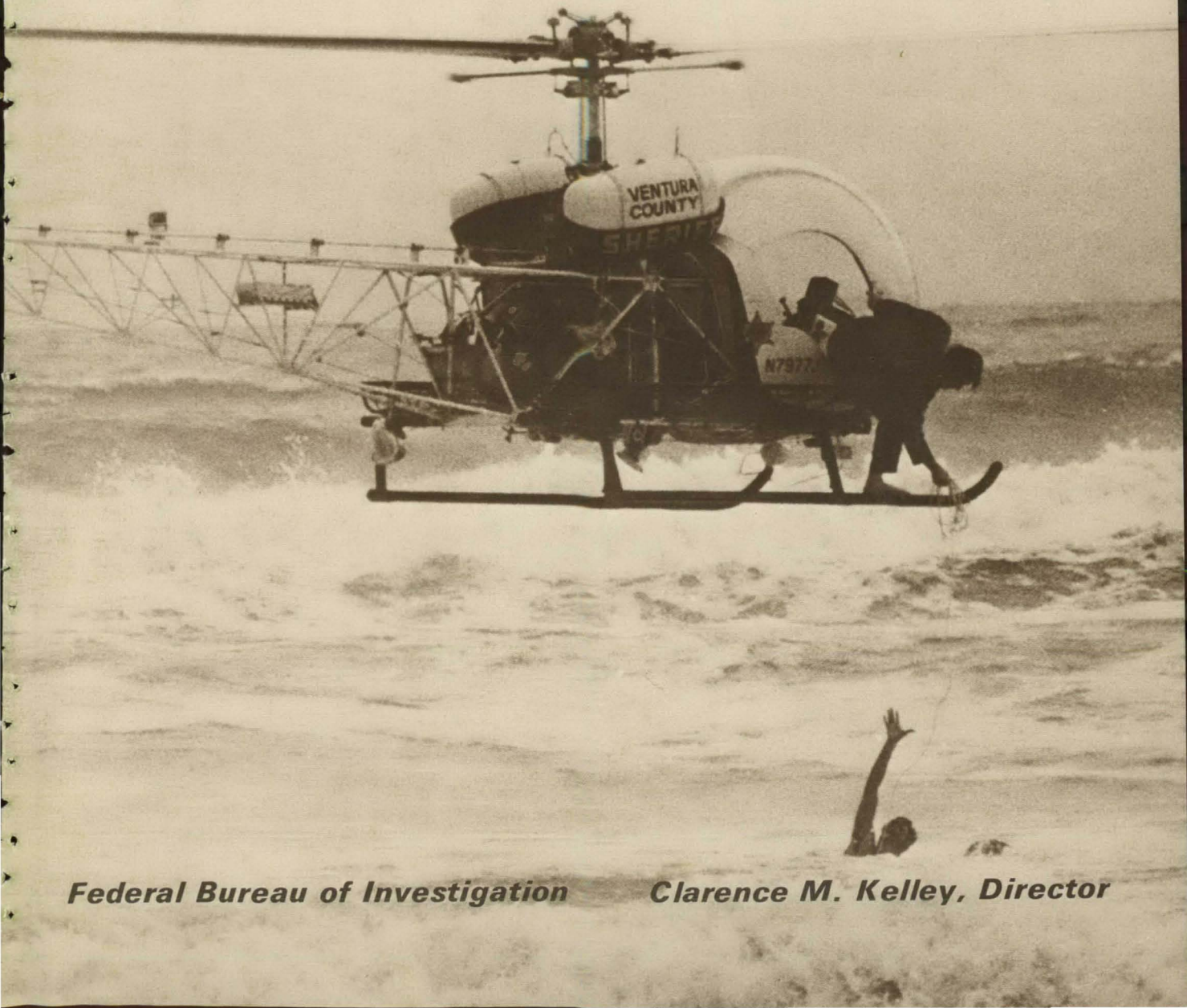


FBI

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JUNE 1974



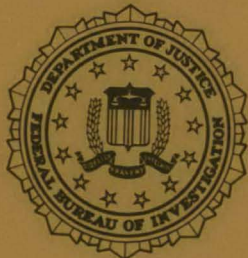
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Clarence M. Kelley, Director

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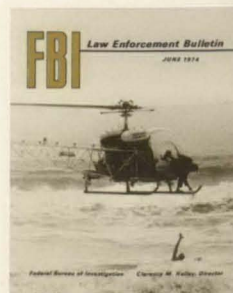
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THE COVER

Rescue operations, as dramatically shown in this month's cover photograph, are certainly among the most challenging law enforcement responsibilities. When a life is at stake, the very finest attributes of police professionalism are required. See related Message by Mr. Kelley on opposite page. Photo courtesy of Andy Klamser, Star Free Press, Ventura, Calif.



Message from the Director . . .



WHAT IS MEANT BY PROFESSIONALISM IN LAW ENFORCEMENT? This is a question which, it seems to me, deserves a clear answer.

Certainly, there is no more popular term today among law enforcement personnel. Professionalism is a word that is on the minds and lips of fellow officers wherever I meet and talk with them. I have often used it myself in recent months on these pages. This emphasis is good. Still, I wonder if there is mutual understanding when the word is spoken. The goal or the status or the level of performance that the word implies is much too important for any misunderstanding.

Professionalism is in the thoughts and conversations of law enforcement officers for a very good reason. The public's expectations of law enforcement performance are high, and our responsibilities are among the most challenging to be faced in our society. We earnestly want to measure up. In a word, it will take professionalism to do it.

Many qualities cultivate professionalism in law enforcement performance. Intelligence, dedication, courage, and humaneness are required of officers, who also must employ in the discharge of their duties the certainty of scientific procedures, the efficiency of technology, the knowledge that generates from cooperation, and the disciplines

of training. Moreover, to enforce the law also means that its spirit, not just its letter, be observed. Combined, these qualities quite simply enable us to be the best at what we do.

But, there is still one more quality of professionalism. It is by far the most important and brings all the others together in a meaningful manner. That quality is *integrity*. No law enforcement officer can be a professional without being honest. No officer deserves to serve the public unless he can be trusted. When all else fails, as even the best efforts sometimes will, it is the integrity of law enforcement performance that will shine through the darkest circumstances. Failure can be forgiven, but dishonesty cannot.

When we think or speak of professionalism in law enforcement, integrity should be foremost in our minds. This integrity rests with each officer in the profession. And, honesty alone is not good enough. If we tolerate corruption in others, we may ultimately become corrupt ourselves.

Professionalism for their departments is dearly and genuinely sought by the overwhelming majority of law enforcement officers. Its attainment must not be denied by a few. Where dishonesty and corruption exist in law enforcement, professionalism will not survive.


CLARENCE M. KELLEY
Director

JUNE 1, 1974



By
HON. JOSEPH F. O'NEILL
Police Commissioner
Philadelphia, Pa.

Intercepting Crime—

TAC II

THE ELECTRONIC STAKEOUT

When a merchant feels a gun poked in his ribs by a holdup man, his life changes. Fear for his personal safety and the safety of employees and customers takes precedence in his life.

Robbery is a terrible threat to the businessman, banker, or merchant. This fear drives businessmen to move, close down their businesses, or change to other occupations. Why? Because the fear of being a victim of a brutal robber is real, shared by employees and shopkeepers as well. In some areas of our large cities, it is virtually im-

possible to obtain qualified personnel to accept positions in businesses and offices susceptible to robbery and other crimes.

It is difficult to see the cash disappear from the register or to see longtime employees resign on the spot. It is dehumanizing to become the victim of brutal robbers wielding guns,

“... the greatest loss [from robbery] is the sense of security so precious to every citizen.”

knives, clubs, fists, or threatening longtime reprisals if reported to the police.

But the greatest loss is the sense of security so precious to every citizen. It can vanish with the words, “stick ’em up,” never to be replaced in a lifetime.

The seriousness of this fear and loss of security can be evaluated when we examine the last full-year’s Uniform Crime Reports issued by the FBI for 1972. These reports coldly and statistically reveal that during the period 1967–72 bank robbery went up 51 per-

"... if the ... usual method of stakeouts were employed, 40 highly trained policemen would be required to cover the robbery possibilities monitored by one Tac II system and police team of two men."

cent, robberies of gas stations rose 46 percent, chain store robbery mushroomed 138 percent, while general commercial house robbery has increased 57 percent. The little businessman has become a major victim in the arena of crime.

It is imperative that newer and better ways of protection against the crime of robbery must be developed and utilized by police.

In recent years, law enforcement has been relatively successful in combating street crimes, but robberies that occur inside banks or local stores continue to grow. Perhaps this is due to the buildings housing these establishments which tend to conceal overt criminal activity from notice by police and passers-by.

Stakeouts

Ten years ago, the Philadelphia Police Department tried to meet the challenge through widespread use of the old-fashioned stakeout. Police were secreted in banks, stores, and business houses which, as indicated by a study by experienced detective commanders of crime statistics and patterns, were possible robbery targets.

Sixty policemen, volunteers for this hazardous duty, were selected and trained. The unit was later increased to 123 men, with 2 men working and training together as a team.

These stakeout teams operated almost anonymously until December of 1966, when three men attempted to rob a bank in South Philadelphia. Unknown to the would-be robbers, the bank had been chosen as a stakeout location. Two officers who were experts with weapons had been secreted in the building awaiting just such an attempt at robbery to take place.

The robbery was not only thwarted, but when a gunfight broke out with the three bandits, they paid with their lives—victims of the firearms expertise of the stakeout squad. No bank personnel, customers, or police were injured.

This incident and several other successful stakeout encounters of police and holdup men, publicized by the press, began to have a discouraging effect on robbers contemplating a bank or store robbery in Philadelphia.

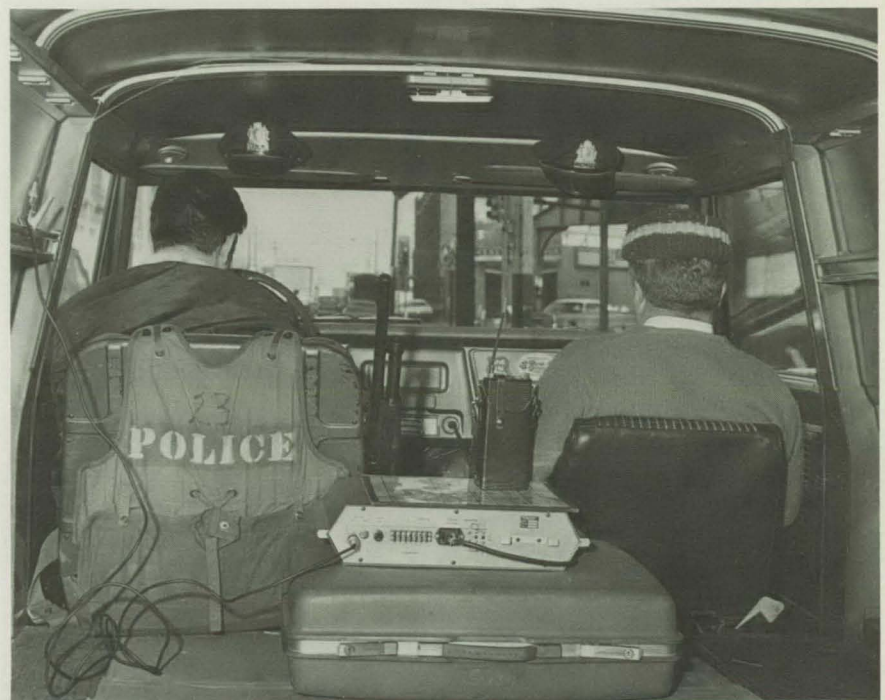
The business community and commercial houses realizing the value of stakeouts began to petition the police commissioner for the assignment of the police specialists to their stores and places of business. Limitation of personnel made it impossible to fulfill all of these requests. Consequently, the police command searched for a way to rush stakeout personnel to the

scenes of robberies and crimes, particularly, involving armed suspects. The answer to the increased requests seemed to lie in developing a mobile stakeout operation which could, at a moment's notice and around the clock, provide specially trained police personnel to the scenes of actual or potential robberies of businesses.

After several trial and error experiments, a specially constructed van-type truck containing emergency equipment was produced and assigned to each of the city's nine geographic police divisions. While on patrol, these mobile stakeout units were quickly informed by police radio of any crime or street situation requiring trained men and special equipment in the stakeout field.

"Man with gun," "holdup in progress," "barricaded man," or "someone firing at police" are commonplace

Two plainclothes policemen await Tac II signal in van-type truck sometimes used as a base station.



"Publicity highlighting the success of police stakeouts in business establishments increased the demand for coverage in all areas of the city."

messages on big city police radios. Mobile stakeouts are quickly dispatched to these scenes of robberies, shootings, and attacks on police as well as other crime scenes where a weapon is involved. Their availability, speed of response, as well as the specialized skills of the personnel, have paid great dividends in life and property for citizens and police alike.

Publicity highlighting the success of police stakeouts in business establishments increased the demand for coverage in all areas of the city.

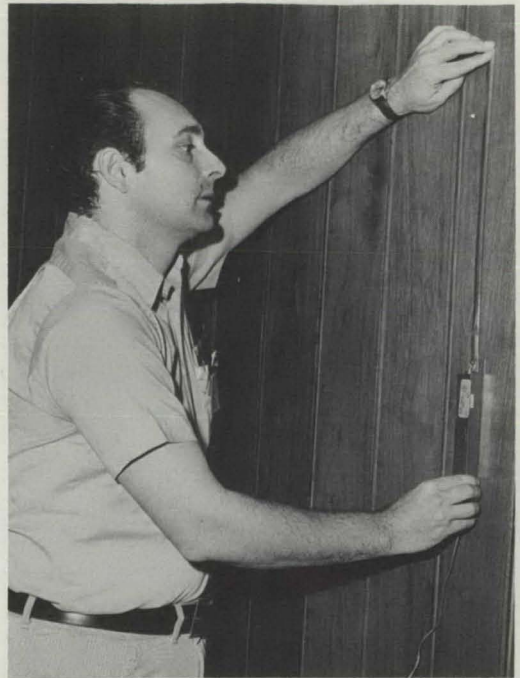
Tac II System

In order to meet a growing demand for this police service, in May 1971, a Law Enforcement Assistance Administration (LEAA) grant was awarded to the Philadelphia Police Department to broaden the capability of their stakeouts. Thus, Philadelphia's Tac II system was initiated, utilizing electronic expertise with police "know-how."

Tac II is basically a wireless alarm system. It is comprised of a base receiver with the capacity of receiving electronic radio signals from as many as 20 miniature transmitters. Each tiny transmitter is a sealed unit which can be activated by a variety of unobtrusive and concealed switches. Technically, the transmitter is equipped with a self-contained nicad battery, capable of 50 two-tone transmissions. Periods of 45 days can usually elapse before it is necessary to recharge the battery. This transmitter, which weighs 8 ounces, operates on a combination of two sequential audio tone modules.

With a base station, the system can enlarge stakeout coverage as much as

A policeman prepares to install Tac II transmitter in target location.



"To activate a Tac II unit, any action such as opening or closing windows or doors, lifting or removing paperweights, replacing pens in holders or money clips in cash registers can be arranged to trip the alarm."

Activation of the Tac II alarm to alert police is easily accomplished, in this case by the bank teller stepping on a pedal.



20 times. In other words, a bank or store in a high robbery hazard area is selected to house the base station receiver which is manned by two trained stakeout policemen.

A series of stores or businesses in the nearby area is then selected to have individual transmitters and activators placed in them. Selection is made on the probability of becoming a target for robbers, and as many as 17 locations in a single business district have been covered in Philadelphia. They range from banks, through men's shops, shoe stores, meat markets, real estate offices, and even short-order restaurants. A new sense of security is imparted to the proprietors and employees of these establishments. They know that the Tac II unit is on the job and ready to respond.

To activate a Tac II unit, any action such as opening or closing windows or doors, lifting or removing paperweights, replacing pens in holders or money clips in cash registers can be arranged to trip the alarm. At the base station, the stakeout men receive an audible signal followed 4

seconds later by a visible light on the receiver console when a transmitter is activated. The light indicates which location is in trouble, and within seconds, the two armed stakeout men respond. They rush to the nearby location often to arrest the robbers or assist the proprietor, if his problem is of another criminal nature.

The stakeout action is achieved quickly, efficiently, and effectively and is designed to apprehend criminals in the act of commission of a crime.

By use of this system, surveillances of potential criminal targets can be intensely concentrated within a quarter of a mile area, using only one two-man stakeout team. In special surveillances, the team can be increased to three or four men. In comparison, if the original and usual method of stakeouts were employed, 40 highly trained policemen would be required to cover the robbery possibilities monitored by one Tac II system and police team of two men.

In most cases, the stakeout team can approach the robbery scene before the

robber has any idea that an alarm has been activated, since no overt action on the part of the victim can be detected. The mere opening of a specific drawer or the lifting of an object can be the action that signals the robbery attempt to the stakeout team via the Tac II equipment.

When it isn't feasible to locate the base station at an inconspicuous location, a mobile truck or van is used. The truck is selected to blend into the community of the surveillance, and it has proven to be as effective as a store, for example, containing the base receiver and the monitoring police team.

Installation of a Tac II transmitter in a location can require from 30 minutes to several days, depending on the sophistication needed.

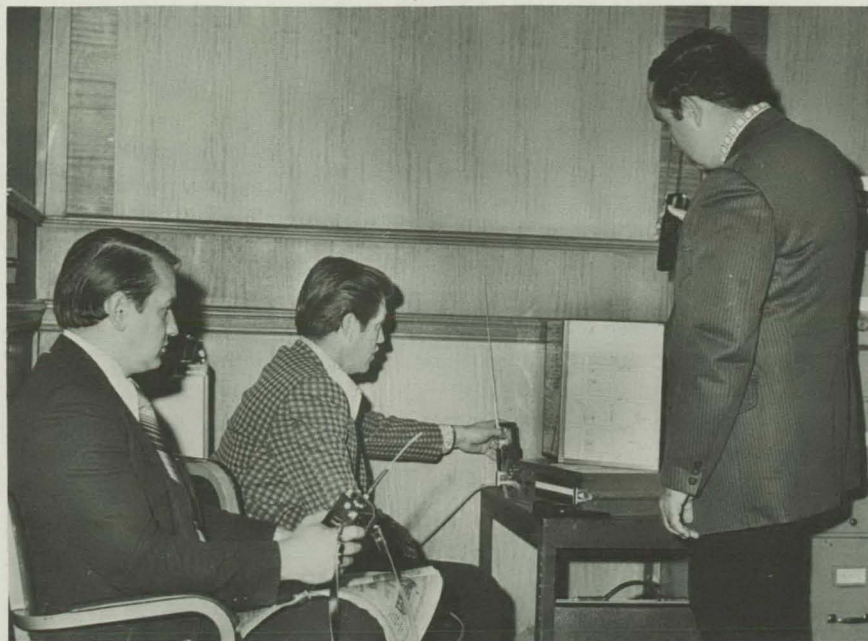
Every unit is tested on each tour of duty. This detailed inspection and maintenance procedure insures reliability of the equipment and installation.

The Stakeout Officer

Policemen volunteer for Tac II stakeout duty—it is a respected and coveted assignment that generates high morale. Many hours of training are given, and each volunteer must qualify as an expert in the use of many types of firearms. The men are also screened to uncover the qualities of patience, decisiveness, maturity, and courage needed in the assignment.

Certain traits are looked for in the candidate's character and personality. The ability to react quickly and responsibly in a tense and dangerous situation is one. Mature judgment is also a prime factor required of the stakeout policeman. He must have the ability to come quickly upon a situation, diagnose it in seconds, and determine the proper actions to be taken. Many Tac II locations are in crowded business areas, used daily by hundreds or thousands of shoppers,

Stakeout policemen check portable radio equipment with base Tac II station before assuming posts.



tradesmen, and professional people. When confronted by an armed and dangerous adversary, the stakeout policeman must be able to make a decision whether to use his weapon and which one to use. A mistake in judgment could cost the policeman his own life or cause serious injury or death to be inflicted on a passer-by, employee, customer, or proprietor.

Prior to assignment to the Tac II stakeout operation, the stakeout applicant must have extensive general police experience and possess the ability to absorb continuous specialized training. He must be dependable and above all patient. When finally selected, these men undergo highly specialized training at the police academy. The program highlights firearm safety, plus apprehension techniques that will least expose innocent persons, as well as police personnel, to harm. Regular firearms range practice is a necessity.

Solving a variety of practical problems that may develop is also on the training agenda. This is done best by acting out robbery apprehension situations. Additionally, the provisions of Pennsylvania's Penal Code are drilled into the policeman, and he must know them by rote. Before any of this training is given, all candidates must be certified in excellent physical condition and required to remain that way.

Locations and Equipment

One may wonder exactly how the stakeout locations are chosen. The business establishments for which the Tac II equipment and the special police stakeout team are utilized are selected by detective bureau crime experts. They pore over reams of crime reports entered hourly in the department's computer. Trends and patterns are discovered, critical areas are pinpointed, and Tac II stakeout operations are planned accordingly.

The appropriate detective field commander then interviews the manager

"Prior to assignment to the Tac II stakeout operation, the stakeout applicant must have extensive general police experience and possess the ability to absorb continuous specialized training."

or proprietor of selected Tac II locations. The information relative to the use of the equipment and the accompanying police operations is explained in detail.

After securing cooperation and permission from the owner or manager of the business, the planning stage is completed, and the Tac II operation begins.

Historically, Tac II equipment is a positive outgrowth of research for the military. It was developed originally for the U.S. Armed Forces. Later a complete set of this equipment was loaned to the Philadelphia Police Department by the manufacturer. They asked the department to determine if any productive use of the equipment could be found for law enforcement.

The equipment was installed in one of the city's banks, and within 2 hours, the activator was tripped and two bank robbers were arrested. Another promising police tool in the war against crime had, by this test, been enlisted.

The cost of the equipment varies with the sophistication desired and, ready for installation, can range from a nominal amount to thousands of dollars. Added to this are, of course, installation and manpower costs for operating and responding to the equipment. But on the positive side, the Tac II system can afford protection at many locations at approximately one-

"The equipment was installed in one of the city's banks, and within 2 hours, the activator was tripped and two bank robbers were arrested."


twentieth the manpower of a normal stakeout operation. That is a significant savings in police salaries to say nothing of the additional manpower it permits to service departmental responsibilities elsewhere.

At the present time, we have between 6 and 10 Tac II systems in operation each day, affording protection to over 70 business establishments in Philadelphia.

Since inception of the Tac II system, stakeout men with the aid of the Tac II equipment have arrested more than 40 suspects. Occasionally, Tac II alarms were activated for crimes other than an actual robbery, such as larceny or disorderly conduct. In 43 percent of all robberies in which a Tac II alarm was activated, stakeout personnel have cleared the case by arrest. In many cases, those arrests have led to the clearance of additional offenses.

A tribute to the expertise of the stakeout men is the fact that in all of these encounters with dangerous criminals, no civilian employee or police officer has been injured in a Tac II operation, although 11 of the offenders have been wounded by gunfire.

The methods of combating crime are changing and enlarging. The use of a sophisticated electronic system such as Tac II is a part of that change. Add trained, selected, and efficient police officers to this new system and inroads can be made in preventing or apprehending robbers. Publicizing the success of Tac II serves as a deterrent. Many would-be holdup men hesitate to operate in the business district, knowing they may become the victim rather than the victor of their own criminal conspiracy.

Does Tac II help? Draw your own conclusion. In 1973, Philadelphia's robbery count decreased by 15 percent. A fair portion of the decrease might well be attributed to the alert and productive Tac II system that deters as well as apprehends. 

Solution of bicycle theft crimes gives the police an opportunity to develop a favorable impression among a most important segment of our population—youth.

Bicycle Theft— A Serious Crime

By
LT. ROBERT H. FRAILING
Patrol Division
Police Department
Appleton, Wis.



A small boy walked into the police station and tearfully reported to the desk sergeant that someone had just stolen his new 10-speed bicycle. This was a bicycle that he had purchased with money he had worked for and saved for 3 years.

This is a story that has been told numerous times in many police stations across America. Bicycle theft by itself is probably not a great crime when compared to rape, murder, or bank robbery; but to the many children who are the victims of this crime, it is a very traumatic event. And, we know how impressionable youth tend to be. This is often their first contact with the police. We could and should be of some constructive help, not only because theft is a crime but because

the police are given an opportunity to develop a favorable impression among a most important segment of our population—youth.

The crime of bicycle theft is becoming a more serious problem each year for the police. When one considers the monetary value of this type of theft, it is indeed a serious problem. It is no longer possible to buy a new bicycle for \$25 or \$30, as the average price of a 10-speed bicycle is about \$125, and even the regular 1-speed bike is valued at \$50 or \$60. When you consider the dollar value of 513 bicycles, which is the average number of reported thefts per year in the city of Appleton, Wis., during the last 4 years, one can see that it is a problem well worthy of effort. A check with one insurance agent revealed that his company paid more than \$600 in claims during the year 1972 for losses that he alone submitted.

How does one cope with this type of theft?

This was a question that was asked many times by the administration of the Appleton Police Department. The question was brought before a staff meeting to try to find the solution. Each day the question was unanswered, the number of thefts grew. Bikes were being taken from garages and porches, and even a stout chain did not seem to protect children from the theft of their bicycles.

A Three-Part Answer

Our department, like most police departments, does not have enough officers to put one at each park swim-



Chief E. O. Wolff

ming pool or playground in the city, which are the greatest trouble areas, to say nothing about the bicycle racks at schools and on the streets in the downtown area.

After much discussion about the bicycle theft problem, the staff concluded that a three-part program might help to bring this crime under control. The three parts of this program, publicity, education, and enforcement, are discussed below.

- **Publicity.** Initially there was a need to inform the residents of our city about the seriousness of the bicycle theft problem. A staff writer for a local newspaper wrote an indepth story about the problem, showing how we hoped to bring it under control. As the result of this story, the public began to take an interest in the bicycle theft problem. They began calling the police station asking how they could help and making reports on bikes found in unusual places with no apparent owners near them.

- **Education.** The Appleton Police Department's Traffic Division came up with an effective educational program for the school system. They gave an officer the task of going to all of the schools in the city and talking to all of the children about bicycle safety and the importance of registering their bicycles with the police department so they would have proof of

ownership and a way to identify owners of recovered bicycles. In addition, the school children were also instructed on the importance of locking their bikes when not in use to protect them from theft.

Part of this problem was solved by making it easier for bicycle owners to register their bikes. In the past all bicycle owners had to bring their bikes to the police station where they would be checked for safe operation, then registered. This proved to be a very large task for the police department and a great inconvenience to the owners. Common complaints included that it took so much time and it wasn't safe for small children to bring their bikes downtown.

The Appleton Fire Department got into the act when a meeting was held with the fire chief who, after he understood the size of our problem, agreed to give us a hand. The fire department and the Traffic Division worked out a plan to register bicycles at each of the four neighborhood fire stations. Bicycle owners can now go to their

"Bicycle owners can now go to their neighborhood fire station where their bikes are checked for safety and registered."

neighborhood fire station where their bikes are checked for safety and registered. This makes it much safer for small children and is a great saving of time and worry to their parents. The fire department has set up a time schedule when firefighters are available to register bikes. Another obvious advantage is a great saving in time to the police department which no longer has the sole task of registering the many thousands of bicycles.

- **Enforcement.** The biggest task of all proved to be effective enforcement. Once again the staff called upon the Traffic Division to come up with an effective enforcement program. They felt that this job could be handled best if it was assigned to one officer who would be responsible for coordinating all bike theft complaints,

At one of the neighborhood fire stations, firefighters check bicycles for safety and then register them.





These boys, reporting a stolen bicycle, come into contact with police for the first time.

investigations, and followups of them, including court dispositions.

The original task appeared to be to find the one officer who would be interested in taking on this job and who would be able to work without step-by-step direction. Officer William Steward was picked for the job and began by compiling a list of all bicycle complaints, listing them by serial number and complaint number on a bicycle hot sheet, which was given to all of the police officers, bicycle repair shops, and junior high schools, as well as police departments in the surrounding area. A system of monitoring bicycle racks at the junior high schools was instituted, wherein all bikes were checked for serial numbers and then checked against the hot sheet. Stolen bicycles began to show up. Each time a "hot" bike was found at a school, the area was closely monitored by Officer Steward or one of the other patrolmen. Ten stolen bicycles were recovered by this system.

The juvenile officer started to assist Officer Steward, who was beginning to catch more bike thieves than he had time to process. Before long the

"A system of monitoring bicycle racks at the junior high schools was instituted, wherein all bikes were checked for serial numbers and then checked against the hot sheet. Stolen bicycles began to show up."

enthusiasm of Officer Steward caught on, and officers who had been passing bicycles without question began checking them for serial numbers when they saw them on the street.

Two hundred and twenty-seven bikes were recovered by the police department in a recent 5-month period, many more than ever had been recovered before. Eighty-five percent of the bicycles were the more expensive 10-speed bikes.

With the help of the Fox Valley Technical Institute, the Appleton Police Department's Identification Bureau was able to restore serial numbers chemically which had been filed off by the thieves. When the serial numbers were restored, they were photographed as the chemical reproduction is only visible for a short period of time. These photos were presented as evidence in court and found to be acceptable evidence of identity.

There have been 15 convictions on bike theft charges, most of which were for the theft of more than one bicycle. Children who were involved in the theft of only one bike and had good records were reprimanded and released upon payment in restitution for the damage done to the bikes, or in



Officer William Steward checks serial numbers on bicycles in a downtown area.

"Like bicycle sales, the theft of bicycles is becoming a big business."

piles of parts which were recovered from people who admitted their theft, but there is no court action pending because we cannot identify the equipment with theft complaints registered with our department.

Officer Steward and the Detective Division also uncovered quite a number of other types of theft and instances of drug abuse as the result of these bicycle investigations.

Conclusion

Like bicycle sales, the theft of bicycles is becoming a big business. Bikes are being stolen in one city and sold in other cities for profit. It has also been found that false stolen bicycle reports have been filed in attempts to defraud insurance companies.

The city of Appleton Police Department registered 17,000 bicycles in 1972, and we expect to register 20,000 by the end of 1974. All 3-, 5-, and 10-speed bikes stolen in Fox Valley are now entered in computerized telecommunications networks, and they can be identified very quickly if they have been registered and a stolen complaint made out. We also have a complete list of all bicycle serial numbers on the Lawrence University campus as many are stolen from that area.

This year we will try to educate the people as to the importance of bicycle registration, stressing that they will not be able to get licenses for their bikes unless they have proof of ownership, such as a registration slip or a sales slip from a dealer in the case of a new bicycle.

Vigorous investigation of bicycle thefts has proved to be a productive accomplishment and a positive image builder for the police among youth. ®



Chief Wolff inspects recovered bicycles.

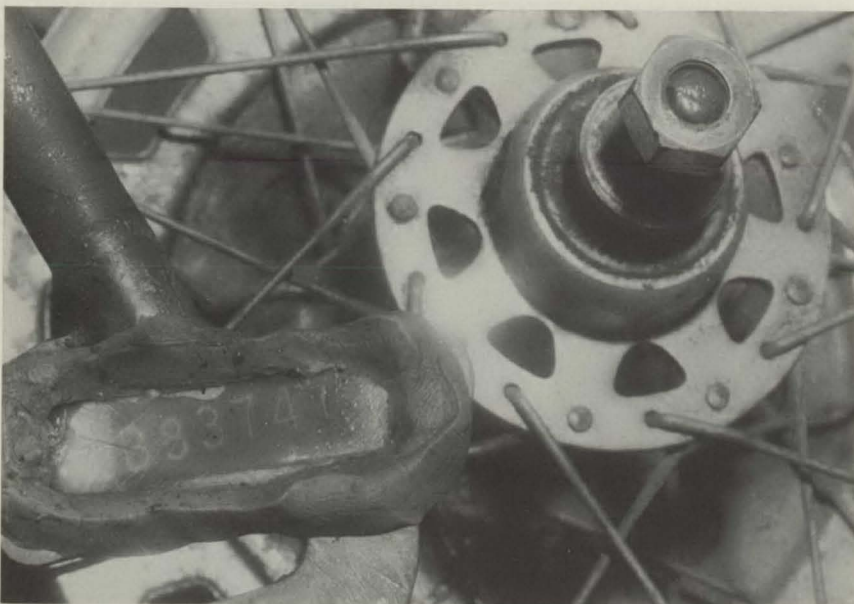
some cases, upon replacement of the stolen bike with one of similar value.

The number of bicycles recovered does not include 57 bicycles recovered in Appleton for other cities in our area and as far away as Shawano, which is 43 miles from Appleton. It also does not include 20 bikes stolen

by a theft ring of three boys who, like professional auto thieves, were changing the appearance of the bikes and selling them for profit. This complaint was cleared by the Juvenile Section under the Detective Division.

The Appleton Police Department still has 55 bicycles and two very large

A chemically restored serial number which had been filed off.



A Growing Trend in the City of Miami—

Female Officers in the Department

"Crime makes no distinction between sexes, and neither should law enforcement in its efforts to combat it."



By

BERNARD L. GARMIRE

**Chief of Police
Miami, Fla.**

Helping a lost and bewildered child is one of this officer's more pleasant duties.



It doesn't take a hardcore crime fighter to deal with 80 percent of our calls. But it does take people with compassion, empathy, and ability. Women meet all these requirements—and I am now finding that they are good crime fighters as well.

The Miami Police Department, considered a pioneer nationally in the use of female police officers, has continued to expand the number and the role of women officers on the force since the early 1970's. Under my direction, the number of females in the department has grown from 9 in 1971 to almost 30 in early 1974.

The role of women in uniform, additionally, has also expanded in the past several years. Police women previously had only been utilized in such specialized units as vice, criminal investigation, and traffic control in the downtown Miami area. In uniform, women working the traffic assignment "walked a beat" alone during the day shift only. By 1972, I had determined that women had proved effective in all types of police work, and in certain

"Today, female officers perform the same duties and work in the same areas as male officers."

situations they were more effective than men. Today, female officers perform the same duties and work in the same areas as male officers.

Immediately after graduating from the Southeast Florida Institute of Criminal Justice, both men and women officers in Miami ride with a field training officer who is responsible for the field training and evaluation of probationary officers. At the present time, approximately 30 female officers and one female sergeant serve throughout the department.

Criminal Investigation Section

The criminal investigation section was one of the first sections to use females. Women officers are often considered necessities in the specialized units of homicide and juvenile. The officer in homicide works mainly on the street and handles the same cases and investigations as male detectives. The officers in missing persons and criminal information, along with the female sergeant in the section, currently are assigned in the office.

Strategic Information Section

The specialized units of the strategic information section (SIS), which investigates various forms of vice activities, subversive and terrorist groups, and organized crime activities, also employ several female officers in exclusively undercover details. Back in 1972, the commander of the SIS wrote that "the female police officer plays a very important role in these activities. We have been able to accomplish our mission on any number of occasions only after female investigators were assigned the task." It might also be



A subject is apprehended by officers in downtown Miami.

noted that women officers are borrowed from other units on occasion to assist this section on special assignments.

In August 1973, for example, the narcotic and vice unit began a coordinated attack against the problem of prostitution along Biscayne Boulevard in Miami. When the traditional method of direct enforcement pressure on the prostitutes failed, another dimension to the enforcement of prostitution statutes was added. Undercover police women were stationed on the boulevard, and the men who propositioned them were arrested and charged with "soliciting for prostitution."

Community Relations Section

For the first time, female police officers were assigned to two of the three units in the community relations section in 1973. A male and female school resource officer team has been introduced at the city's largest high school, producing positive results in only a few months. It has been shown

that the girls, in particular, relate more freely to a female officer than a male. During summer sessions, the female school resource officer conducts her own programs alone in the city parks, while encountering little resistance from young males.

A second female officer, who is assigned alone at a junior high school, was selected for the unit in late 1973, and it is anticipated that the number of women officers in the school resource unit will be increased in coming years. Miami's successful school resource unit, aimed at preventing juvenile delinquency, also promotes a more positive concept of the police and develops a better understanding of the law enforcement function among students and parents.

The female public information officer works primarily with the news media, releasing and researching newsworthy information. In addition, she participates with other members of the unit in conducting tours of the station and in presenting talks to local civic groups and clubs. She is particu-

larly in demand for speeches on self-protection for women.

Traffic Section

Police women have worked out successfully in traffic, both in traffic control in the downtown area and as investigators in the accident unit. Point control officers, on shifts ranging from 7 to 1 a.m., "walk a beat" in the downtown area. Working alone, they handle all calls and traffic problems that occur on their "beat." The female members of the accident investigation unit, who ride alone in all areas of the city, are responsible for traffic accidents, along with patrol functions when other units are unavailable. All traffic section personnel are equipped with portable radios. Statistics show that there have been no serious injuries involving female officers assigned to the units. The police women have also been well accepted by the public, and the number of persons resisting arrest by the females is the same as for male officers.

Patrol Section

Again setting a pace for the country, the city of Miami appointed the first female sergeant to command a patrol sector in July 1971. The sergeant, who recently received her law degree and took her Florida bar exam, commanded a group of 6 to 10 men in a sector composed of a mixture of ethnic groups, before taking over as assistant city attorney. In addition, as an advocate of slacks instead of skirts for women officers working on the streets, she helped bring about a change in the departmental uniform regulations. Female officers now wear slacks on duty.

In another apparent "first" in the country, the first female officer was also assigned to Miami's three-wheeler unit in 1973. This unit, which

Officers practice shooting at the department's pistol range.



is a prerequisite to riding the motorcycle detail, basically patrols the business districts in the city and performs patrol functions. Providing close, yet mobile police contacts, the three-wheelers play an ever-increasing role in our attempts to maintain a positive image of the Miami Police Department.


Many of the other women police officers assigned to the patrol section ride in one-man units, except in zones which require a two-man car.

Female officers, at this time, are riding alone in Miami's high crime areas, and they receive all the calls in their zone, regardless of the type of call. In addition, women officers receive no favoritism when backup cars are involved. These cars are sent only on request or on the signals that always require a backup car.

As in the traffic section, there have been no serious injuries of women reported in patrol and the rate of resisting arrest by female officers is again negligible. Few, if any, complaints have been received about police women in patrol being dis-

courteous, using abusive language, obstructing civil rights, or using too much force.

With this "women in patrol" concept, the first females have been assigned to the midnight shift since the beginning of 1973. There are currently two female officers working the shift and riding their particular zones alone. During the first 6 months of last year, one female officer riding by herself recorded 7 felony arrests and 55 misdemeanor arrests. For the month of August alone, she and her partner received commendations for their outstanding performance of 8 felony arrests, 5 felony assists, and 16 misdemeanor arrests. Again in November, another women officer was nominated for the department's "Most Outstanding Officer" citation, based on her impressive record of 13 felony and 23 misdemeanor arrests while riding alone on the midnight shift.

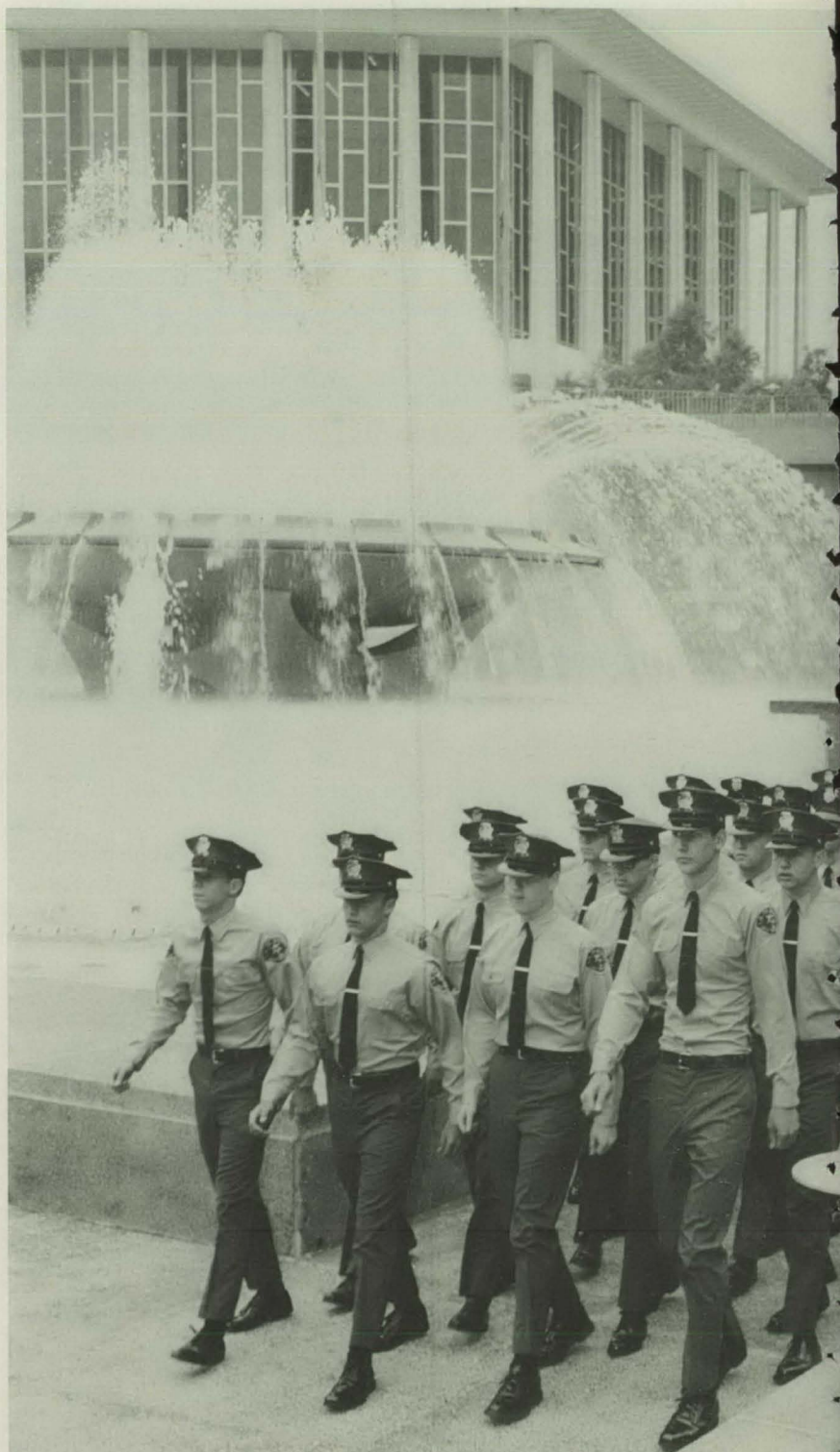
In summary, the use of female officers has proved effective in all phases of police work in the city of Miami, and women officers have been well accepted by their male counterparts and by the public. It might also be noted that the classification of "police-woman" has been eliminated; all female and male sworn personnel are now classified as "police officers." Crime makes no distinction between sexes, and neither should law enforcement in its efforts to combat it. 

"Female officers . . . are riding alone in Miami's high crime areas, and they receive all the calls in their zone, regardless of the type. . . ."

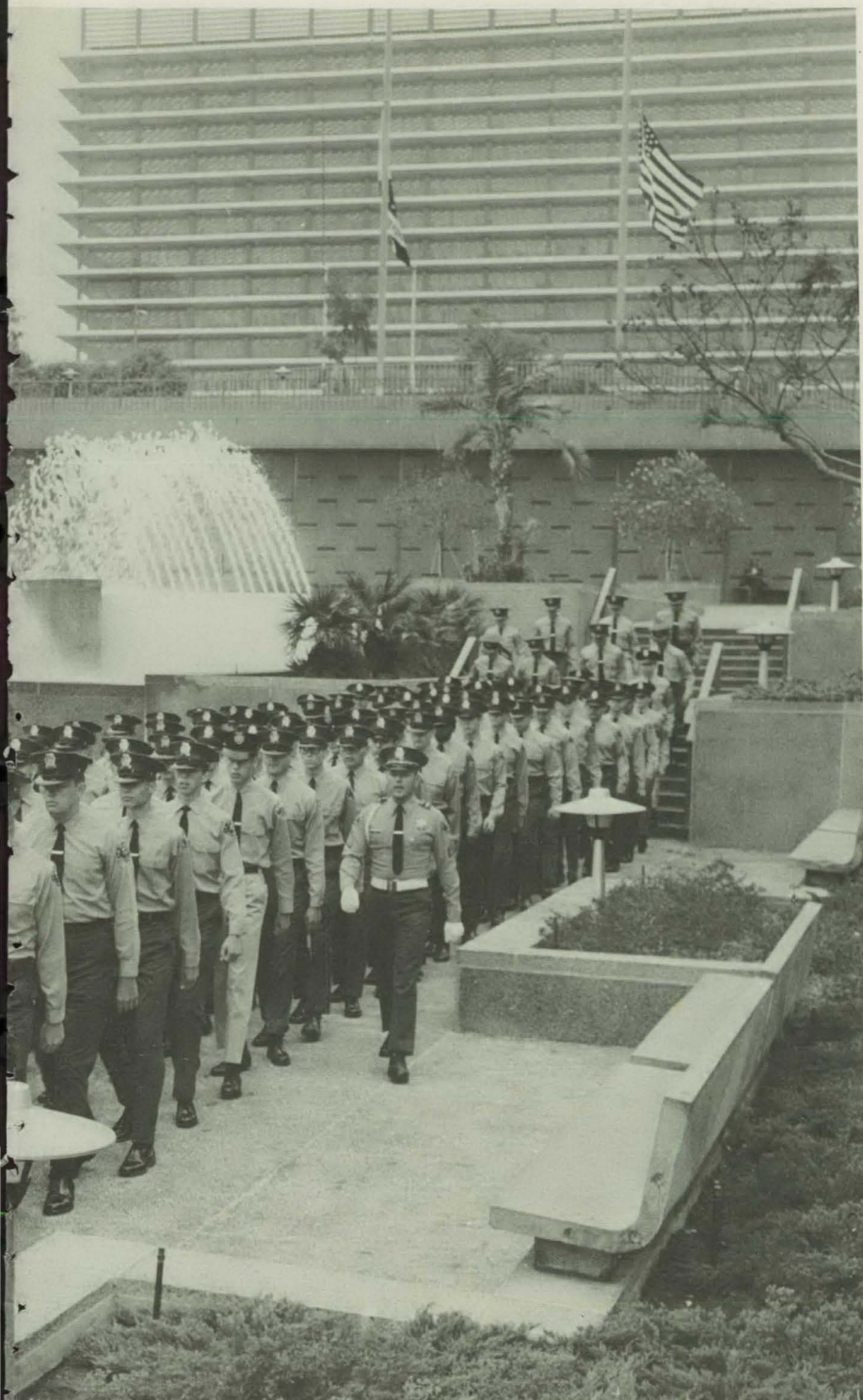
Learning the Ropes . . .

*"Deputy explorers . . .
have made significant
contributions to the overall
operation of the
sheriff's department and
to the communities in
which . . . [they]
have served."*

Academy graduation
parade drill.



Exploring



In an added effort to ameliorate the gulf of misunderstanding between police and the youth of today, young adults were invited to become actively involved with the Los Angeles County Sheriff's Department by joining the Law Enforcement Explorer Post (LEEP) program. This initial appeal in 1969 was the impetus for what is today an active and productive organization serving its members while providing them with the opportunity to serve.

LEEP is a sheriff's department youth organization which is affiliated with a special interest phase of the Boy Scouts of America. Although its primary purpose is to prepare young men and women to take their places in the ever-expanding and technical field of law enforcement, the program also provides the sheriff's department with additional human resources while it opens an avenue of understanding with an energetic, concerned society of young people.

By

PETER J. PITCHESS

Sheriff

**Los Angeles County Sheriff's
Department
Los Angeles, Calif.**



Law Enforcement

"The explorer program affords an opportunity for many young men and women to determine, through actual experience, if they should pursue a career in law enforcement. . . ."

Opportunities and Qualifications

The explorer program affords an opportunity for many young men and women to determine, through actual experience, if they should pursue a career in law enforcement as adults. The program also serves as a recruitment device in that it introduces a large number of young people to the career opportunities available within the sheriff's department. As a community relations program, it provides a channel of communication between teenage youth on the one hand and law enforcement personnel on the other and greatly increases the level of understanding between the two. The program also makes available to the department and to the community a wealth of trained and capable individuals who are willing and able to assist in the performance of many routine and nonhazardous police tasks.

To qualify for the position of deputy explorer, a young man or woman must be between 15½ and 21 years of age. He or she must have at least a "C" average scholastically and a good citizenship record in school, must not have a continuing or serious arrest record, and must meet the same basic physical requirements as a deputy sheriff. However, the primary deciding factor for acceptance into the law enforcement explorer program is whether or not the applicant is a mature young person genuinely concerned about the problems within the community and whether or not he possesses a sincere desire to explore the field of law enforcement.

Deputy explorers are completely insured while in training and on duty, however, they are not compensated for the duties they perform. Usually, new

recruits are expected to furnish their own uniforms and equipment, but special considerations are arranged for those who cannot afford the initial expense.

Recruit deputy explorers are accepted into the program continuously during the year and are allowed to participate in post activities on a limited basis until they have had the opportunity to attend the Sheriff's Explorer Academy. The academy is staffed by off-duty deputy sheriff personnel who possess teaching credentials issued in accordance with the California State Education Code.

Training

Conducted at the Los Angeles County Sheriff's Training Academy, the explorer academy training program consists of 182 hours of instruction given on 18 consecutive Saturdays. The training program is conducted twice a year and runs concurrently with the regular school semester. The curriculum includes instruction in 38 law enforcement related subjects such as administration of justice, history of law enforcement, community relations, criminal law, narcotics and dangerous drugs, juvenile procedures, patrol procedures, firearms safety, first aid, and traffic control. Additionally, a portion of each day is devoted to physical fitness training and participation in competitive sports.

A typical Saturday at the academy finds the deputy explorer cadets arriving at 7:15 a.m. At 7:30 a.m., formation is called at which time flag raising ceremonies and a brief inspection are held. The cadets then report to their classroom where the first order of business is the administration of a

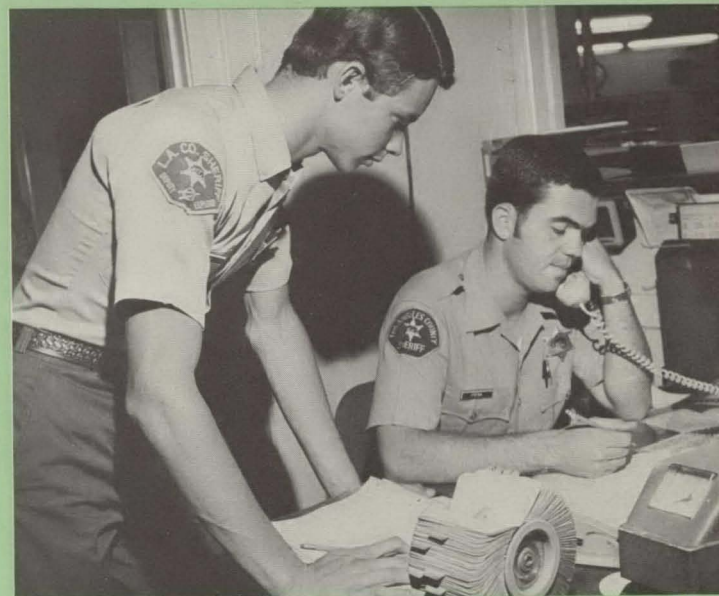
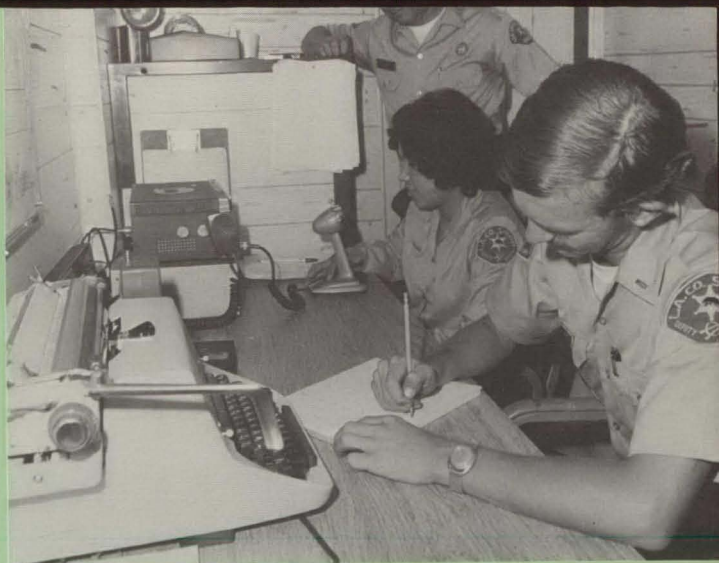
test on the preceding week's lectures and a spelling test covering a previously distributed list of words. The day's course of instruction, which consists of five 50-minute periods with a 30-minute break for lunch, then begins. The last 2 hours of the day are devoted to physical fitness training and organized competitive sports.

Upon graduation from the academy, deputy explorers receive a basic first aid card and the National Rifle Association's Hunter Safety Certificate as well as 10 units of high school credit. In some cases, cadets are able to earn college credits by participating in postgraduation academy programs.

Assignments and Responsibilities

Following their graduation, deputy explorers are assigned to work at the sheriff's stations closest to their homes where they become involved in many community and station activities. They are given the responsibility for bicycle licensing and for writing bicycle theft and recovery reports. Deputy explorers also fingerprint applicants for various positions which require State licensing and take written reports from citizens who come to the station. In addition, they conduct station tours, maintain pin maps, copy and file reports, prepare statistical computations, and perform many of the routine station duties required of a deputy sheriff.

Working within the community, deputy explorers perform such functions as assisting at parades and other civic affairs by providing traffic direction and crowd control. They have also proven to be most effective in conducting saturation searches for missing children and for physical evidence. They make door-to-door con-



Deputy Explorers participate in all phases of law enforcement work, including helicopter patrol (above), staffing mobile communication center (top right), complaint desk duties (right), and inspection before graduation (below).



tacts for anticrime campaigns and serve as color guards at various formal ceremonies.

Additionally, deputy explorers are allowed to participate as observers in the department's ride-along program. This program was developed to permit members of the community to spend an 8-hour shift with a deputy sheriff in a radio car while on patrol. The deputy explorers, when participating as observers, ride in uniform and are permitted to write some reports, maintain the car activity log, and handle radio communications. In case of difficulty, however, the deputy explorers are expected to remain with the radio car and avoid exposing themselves to excessive danger.

Each of the 15 sheriff's stations located throughout Los Angeles County has a chartered explorer post administered by a deputy sheriff post advisor. Deputy explorers, providing they have had at least 1 year's experience at a station post, may be assigned to the explorer academy post to assist the training staff as an assistant drill instructor. A headquarters explorer post specializing in scuba diving provides interested deputy explorers the opportunity both to learn to scuba dive and to engage in frequent practice sessions.

Advanced Training

Opportunities for advanced training and promotions in the Law Enforcement Explorer Post program are extensive. With the recommendation of the post advisor, a deputy explorer may make application to attend the Senior Deputy Explorer Training Program. This program, soon to be implemented and scheduled once a year, will be an abbreviated and intensive course providing additional training in search and rescue operations. This course is being offered through the cooperative efforts of the Los Angeles County Sheriff's Department. Deputy

explorers applying for this advanced training must have at least 1 year of experience at a station post. Upon completion of the course, each deputy explorer will receive an advanced first aid certificate and an additional five units of high school credit.

A second program, the Leadership School, is currently held twice a year and, like the Senior Deputy Explorer Training Program, requires the recommendation of the post advisor. This recommendation, however, is based essentially on the potential leadership qualities of the individual deputy explorer. This school, a weekend-away-from-home training seminar, encompasses a brief course in leadership responsibility and is designed to prepare the participant for advancement in rank.

Program Success

The Los Angeles County Sheriff's Department Law Enforcement Explorer Post program has proven to be an extremely worthwhile and highly successful undertaking. In the 4 years since its inception, approximately 1,000 explorers have graduated from the academy. This figure includes not only deputy explorers, but explorers from 11 participating Los Angeles County police departments which

utilize the Sheriff's Department Explorer Academy.

Recently, the Los Angeles County Sheriff's Department graduated its first deputy explorer to the ranks of deputy sheriff. Several other deputy explorers, although not yet appointed, have been accepted for the position of deputy sheriff. Other deputy explorers, not yet having reached the age of 21, have been hired by police departments having police cadet programs.

Deputy explorers have provided in excess of 150,000 man-hours of work to the sheriff's stations throughout Los Angeles County and have made significant contributions to the overall operation of the sheriff's department and to the communities in which the deputy explorers have served. Additionally, and of even greater value, the program has created new inroads of understanding between the youth, the police, and the general citizenry of Los Angeles County.

Our department believes that the youth who have joined the Law Enforcement Explorer Post program are not just talkers, but doers. They have become involved in taking a constructive stand in combating crime, reducing public apathy to lawlessness, and honoring the rule of law. We are proud of them and proud of the many contributions they have made.

*Bates to Gebhardt Memo, 3/1/74, Crime ABOARD Aircraft
Aircraft Hijacking Statistics, Figures updated per call to
Flanders 4/9/74*

AIRCRAFT HIJACKINGS

The following record of actual and attempted hijackings of United States registered aircraft from January 1, 1969, through April 9, 1974,* and the percentage of attempts that succeeded represents a most welcome trend in this most serious crime:

Year	Actual and attempted	Successful	Percentage successful
1969	39	33	87
1970	26	19	73
1971	27	11	41
1972	35	10	29
1973	3	1	33
1974*	2	0	0

An Increase in Interest

By

INSP. CHARLES A. DONELAN

Federal Bureau of Investigation
Washington, D.C.

IV. Developments Since the Donnelly Case

Down to the dissenting opinion of Mr. Justice Holmes in *Donnelly*, the doctrine of the *Sussex Peerage* case dominated the law in this country.¹¹ But it is noted that in Texas, 5 years prior to the *Donnelly* case in a decision where no reference was made to the doctrine, the Court of Criminal Appeals engrafted an exception upon the rule that the confession of a third party is mere hearsay and not admissible as evidence in the accused's favor.¹² Under this Texas qualification the controlling rule appears to be that the declaration of a third party admitting his guilt of the crime for

which the accused is on trial is admissible when the State is relying solely upon circumstantial evidence, when the guilt of such party is inconsistent with the guilt of the accused, and when the facts show that such a party was so situated that he might have committed the crime.¹³

In the years since *Donnelly*, the courts of a small number of States have relaxed the rule excluding declarations against penal interest—either in particular situations or generally; a few States have enacted statutes admitting such declarations in evidence; and prestigious legal societies have proposed rules approving their admissibility.¹⁴ Illustrative of this change in viewpoint are the developments discussed below, set out in chronological order.

PART II

"It would be absurd and shocking to all sense of justice to . . . prevent one accused of crime from showing that another person was the real culprit merely because the other person was deceased, insane, or outside the jurisdiction."

The
Legal



Digest

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.

In 1923, 10 years after *Donnelly*, in a murder case where circumstantial evidence pointed both to the accused and to a deceased third party as the killer, the Supreme Court of Appeals of Virginia held that evidence of a confession made by the third party was admissible upon the trial of the accused.¹⁵

In 1942, the American Law Institute in its Model Code of Evidence recommended a rule on the Declaration against Interest providing for a declaration against penal interest. This rule reads in part:

"A declaration is against the interest of a declarant if the judge finds that the fact asserted in the declaration was at the time of the declaration so far contrary to the declarant's pecuniary or proprietary interest or so far subjected him to . . . *criminal liability* . . . that a reasonable man in his position would not have made the declaration unless he believed it to be true." [Emphasis added.]¹⁶

In 1952, the Supreme Court of Illinois held in a murder case that the trial judge was in error when he refused to admit the testimony of a witness to the effect that a third party had confessed to him that he had committed the crime charged against the accused.¹⁷

In reaching this decision, the court said that the general rule excluding third-party confessions is sound and practical because their general admission could seriously handicap the administration of justice in tempting everyone accused of crime to introduce perjured testimony that an unavailable third person had declared that he, and not the accused, had committed the crime. The rule should not be departed from except in cases where it is obvious that justice demands a departure, the court stated, but this was such a case for the trial judge was confronted with a situation where not

a scintilla of evidence connected the accused with the crime except his own repudiated confession. It would be absurd and shocking to all sense of justice to indiscriminately apply the general rule and prevent one accused of crime from showing that another person was the real culprit merely because the other person was deceased, insane, or outside the jurisdiction. The court declared:

"Where the State is relying solely upon the repudiated confession of the defendant, and that confession in material respects does not conform to the known facts, it seems that justice requires that the jury consider every circumstance which reflects upon the reliability of that confession, and a confession of a third person that he perpetrated the offense is such a circumstance."

The Uniform Rules of Evidence, drafted by the National Conference of Commissioners on Uniform State Laws and approved at its Annual Conference in 1953, includes provision for a statement against penal interest under its "Declarations Against Interest" exception to the hearsay rule. The wording of this recommended rule is practically identical with that of the provision on the declaration against penal interest in the Model Code of Evidence.¹⁸

The Kansas Code of Civil Procedure of 1963 codified its "Declarations Against Interest" exception in language identical with the rule in the Uniform Rules of Evidence.¹⁹

In the case of *People v. Spriggs*, decided by the Supreme Court of California in 1964, the court held that a declaration against penal interest was admissible.²⁰ In so doing it overruled its 1892 decision in *People v. Hall*,²¹ one of the cases cited in *Donnelly* for the proposition that a hearsay declaration against penal in-

terest was barred from evidence in the State courts.

In this case, where the evidence was conflicting, the defendant was convicted of possessing heroin. At his trial, a police officer testified that he and other officers had arrested the defendant in the company of one Mrs. Roland after they observed him bend over, place his hand under a hedge, and throw a balloon which contained heroin to the ground. When counsel for the defense cross-examined the officer regarding Mrs. Roland's arrest, he questioned the officer as to whether he had asked Mrs. Roland if the heroin belonged to her. The prosecutor objected to the question on the grounds of hearsay and immateriality; and the trial court, following the then existing California rule, sustained the objection. When the defendant took the stand he testified that he did not receive narcotics from Mrs. Roland, and he denied placing his hand under the hedge.

Following his conviction, the defendant appealed. He argued that he should have been permitted to elicit from the officer the hearsay statement that Mrs. Roland had admitted to the officer that the heroin belonged to her on the ground that the hearsay rule does not preclude the admission of a declaration against a penal interest. The Supreme Court of California accepted the defendant's argument and reversed his conviction, holding that the exclusion of the hearsay statement was prejudicial and that in a retrial of the case defense counsel should be allowed to ask the officer if Mrs. Roland had admitted to him that the heroin was hers.

The court stated at the outset of its opinion that the rule excluding a hearsay declaration against penal interest has been vigorously criticized by the scholars; that it now rests only upon the historical accident of the *Sussex Peerage* case; and that a minority of the courts have departed from it. It

then declared that the admissibility of such declarations, in the absence of a California statute excluding them, was to be determined in the light of the principle that the purpose of all rules of evidence is to aid in arriving at the truth; and that if any rule tended to hinder rather than to facilitate this result, it should be abrogated without hesitation.

The court said that when hearsay evidence is admitted it is usually because it has a high degree of trustworthiness; that declarations against pecuniary or proprietary interest are admitted because they are unlikely to be false; and that a declaration against penal interest is no less trustworthy since a person's interest against being criminally implicated gives reasonable assurance of the veracity of his statement made against that interest. Moreover, the traditional concept of a "pecuniary interest" could logically include one's "penal interest" since the conviction of a crime ordinarily entails economic loss.

The court noted that it is the unavailability of the declarant which provides a necessity for the evidence of a declaration against interest and thus affords a basis for its admissibility in addition to its trustworthy character. It stated, in this regard, that Mrs. Roland would be unavailable not only if she was deceased, insane, or suffering from severe illness, but also if she took the witness stand and refused to testify as to possession of narcotics by invoking her constitutional right not to incriminate herself.

In a 1965 decision, the Court of Appeals of Maryland said that Maryland once followed the rule that the penal declaration against interest of a third party is not admissible in evidence. But by virtue of its later decisions, the court declared, the rule is now established in Maryland that a confession by one other than the accused that he committed the crime in ques-

tion should be received and considered by the trier of the guilt of the accused, unless it is clearly collusive, frivolous, or otherwise obviously untrustworthy.²²

Three years after the *Spriggs* case was handed down, that is in 1967, the Evidence Code of California went into effect. The section of this statute entitled "Declarations against Interest" provides in part:

"Evidence of a statement by a declarant having sufficient knowledge of the subject is not made inadmissible by the hearsay rule if the declarant is unavailable as a witness and the statement, when made, was so far contrary to the declarant's pecuniary or proprietary interest, or so far subjected him to the risk of . . . *criminal liability* . . . that a reasonable man in his position would not have made the statement unless he believed it to be true." [Emphasis added.]²³

The New Jersey Rules of Evidence, which also became effective in 1967, provides for its "Declarations against Interest" exception to the hearsay rule in language substantially the same as that of the Model Code of Evidence and the Uniform Rules of Evidence.²⁴

In the 1970 case of *People v. Brown*, the Court of Appeals of New York held that an admission against penal interest was admissible in evidence.²⁵

In that case, the defendant was convicted of murder in the second degree and carrying a dangerous weapon. The main issue was whether he acted in self-defense when he shot the victim which, in turn, depended upon proof of his contention that the victim had a pistol drawn at the time he shot him. Although one defense witness testified that the victim did have a gun, several witnesses for the prosecution testified that the victim did not have a gun in his hand when the defendant fired. Furthermore, the police

found no pistol on the victim or on the floor of the premises where the shooting occurred.

At the time of the defendant's trial, a third party by the name of Seals was under arrest on a charge of robbery. While in jail, Seals made an admission to the police and to the defendant's lawyer that he had picked up a gun on the floor immediately after the shooting charged against the defendant which he apparently later used in the robbery. At the trial, the defendant called Seals as a defense witness, but he refused to answer any questions on constitutional grounds. The defendant then offered proof of Seals' admission to the police and to the defense lawyer made out of court, but the trial judge sustained objections by the State to its use in evidence in accordance with settled New York authority.

On appeal, the high State court said with respect to Seals' admission that it was faced with the question of whether the existing New York rule followed by the trial judge should be continued or whether it should be abandoned "in favor of a more rational view of admissibility of declarations against interest." The court answered the question by stating that the New York rule should be modernized to hold that an admission against penal interest will be received where material and where the person making the admission is dead, is beyond the jurisdiction and thus not available, or is in court and refuses to testify as to the facts of the admission on the ground of self-incrimination.

The court stated that if, in this case, Seals had picked up a gun on the floor after the shooting, it would be a matter of importance in reaching the truth of the issue as to whether or not the murder victim was armed and tend to substantiate the defendant's self-defense argument. Seals' admission, the court noted, might well be

more important and reliable than the testimony of the defendant's witness that the victim had a gun in his hand. On the question of the declarant's unavailability, the court stated that a rule including penal admissions ought to embrace unavailability due to the assertion of a constitutional right, a claim which might be fairly common in the area of penal admissions.

In *State v. Leong*, decided by the Supreme Court of Hawaii in 1970, two police officers riding in a patrol car saw Leong, for whom they had warrants of arrest, get into an automobile driven by one Kim.²⁶ Both Leong and Kim were known heroin users. When the automobile stopped at an intersection, the officers immediately pulled up behind it to make the arrest. As one of the officers alighted from the patrol car, he saw Leong move his right hand and then saw an object fall through the window on the side where Leong was sitting. Leong was placed under arrest. When the object was recovered, it was found to be a piece of rubber containing three heroin capsules. Leong and Kim were arrested and charged with unlawful possession of narcotics.

Kim was later released for lack of evidence. Leong was tried before a jury on the charge and convicted. In the course of his trial, the judge instructed all witnesses to leave the courtroom. Since a defense witness named Conchee remained in the courtroom during the trial, the judge refused to allow him to testify.

Following his conviction, Leong appealed to the Supreme Court contending that the trial court's refusal to let Conchee testify because of his presence in the courtroom during the trial was prejudicial error. The Supreme Court ruled that the trial judge was in error in refusing to allow Conchee to testify, but the State argued that even if the trial judge erred, it was harmless because the evidence to be offered by Conchee's testimony was

hearsay and hence inadmissible. In his offer of proof, Leong stated that Conchee would testify that Kim told him that he was the one who flicked the narcotics out the window of the car but would not testify in Leong's defense because of fear of incriminating himself.

The Supreme Court reversed Leong's conviction and remanded the case for a new trial. It held that Conchee's testimony was admissible under the declaration-against-interest exception. The court stated that, although a majority of the jurisdictions have held that only a declaration against proprietary or pecuniary interest is admissible as an exception to the hearsay rule, there is no sound basis for such a limitation. The court declared that a declaration against penal interest is no less trustworthy. It said that criminal implication is certainly as damaging, if not more, as one's declaration against his pecuniary or proprietary interest and thus will act as a stimulus to telling the truth or as a deterrent to falsehood. The court ruled, therefore, that Conchee should be permitted to testify as to the statement made by Kim, providing the other requirements of the exception are met.

The rule on "Statement against Interest" in the proposed Federal Rules of Evidence approved by the Supreme Court of the United States in 1972 and now before Congress, provides for a statement against penal interest. It reads in part:

"A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject him to . . . *criminal liability* . . . that a reasonable man in his position would not have made the statement unless he believed it to be true. *A statement tending to expose the declarant to criminal liability and offered to exculpate*

the accused is not admissible unless corroborated." [Emphasis added.]²⁷

The advisory committee which prepared this code of evidence law for the Federal courts stated in its note to the foregoing rule that the proposed exception discards the common law limitation and expands to the full logical limit and includes exposure to criminal liability as satisfying the against-interest requirement. In regard to this expansion, the committee said that the refusal of the common law to concede the adequacy of a penal interest was no doubt indefensible in logic, but one senses in the decisions a distrust of evidence of confessions by third persons offered to exculpate the accused arising from suspicions of fabrication either of the fact of the making of the confession or in its contents, enhanced in either instance by the required unavailability of the declarant. Nevertheless, the advisory committee said, an increasing amount of decisional law recognizes exposure to punishment for crime as a sufficient stake. The committee stated that the requirement of corroboration is included in the rule in order to effect an accommodation between these competing considerations. It declared that when the statement is offered by the accused by way of exculpation, the resulting situation is not adapted to control by rulings as to the weight of the evidence, and hence the provision is cast in terms of a requirement preliminary to admissibility. The committee stated that the requirement of corroboration should be construed in such a manner as to effectuate its purpose of circumventing fabrication.

(Continued Next Month)

FOOTNOTES

²¹ See Anno., 162 A.L.R. 446, *supra* at 464.

²² See *Blocker v. State*, 114 S.W. 814 (1908).

²³ See *Cameron v. State*, 217 S.W. 2d 23 (1949).

²⁴ See McCormick, *Evidence* § 278 at 674 (2d ed. 1972).

(Continued on page 27)

FBI NATIONAL ACADEMY CEREMONIES

A Graduation of Uniqueness—

The graduation of the 96th Session of the FBI National Academy, held at Quantico, Va., on March 28, 1974, was truly a "graduation of uniqueness."

It marked the first time a husband and wife became National Academy graduates. Noreen T. Skagen, a Seat-

tle, Wash., police officer and a graduate of the 96th class, is the wife of Roy C. Skagen, also a member of the Seattle Police Department, who was a graduate of the 90th Session.

Another family first occurred when Det. Sgt. Robert M. Clayton of the Red Bank, N.J., Police Department

joined his father and his brother as National Academy alumni, thus making the Clayton family the first to have three graduates of the Academy.

The speakers also contributed toward making this National Academy graduation unique. The class spokesman, David Henry Haswell, sergeant

FBI Director Clarence M. Kelley (left) is shown following the ceremonies with Efrem Zimbalist, Jr., star of the television series "The FBI." The bronze, bas-relief plaque bearing the likeness of J. Edgar Hoover was presented as a legacy to the FBI Academy by the graduating class.



"... the law enforcement officer is called upon often to place his life on the line. . . ."

first class, Commonwealth Police Force, Canberra, Australia, was the first officer from outside the United States to be so honored. And the main speaker, Efreim Zimbalist, Jr., the star of the television show "The FBI," made his first appearance at the new Academy.

Assistant Director Joe David Jamieson of the FBI's Training Division called the graduation exercises to order. Following the invocation, which was delivered by Capt. Asa W. Jones, chaplain, U.S. Navy, Sergeant Haswell addressed his classmates and the audience of relatives and friends.

Sergeant Haswell stated he was proud to represent his class and to be associated with his classmates in their endeavors "to preserve man from violence and crime and to protect the young, the infirm, and the weak, and to protect the strong." He pointed out that his class heartily subscribes to the motto—Knowledge, Courage, Integrity—of the National Academy and that the precepts underlying the motto are as valid today as they were when the Academy was created.

Speaking on behalf of his fellow officers, Sergeant Haswell observed that

law enforcement officers perform their duties relying upon the fellowship and cooperation of their comrades. He emphasized that the law enforcement officer is called upon often to place his life on the line, be knowledgeable of the law, make rapid judgments, and be strong enough to resist temptations of corruption and greed.

The Australian police officer commented that he and his fellow classmates leave the Academy with a great deal of respect for the FBI and offered their sincere thanks and gratitude to FBI Director Clarence M. Kelley and the Academy staff. At the conclusion of his remarks, Sergeant Haswell presented a bronze tablet bearing the likeness of the late J. Edgar Hoover to Mr. Kelley as a legacy of the 96th Session.

Following Sergeant Haswell's remarks, Mr. Jamieson introduced Mr. Kelley, who in turn welcomed the main speaker, Mr. Zimbalist.

Stating he was honored to address his second National Academy graduation, Mr. Zimbalist observed that many changes have occurred in the National Academy since his last visit in 1966. He applauded these changes as a citizen who is aware of the skills and techniques that must be mastered by law enforcement officers.

The star of "The FBI" television series reminisced about his first meeting with Mr. Hoover and how the former Director reminded him that he would be identified with the FBI and that he would feel and understand what the American people expect of law enforcement officers. Mr. Zimbalist noted that true to Mr. Hoover's prophesy his role as "Inspector Erskine" has affected his life, and he proudly stated, "My respect for the law enforcement profession has steadily grown throughout the years."

Mr. Zimbalist emphasized that a law enforcement career is one of "total involvement" and is filled with unpredictable challenge, danger, and frustration. The public expects a policeman to ignore jeers and insults, yet these same people expect him to place his own life on the line observed Mr. Zimbalist.

He praised the police officer's dedication to duty and reminded the graduating class that "the American people . . . expect great things of the law enforcement profession Yours is a tough and demanding profession. But you . . . would not have it any other way"

Mr. Zimbalist concluded his remarks by pointing out to the graduates that he is extremely proud of his 9-year association with the FBI and that his respect and understanding for law enforcement will always remain a part of him.

Mr. Kelley thanked Mr. Zimbalist for his fine remarks and commented that the employees of the FBI are proud to be associated with him. On behalf of the FBI, the Director presented Mr. Zimbalist with a plaque of appreciation.

Following the presentation to Mr. Zimbalist, Mr. Kelley introduced the Attorney General of the United States, the Honorable William B. Saxbe.

The Attorney General stated he was pleased to be able to congratulate the class. He then addressed his remarks to the need for citizen participation in combating crime. Deploing a case in New York 10 years ago when a woman was killed as 38 people observed the attack, but did nothing, the Attorney General stressed that effective law enforcement requires citizen participation. By way of contrast, Mr.

"[T]he American people . . . expect great things of the law enforcement profession. . . ."

Attorney General William B. Saxbe (left) presents a special award to William Roy Anderson in recognition of his important contribution to law enforcement.





The elected representatives of the five sections of the graduating class are pictured with FBI Director Clarence M. Kelley at the conclusion of the graduation ceremonies. From left to right are: Mr. Edward James Doyle, Mr. Gregore James Sambor, Mr. Kelley, Mr. Hugh A. Groves, Mr. David H. Haswell, and Mr. Joseph P. Chambers.

Saxbe pointed out how several incidents of outstanding citizen cooperation had recently come to his attention. One of these citizens who cared, William Roy Anderson, a TV cameraman from Memphis, Tenn., was introduced to the audience by the Attorney General. The Nation's chief law enforcement officer told how Anderson rammed a vehicle he was driving into a getaway car containing three bandits fleeing from a bank robbery. This enabled the police to converge on the scene and apprehend the suspects.

In recognition of his heroic act, Attorney General Saxbe presented Mr. Anderson with a medal and a certificate. After accepting the awards, Mr. Anderson stated he did what he hoped any citizen would do and thanked those responsible for the awards.

After Mr. Anderson's comments, Mr. Kelley presented the Attorney General with a plaque containing an FBI badge which signifies Mr. Saxbe's appointment as an honorary Special Agent of the FBI. Director Kelley then introduced Mrs. Saxbe; Mrs. Spalding, Mr. Zimbalist's mother-in-law; and Lt. Col. William R. Bracke,

"... effective law enforcement requires citizen participation."

Cincinnati, Ohio, Police Department, who is the president of the FBI National Academy Associates.

Inspector James V. Cotter of the Training Division presented to a representative of each of the five training sections of the 96th Session a diploma as a symbolic award for the other members of his section. The five worthy graduates who were chosen as section representatives were: Sgt. Edward James Doyle, New York, N.Y., Police Department; Insp. Gregore James Sambor, Philadelphia, Pa., Police Department; Capt. Hugh A. Groves, U.S. Park Police, Washington, D.C.; Det. Lt. Joseph P. Chambers, Nassau County Police Department, Mineola, N.Y.; and Sergeant Haswell.

Prior to the conclusion of the ceremonies, Mr. Jamieson recognized several members of the University of Virginia staff who were present and congratulated the U.S. Marine Corps Band, conducted by Gy. Sgt. D. Elmer, for its excellent musical program given during the graduation exercises.

The benediction by Captain Jones followed, and the playing of the National Anthem concluded the "unique" program.

FBI

Following the graduation exercises, FBI Director Clarence M. Kelley is pictured with the members of the Clayton family who are National Academy graduates. The Claytons, all connected with the Red Bank, N.J., Police Department, represent the first family with three graduates. From left to right are: Mr. George H. Clayton, 24th Session, chief of police, retired; Mr. Kelley; Mr. George H. Clayton, Jr., 69th Session, chief of police; and Mr. Robert M. Clayton, 96th Session, detective sergeant.



On the Beach—



COMMUNITY LIAISON PATROL

"The program, Community Liaison Patrol, was designed as a pilot program to demonstrate the feasibility of using temporary sworn personnel to relieve regularly assigned police officers from beach enforcement and to reduce delinquency or nondesirable activity in the beach areas."

By

OFFICER WILLIAM VAN CLEVE

Police Department
Huntington Beach, Calif.



The city of Huntington Beach, like most other beach cities in the southern part of the State of California, has a tendency to double in daily population during the summer months. Most of the people are juveniles and young adults who are out of school for the summer and have plenty of leisure time. The influx often reaches as high as 150,000 persons per day along 8 miles of accessible beaches which are divided into 3.3 miles of city beach with the rest being Bolsa Chica State Beach and Huntington

Beach State Park. The Huntington Beach Police Department is responsible for patrolling and providing police services to all the beaches in the city.

Seasonal Policing

Providing police protection and traffic and crowd control for the added population with a police department geared for a city of approximately 150,000 permanent residents presents a problem for the police department. The problem is further aggravated when the need for scheduled vacations for the police officers is taken into consideration.

In past years, the beaches had been patrolled by regular uniformed officers on an overtime basis or by on-duty officers. This practice, although necessary, seriously depleted police services to the rest of the city, which encompasses 26 square miles of land.

The permanent residents of the city lost in two respects. One was the loss of police services during the summer months when the incidences of all police-related activities are at their highest, and the other was having to pay for police services for the beach goers, the majority of whom did not live in the city.

Past years have indicated that the majority of the delinquency and criminal violation problems occurring in the beach areas was created by non-residents. The combination of accessibility, parking, and the city's reputation for having some of the best surfing conditions on the coast attracts the nonresident beach goers. Also, the city hosts the U.S. National Surfing Championships each year.

Many factors had to be taken into consideration in dealing with the problems confronting the police department. One was the use of regular officers on off-duty time. This practice was found to be both costly for the city and tiring for the officers. By the



Chief Earle W. Robitaille

end of summer, the strain of consistently long hours tended to make these officers less tolerant than they normally would be, and this created problems that could possibly have been averted or handled differently by fresh personnel.

Also, strict enforcement of otherwise minor violations, such as dogs on the beach, created negative public relations, as did the presence of more than a minimal number of uniformed police on the beaches.

It became apparent that a program should be implemented which would more effectively reduce or discourage juvenile violations and related undesirable activities. Such a program would also decrease the seasonal overloading of local police officers and reduce the possibility of negative public contacts.

Program Implementation

The city of Huntington Beach applied for and received a Federal grant through the Law Enforcement Assistance Administration (LEAA) to assist in the implementation of a program to employ and equip a temporary police patrol for the recreational beaches within the city. The program, Community Liaison Patrol, was designed as a pilot program to demonstrate the feasibility of using tem-

porary sworn personnel to relieve regularly assigned police officers from beach enforcement and to reduce delinquency or nondesirable activity in the beach areas.

The program was implemented in the summer of 1973 by hiring eight persons, six high school teachers and two college students, mostly in their midtwenties. They were hired on the basis of maturity, stability of judgment and temperament, understanding of harmful situations, and ability to communicate with young people. They received 40 hours of training in the laws and mechanics of arrest, public relations, recognition and identification of harmful or potentially hazardous situations, search and seizure, penal code violations, alcoholic beverage violations, health and safety violations, courtroom demeanor and testimony, evidence packaging, identification of drugs and narcotics, first aid, civil rights, and personal safety. There was also a continuous process of on-the-job training throughout the summer.

At the end of the training phase, the officers were sworn as reserves and uniforms were provided. The uniforms consisted of short sleeve, wash-and-wear shirts and trousers or bermuda shorts. The only identifying marks on the uniforms were shoulder patches. The officers were provided with police badges for identification which were carried in an ID case, but no weapons of any kind were carried or displayed.

Although the officers were authorized to make arrests and issue citations, that authority was used only as a last resort. In all cases, the emphasis was on persuasion rather than force. The procedure followed was: When an officer observed a misdemeanor activity, he approached the offender in a congenial manner and discussed the violation, rather than issuing a citation or making an arrest. If, however, the person continued his unlawful

activity, he was cited or arrested, as the situation dictated. This policy tended to encourage the idea among young persons that the police representatives are reasonable human beings who are on the public's side. The primary motivation of the liaison officer was to obtain voluntary compliance of existing regulations, and to enhance good public relations.

Results

During the summer of 1973, the unit made approximately 2,000 individual contacts with people on the beaches for violation of the law, disturbances, lost children, first aid, and calls to assist other agencies (regular officers, lifeguards, fire department, etc.). Of these contacts, approximately 12 percent resulted in arrests being made or citations being issued, and they were all for misdemeanor or felony violations other than traffic. There were no major confrontations between the officers and citizens, and no complaints from the beach goers. Only four cases of resisting arrest were reported, and these were passive in nature.

The patrol definitely helped keep the peace on the beach. RM

AN INCREASE IN INTEREST

(Continued from page 22)

FOOTNOTES

- ¹⁵ *Hines v. Commonwealth*, 117 S.E. 843 (1923).
- ¹⁶ Rule 509(1), Model Code of Evidence (1942).
- ¹⁷ *People v. Lettrich*, 108 N.E. 2d 488 (1952).
- ¹⁸ Uniform Rule 63(10).
- ¹⁹ Kansas Code of Civil Procedure § 60-460(j) (1963).
- ²⁰ 389 P. 2d 377 (1964).
- ²¹ 94 Cal. 595 (1892).
- ²² *Dyson v. State*, 209 A. 2d 609 (1965).
- ²³ West's Ann. Cal. Evid. Code § 1230 (1967).
- ²⁴ N.J. Ev. Rule 63(10) (1967).
- ²⁵ 257 N.E. 2d 16 (1970).
- ²⁶ 465 P. 2d 560 (1970).
- ²⁷ Rule 804(b)(4), proposed Federal Rules of Evidence, 2d Revised Draft, transmitted to Congress by Chief Justice of the United States under order of the Supreme Court (1972).

WANTED BY THE FBI



DANIEL W. WEST, also known as Daniel Laverne Weiss, Lee Verne Henrich Weiss, Daniel Lavern Heinrick West, Daniel Lawrence West

Bond Default



Right index print.

Daniel W. West is currently being sought by the FBI for failure to appear for trial to answer charges of making fraudulent claims against the United States. On July 6, 1965, a bench warrant for his arrest was issued by the U.S. District Court at Detroit, Mich.

The Crime

West allegedly fled the State of Michigan after a 117 count indictment had been returned against him by a Federal grand jury, charging him with submitting false claims to the In-

ternal Revenue Service. He had been freed on a \$10,000 surety bond which was canceled when he failed to appear for a scheduled hearing.

Description

Age ----- 64, born November 3, 1909, Putnam County, Tenn.
Height ----- 5 feet 9½ inches.
Weight ----- 185 to 190 pounds.
Build ----- Medium to stocky.
Hair ----- Gray (may be dyed black or brown).
Eyes ----- Brown.
Complexion -- Light brown.
Race ----- Negro.
Nationality -- American.
Scars and marks ----- Scar above left eyebrow, scar below right eye, scar on lower lip, scars on right elbow, forearm, and wrist, scars on left forearm and wrist, raised scar on left index finger.

Occupations - Accountant, politician, posed as lawyer.

Remarks ---- Left ring and little fingers stiff, may or may not wear mustache.

FBI No.----- 220,798.

Fingerprint classification ----- 13 O 1 U OII 14
L 17 U III

Caution

West reportedly has suicidal tendencies.

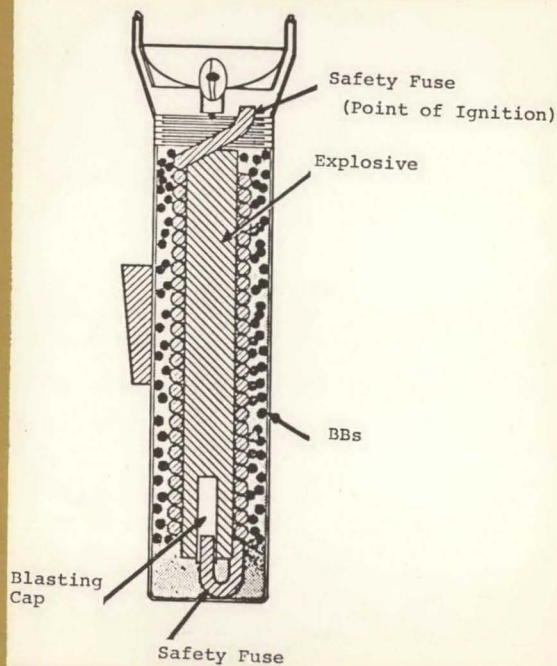
Notify the FBI

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.

National Bomb Data Center
Technical Bulletin, 74-5

FLASHLIGHT BOMBS

A flashlight explosive device (shown below) has come to the attention of the National Bomb Data Center. Because there is no external indication of its lethal contents, these flashlight bombs can be carried into many areas without arousing suspicion. Law enforcement officers should, therefore, be particularly alert to those circumstances where the devices might be employed. These explosive devices are fairly common in some foreign countries, but fortunately, they have not been used in the United States to any great extent.



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THIRD CLASS



INTERESTING PATTERN

The interesting aspect of this pattern is the unusual face-like formation appearing in the center. It is classified as a plain whorl with an inner tracing.