The self-sacrifice and dedication of the members of the tenant patrols have materially contributed to making the developments of the authority safer and more pleasant places to live.

Beautification Program

In conjunction with the increased tenant participation in tenant patrols,

and perhaps because of it, some interesting innovations are occurring in projects in various parts of the city. Tenants in many buildings having a tenant patrol have become involved in a program of beautifying their buildings in various individualistic and innovative ways. Tasteful use of bright paint, wallpaper, carpeting, chandelier-type bulbs, mirrors, framed pictures, and other "homey" touches have created interesting, cheerful, and unique effects.

The potential of this program has resulted in visits to some of the developments involved by interested persons from throughout the city and even from out of State. All of the cost and labor involved, with the possible exception of a contribution of paint and related materials, is absorbed by the tenants themselves.

The beautification appears to foster a feeling of pride in the tenants involved, as well as the tenants of the rest of the building. Consequently, those areas beautified by the tenants themselves suffer little or no vandalism.

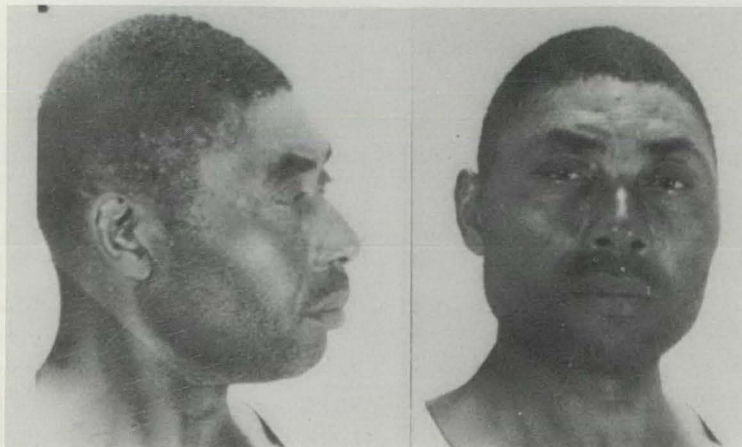
Needless to say, the tenant patrol unit and the project managers fully support and encourage this program.

Conclusion

In dealing with security in the high-rise developments of the New York City Housing Authority, often referred to as the world's largest landlord, it would be a serious omission to overlook the part played by the tenant patrol.

The dedication, unselfish concern for their community, and the valuable assistance rendered to the authority and the housing police department by the tenant patrol have reflected great credit upon them and gone a long way toward projecting a positive image of public housing tenants.

WANTED BY THE FBI



Photos taken 1970.



Right ring fingerprint.

THEODORE FREEMAN, also known as Eddie Lee Freeman

Interstate Flight—Murder

Theodore Freeman is being sought by the FBI for unlawful interstate flight to avoid prosecution for murder.

The Crime

On February 11, 1971, Freeman allegedly killed a man in Lufkin, Tex. A Federal warrant for Freeman's arrest was issued on February 18, 1971, at Tyler, Tex.

Description

Age ----- 50, born May 17, 1925, Milledgeville, Ga. (not supported by birth records).
Height ----- 6 feet 2 inches.
Weight ----- 185 pounds.
Build ----- Medium.

Hair ----- Black.
Eyes ----- Brown.
Complexion -- Dark.
Race ----- Negro.
Nationality -- American.
Occupations - Carpenter's helper, heavy equipment operator, laborer, paper factory worker, railroad worker, and light truck driver.

Remarks ---- He usually wears a thin mustache, has two gold-capped upper front teeth.

Scars and marks---- Cut scar right hand, burn scar left bicep; tattoo: "T.F." inner right forearm.

Social Security No. used.. 258-16-7613.
FBI No. ----- 987,086 B.

Fingerprint

classification:

10 S 1 Ut 12
S 1 Ut

NCIC classification:

10 04 TT 09 12 04 04 TT 13 11.

Caution

Freeman has been convicted of rape and abandonment. He reportedly has been armed with a 16-gauge shotgun and should be considered dangerous.

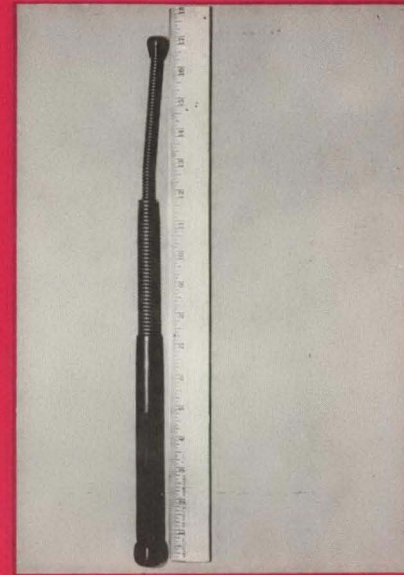
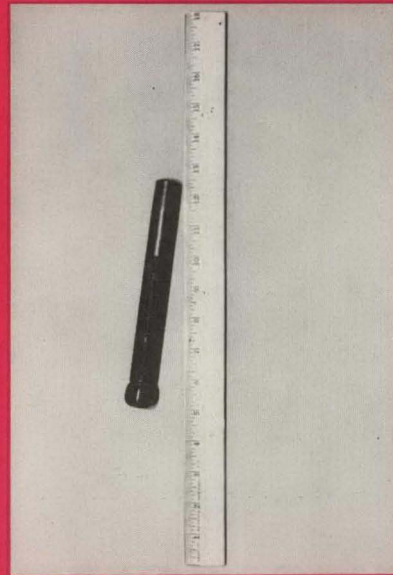
Notify the FBI

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

Not Short" from SAC, Battle (1-478)
2/24/75

DEADLY DANGER DOUBLES DEFTLY

The police department in Calgary, Alberta, Canada, recently recovered a black-jack-type device which can be easily concealed, yet instantly converted to a formidable hand weapon. Approximately 7 inches in length, the device can be extended to more than twice its original size, about 17 inches, by grasping the knobbed end in the palm of the hand and flicking the wrist. The inner part of the weapon springs out in two sections to form a flexible bludgeon of dangerous proportions. The weapon telescoped and extended is shown in the photographs below.



FOR CHANGE OF ADDRESS ONLY

(Not an Order Form)

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THIRD CLASS



INTERESTING PATTERN

The interesting pattern presented this month is classified as a double loop-type whorl with an inner tracing. The unusual position of the two loop formations makes it of particular interest.