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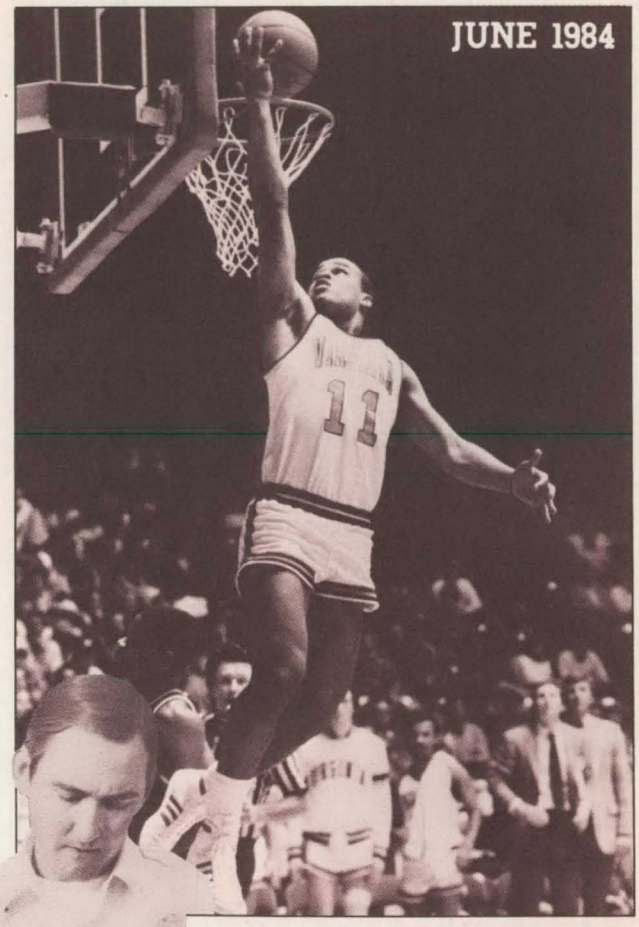

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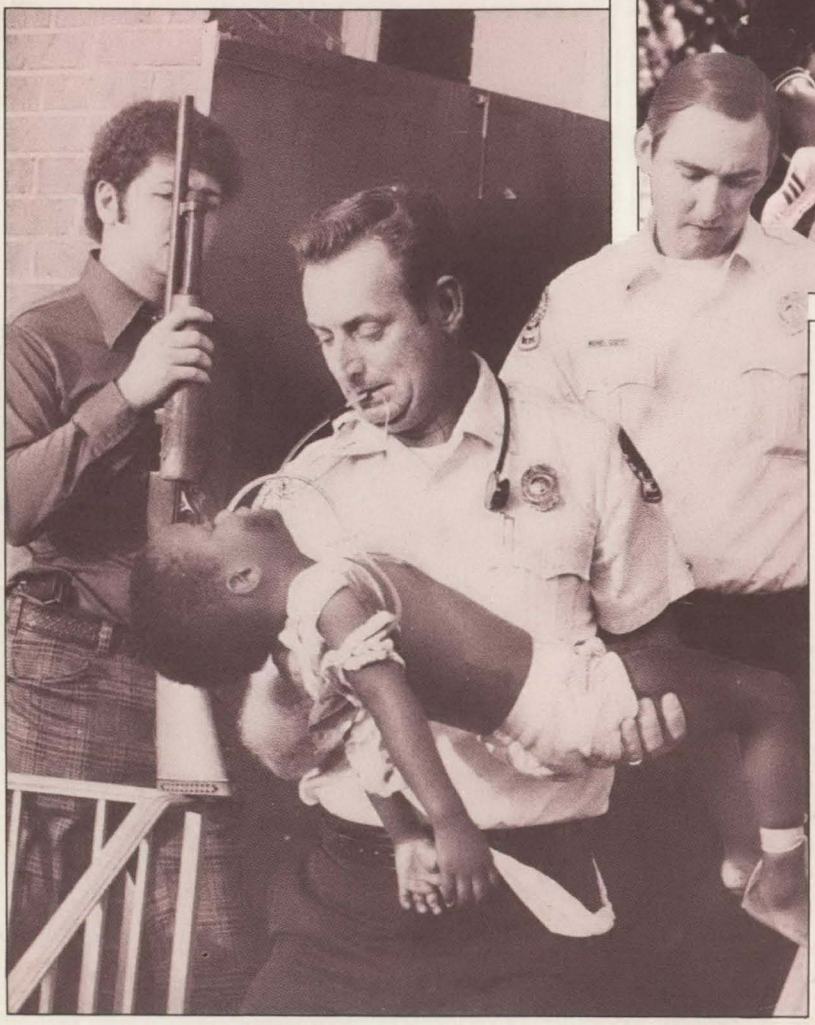

The Psychology of Performance Under Stress

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The Psychology of Performance Under Stress

"The more officers increase their awareness of the impact of the mind on performance, the better they will be able to control their performance in a stress-filled environment."

By
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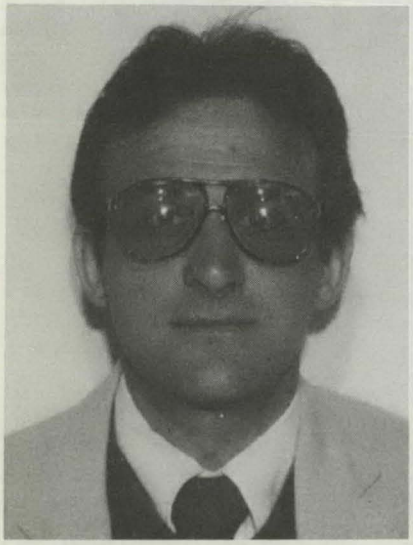
University of Virginia
Charlottesville, Va.

The future of police work necessitates renewed efforts aimed at maximizing human performance in the presence of extreme amounts of stress. For far too long, we have failed to reach the performance potential of officers. This has often been due to our failure to talk honestly about real weaknesses in training and to explore solutions to these problems. How many officers will have to be shot in the line of duty, how many accidental shootings of innocent victims will occur, and how many officers will suffer from alcohol abuse, divorce, or job burnout before new, effective solutions are developed?

In recent years, many questions

"The impact stress has upon the learning and performance of athletes is relevant to police officers as well."

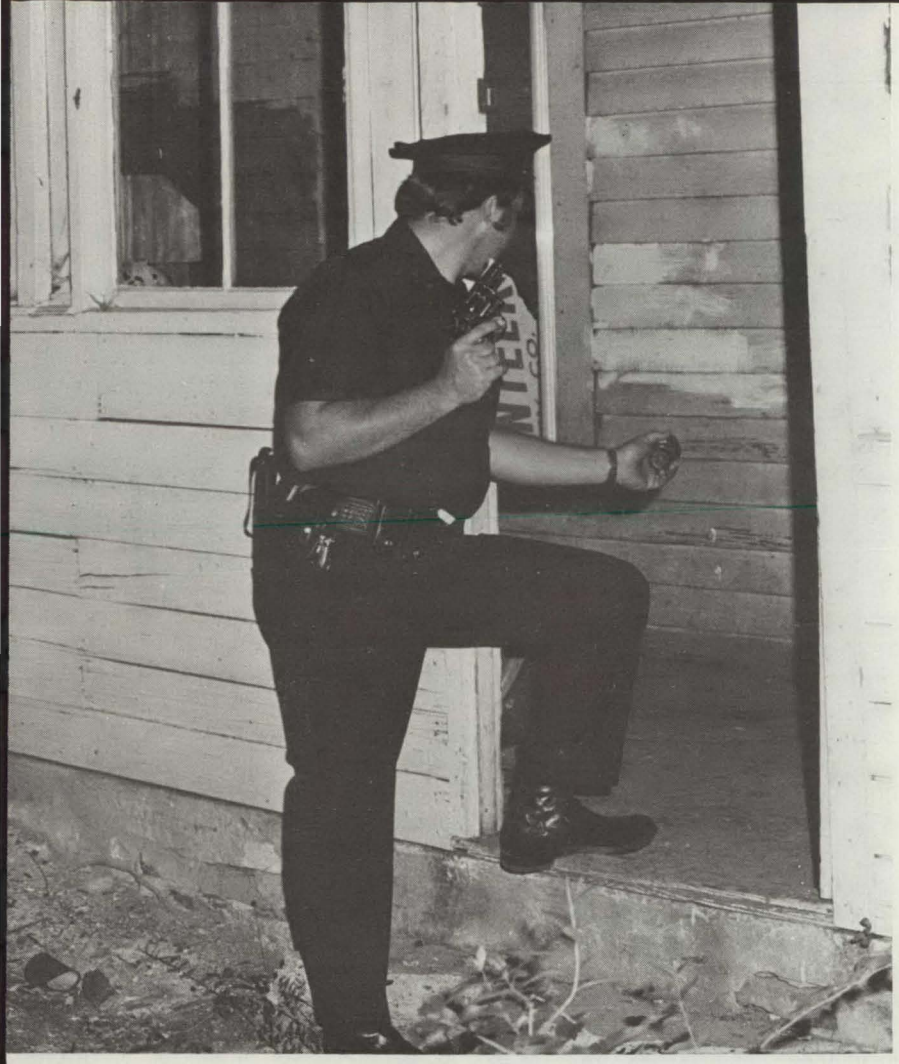


Dr. Rotella

University of Virginia football

have arisen concerning stress. What is stress? Why is everyone suddenly so concerned about it? Is stress good or bad for police officers? How does it affect the health and happiness of officers? Is stress always detrimental to work performance? If not, when and how can it help? Can officers learn to control their response to stress? If possible, how can they learn to use stress advantageously?

Ever since Knute Rockne's famous halftime talk in which he urged the Notre Dame football team "to get one for the Gipper," coaches have been well aware that emotionally arousing pep talks could influence behavior and performance. Perhaps un-



Knoxville, Tenn.

fortunately, most assumed the best way to prepare for a stressful performance was to get "sky high." Coaches who jumped to this conclusion failed to analyze all of the variables involved. Notre Dame had far greater talent than almost all of its opponents, often winning games by a margin of 50–80 points. A major challenge at Notre Dame was to get athletes who were *bored* playing against inferior opponents interested in the competition. For these players a pep talk may have been quite appropriate. But if you were coaching the opposition, who was already scared half to death about being embarrassed by Notre Dame's superior athletes, a very different approach might be required. They most likely needed confidence instilled and help to calm down and become relaxed. The opposing team athletes were far from bored and disinterested. The impact stress has upon the learning and performance of athletes is relevant to police officers as well.

Athletics and Police Work: Similar Problems

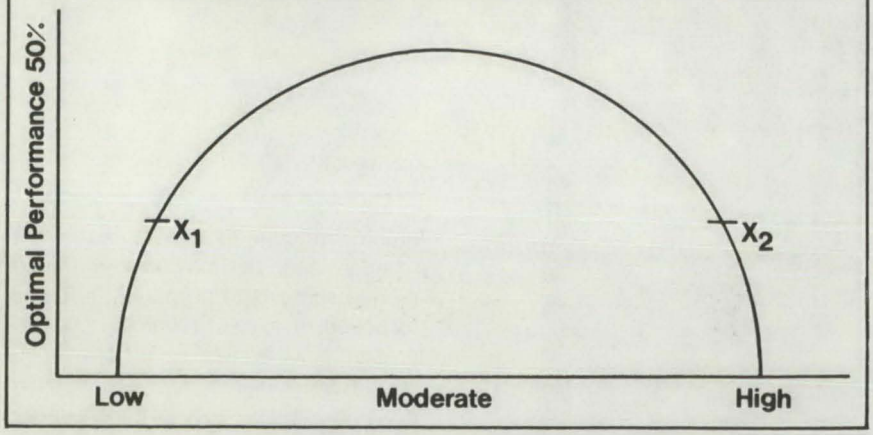
Stress is an environmental situation which may cause heightened arousal and anxiety. Arousal is the physiological response to stress; anxiety is a psychological response to stress which involves preoccupation with one's own thoughts. It is important to understand that stress is not innately bad. It may be a much needed stimulus to prepare individuals for action. It allows people to stay interested and excited about life. Positive stress is called *eustress;* however, when stress gets out of control and becomes a negative influence, it is typically referred to as *distress.*[1] When distress occurs, arousal and anxiety have surpassed the optimal level for performance.

Athletes, coaches, police officers, and their managers share many similar problems. They encounter stressful events on a regular basis. While exposed to potential stressors, they must perform a variety of complex mental and motor tasks. Sometimes, they perform flawlessly and are treated as heroes. As a result, they are often elevated to superhuman status, which is supposed to be error free. But this only adds to their problems because occasionally they get too anxious, make mistakes, and choke. Others suffer from the same human misfortune, but the problem is magnified in athletics and police work since performance is observed publicly.

When athletes perform, they typically think that they are in a "life or death" situation. Police officers must perform at times in situations that are truly a matter of life or death. Irrespective of whether the stress experienced is real or imagined, the response is similar and may facilitate or debilitate performance.

Fortunately, many individuals in sports and police work appear to thrive on opportunities to perform under potentially stressful situations. Many report they need the resulting anxiety and arousal to remain stimulated and excited about life. But even for these people, stress can cause

Figure 1 The hypothesized inverted-U relationship between one's level of arousal and performance.



performance problems. It can cause coaches or athletes to second guess themselves at a crucial point in a contest. It can cause them to narrow their attention while preoccupied with anxious thoughts and thus fail to consider all of the available cues and information. Anxiety may cause athletes to think about past or future performance when they should be concentrating on the present. The receiver in a football game may drop a wide open touchdown pass because he remembers the one he dropped last time he was "wide open" or the hero he will be if he dares catch the pass. The free-throw shooter in basketball may miss a needed free throw because he dwells on being the goat or the hero. In both cases, the athletes failed to focus their attentions appropriately due to anxiety.

When confident and appropriately aroused, these athletes would quite naturally concentrate on the ball and the rim to the exclusion of all else. The mind clearly plays a crucial role in determining whether an athlete or coach will perform effectively or ineffectively when faced with a stressful situation. The same is true for police officers and their managers.

If an officer involved in a high-speed car chase becomes distracted for a moment because of anxiety, a serious accident may occur. Perceptual errors during a shooting incident can result in serious consequences. For example, an unnecessary shooting could easily take place if an item as innocent as a hairbrush is perceived to be a gun. Perceptual narrowing of attention is particularly dangerous because it can prevent even knowledgeable and skilled officers from using all of the information that is normally available to them.

The problem of anxiety interfering with attention can even prevent an officer from hearing instructions from a superior, a problem that can be exaggerated if the officer was reprimanded recently. The officer may appear to be listening, although he is actually lost in thought defending his own ego by cursing his superior or feeling sorry for himself. Either way, the officer is failing to listen and comprehend instructions crucial to completing the assignment successfully. Equally damaging is the fact that many errors in police work go unreported and unimproved because officers are too anxious of what the resulting consequences may be.

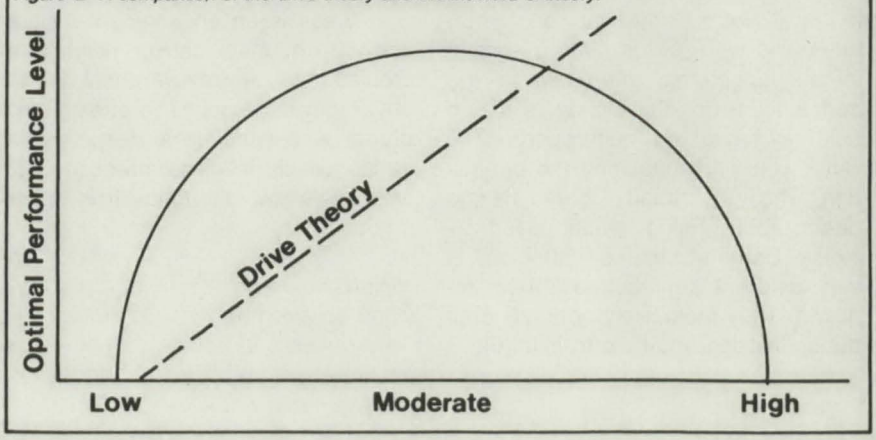
Performing Under Pressure

The first step to preparing for performance in a stress-filled environment requires an understanding of one important concept. That concept, the "inverted U" theory of arousal and performance, can greatly impact performance under pressure.

The inverted U relationship implies that for optimal performance, each individual must attain an intermediate or moderate level of arousal. At the two extremes, either very low or very high levels of arousal, performance may suffer. For example, a basketball player performing optimally may be able to make 90 percent of the free throws attempted, but under different conditions may perform at a 60-percent level of efficiency. Given the inverted U hypothesis, this could be the result of either underarousal (X) or overarousal (X^2). (See fig. 1.)

Similarly, the player referred to as a "good practice player," but one who apparently "clutches" or "chokes" at

Figure 2 A comparison of the drive theory and the inverted-U theory.



"Police officers . . . must learn to control their minds and use the mind to influence and direct performance . . ."

game time, may simply be the player who becomes overaroused. An effective coach or teacher would recognize this pattern and help the individual learn to control the level of activation in order to maximize performance.

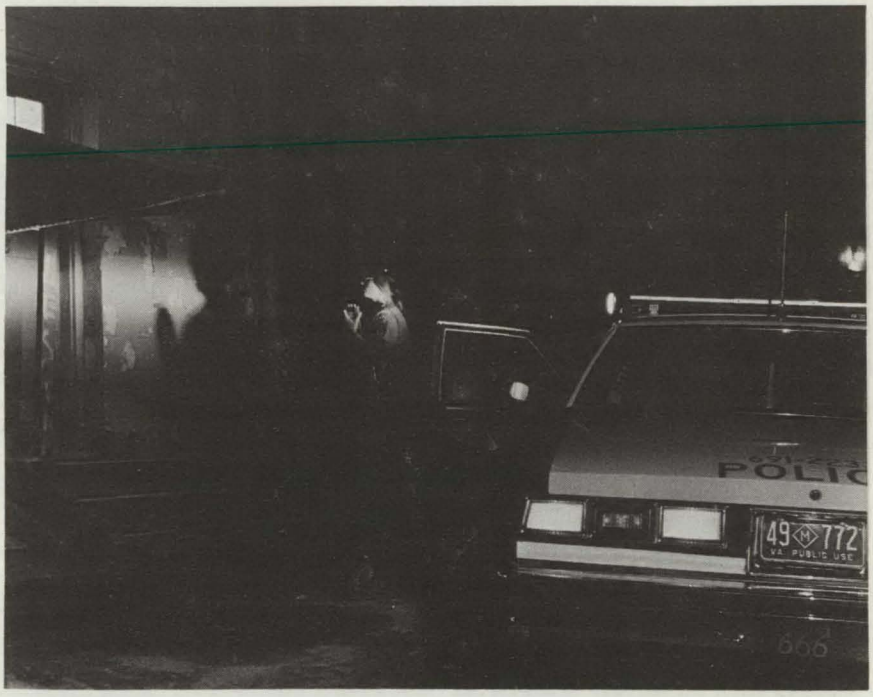
Many of our earlier approaches to performance were based on a now outdated theoretical approach called "drive theory."[2] This approach was based on the premise that performance would directly improve as drive, and therefore arousal, was increased. (See fig. 2.) Today, it is well-documented that this approach is not valid, although many leaders still behave as if it were.[3]

Increasing Self-Awareness

It has often been believed that people either have or do not have the ability to perform under stress. The best way to find out is to expose people to a stressful situation and let them "sink or swim." This assumption, despite its long-lasting appeal, is not valid. Too many people who use to fall apart and "choke" have learned how to perform flawlessly under stress. Many others who once performed admirably in stressful situations have experienced a poor performance and learned how to "choke."

It is obvious that performing under stress in an admirable manner is a skill that is susceptible to learning. However, it is not learned automatically; it must be taught.

Simulated practice is a step in the right direction. But typical simulations are not enough. Practice and experience alone will not prepare all officers effectively. Officers must increase their self-awareness of the influence their minds have on their bodies. Many athletes are successful for weeks, months, or even years, but when they start performing poorly, they fall apart and don't know how to regain control.



The reason is that too many people use their performance to direct their minds. When they perform well, their minds think in a positive, self-enhancing manner. When they perform poorly, their minds think in a negative, self-defeating fashion. This reaction must be changed. Police officers, like athletes, must learn to control their minds and use the mind to influence and direct performance rather than the reverse. In doing so, they can set themselves up for positive, successful experiences when faced with stress.

The more officers increase their awareness of the impact of the mind on performance, the better they will be able to control their performance in a stress-filled situation. Stress will no longer dictate the direction of their mind.

In order to control the mind, officers must be aware that people are in many ways similar to a computer. Much like computer input, the mind tells the body what to do. But humans have more capabilities and more control. People can program themselves for *success* or *failure* depending upon what *they choose* to put into their highly complex machine.

Athletes and police officers have the ability to intellectualize and provide themselves with the most useful

". . . the key to performance problems . . . [is] the manner in which officers cope and respond to the anxiety and arousal that occurs when faced with a real or imagined stressful situation."

Tulsa, Okla.

input. Unfortunately, there are many occasions when even experienced individuals respond emotionally. When this happens, they waste the advantage they possess. They emotionalize rather than intellectualize. Too often, the result is inappropriate thinking and behavior which leads to performance failure.

Officers need to look at situations in a realistic, rational manner. They must be taught how and when to control their emotional responses in order that they make them work *for* them rather than *against* them.

It is easy for the mind to run wild with anxiety. It is easy to dwell on what might happen rather than on what to do if it does happen. Anyone who has ever awaken in the midddle of the night from a nightmare recognizes that thoughts alone can cause a stress response. You do not have to be in a stress-filled situation; your mind alone can cause you to think that you are in real danger.

Positive Thinking: Is it a Solution?

Positive thinking certainly has a time, a place, and a useful role. But positive thinking alone isn't enough. It may cause more problems than it cures.

Positive thinking may cause officers to place themselves in situations they are not prepared to manage. It may even cause officers to relax too much and go into a situation unprepared. When this happens in sports, an upset may occur. The consequences are much more serious when it happens in police work—a life may be lost or a career ruined.

Effective performance in a stressful situation will require positive thinking combined with 1) thorough preparation, 2) self-awareness, and 3) skills for coping positively with the situation. This is not an easily attainable task. Officers will always be walking a tightrope between being unprepared and lackadaisical and so overprepared that they burn out early from having their every waking moment preoccu-

pied with their work. Balance between the two can only be realized with self-awareness and frequent self-checking. Officers who find themselves getting cocky, lethargic, or bored must be able to *read* the danger signals and pick up their vigilance and preparation.

Officers who find themselves overtired from always thinking about their work need to read these signals and learn to back off a little. This can be done only if one understands and knows how to read and respond to the mind and body.

Turning Anxiety Into Power

Anxiety is not always detrimental. Great performers have, for years, reported that they get anxious prior to performing. It is important to realize that there is nothing abnormal with being anxious. Everyone has had anxious thoughts cross their minds. Clearly, anxiety is not the key to performance problems.

The key lies in the manner in which officers cope and respond to the anxiety and arousal that occurs when faced with a real or imagined stressful situation. There are a wide variety of ways in which individuals respond to their anxieties. However, these responses can be categorized into three broad categories: Avoid anxiety, maintain anxiety, reduce anxiety. These responses initially found among athletes are seemingly quite applicable to police officers.[4]

A brief description of these different responses will help clarify how one individual can allow anxiety to destroy him, while another can turn anxiety into a source of power and growth.

The first broad category of responses to anxiety may be described as anxiety avoidance. In general, individuals who fall into this category approach the situation which produces the anxiety but respond with an ineffective coping strategy. The ineffective coping strategy may take a variety of forms.

Many athletes who fit into this category initially are attracted to and give sport participation a try. Involvement, however, causes them to feel anxious and uncomfortable. To them, the challenge of competition appears to be more than they can handle. They respond to these anxious feelings by quiting. Frequently, to justify this action, they form a negative impression of sport competition. A personal crusade against the evils of sport may follow, but certainly does not always occur.

Other athletes in the anxiety avoidance category respond quite differently to their attraction to sport and the resulting anxiety. They escape from their anxiety by thinking positively about every situation that causes them to feel anxious. To these individuals, positive thinking is a solution to all of their problems. They may perform quite well if they are very talented. They usually fail to perform as well as possible due to a lack of preparation for stressful situations they will have to face. These talented individuals perform quite well, certainly better than others who think negatively.

A third response in the anxiety avoidance category again involves approaching sport participation, getting anxious, and then escaping. Here the escape is markedly different from those mentioned previously. The escape involves frequent and excessive alcohol abuse and drug use. These escapes are used on the eve of an important contest in order to

Lackland Air Force Base
San Antonio, Tex.

relax and get to sleep or following a competitive event. Such escapes ultimately function as short term relief with long term consequences, which are negative to performance and physical and mental well-being.

The second broad category is called anxiety maintenance. Again, the individual participates in sports, but deficiencies are perceived when appraising competitive situations. The athlete perceives that physical skills and mental coping skills are not equal to the task demands. In response, the athlete feels anxious and gets lost in the "work of worry." Athletes in this state worry about everything that might happen or go wrong. They worry, worry, and worry some more. They never get around to doing anything productive to counter their worries. The result is a highly stressed and inefficient person unless a new coping strategy is implemented.

The third category, anxiety reduction, involves an efficient and productive response to the anxiety likely to occur in sport. Such individuals approach sport and perceive the competitive situation in a realistic manner. They carefully and honestly appraise their personal abilities and skills and compare them to the anticipated task demands. As was true for the other categories, this may cause athletes to get anxious. But their coping response is far different and more effective. They begin by intellectually rather than emotionally reading and interpreting their anxieties. Why am I anxious? Is there a good reason for my anxiety or is my mind running wild? If there is good reason, what can I do about it?

Coping Responses of Athletes to Stress

*AVOID ANXIETY	*MAINTAIN ANXIETY	*REDUCE ANXIETY
1. Approach Sport a) Feels anxious and uncomfortable b) Quit and leave further sport participation c) Form negative impression of sport competition 2. Approach Sport a) Feels anxious b) Escapes from anxieties c) Thinks positively d) May perform quite well if very talented e) Never attain maximum potential 3. Approach Sport a) Feels anxious b) Escapes from anxieties c) Drug abuse d) Excessive alcohol use	1. Approach Sport a) Athlete perceives deficiencies when appraising competitive situation b) Physical skills are not equal to the task demands c) Feels anxious d) Gets lost in the "work of worry"	1. Approach Sport a) Athlete perceives the competitive situation realistically b) Appraises personal abilities and task demands c) Athlete goes through effective coping process d) Athlete realistically appraises task demands 1) Gets anxious 2) Reads and interprets anxieties 3) Anticipates upcoming problem situations likely to occur 4) Consciously attempts to solve problems by planning a realistic strategy 5) Athlete is prepared and confident for competition 6) Athlete "thinks positively"

* All responses are capable of being changed.

More effective athletes are better able to anticipate upcoming problem situations far in advance of being placed in stressful situations. As a result, they have plenty of time to plan a realistic strategy for solving the anticipated problems. The anxieties are responded to far in advance so that the athlete is *prepared* and *confident* when faced with the competitive situation. Thus, the athlete is able to think positively and have positive thoughts quite naturally. In this way, athletes in the anxiety reduction category turn anxiety that is destructive to others into a source of power that provides them with strength and confidence.

Mastery and Coping Rehearsal

Today, sport athletes are being taught stress management skills in a very systematic fashion. The intent is to provide each athlete with the ability to prepare himself in the best possible manner for competition.

Two aspects of this training which have been found to be quite useful to athletes and should be applicable to police officers are *mastery* and *coping* rehearsal. The two techniques are similar in that they make use of visual imagery but they are, in practice, noticeably different in design and function.

Mastery rehearsal is designed to provide athletes with confidence in their ability to perform flawlessly in any stressful competitive situation. It has been well-documented for years that visual imagery provides actual learning to take place at a level just below the threshold necessary for actual movement.

Rather than allow an athlete's mind to anxiously run wild and "imagine" everything is going wrong, mastery rehearsal requires athletes to induce a relaxed state and then to visually imagine themselves performing in a particularly stressful situation with perfect execution. Athletes attempt to visualize the situation in living color with the picture including other people involved, environmental objects (equipment, obstacles, fields, audience), and weather conditions. Mastery rehearsal should include getting prepared for competition hours before a contest begins and until it's completed.

An important element involved in mastery rehearsal is to channel imagery in a positive and useful manner rather than in a negative, destructive direction. It is also used to provide repeated experience with success for young inexperienced athletes or more mature athletes who recently have had negative experiences.

University of Virginia basketball

Athletes are usually asked to develop a written script for perfect performance. Next, they are requested to convert their script into a cassette tape recording. They are then instructed to listen to the tape recording at least once a day and/or prior to going to sleep at night.

Mastery tapes may be particularly useful as the competitive event nears. There is little doubt that confidence is a crucial ingredient to successful performance in sport. Mastery rehearsal, however, has its limitations. It does not prepare athletes for every situation that is likely to occur. It does not provide a strategy for recognizing and controlling anxiety-induced distracting thoughts and feelings. Coping rehearsal is designed to meet this need.[5]

Rather than dwell on only the positive, coping rehearsal openly admits and attempts to anticipate inappropriate thoughts and feelings that are likely to occur in highly stressful situations. Once the situations and responses are anticipated, a strategy for coping effectively is designed and practiced repeatedly.

Coping rehearsal, like mastery rehearsal, first requires the creation of a script that will eventually be converted into a cassette tape. Typically, the script is created by getting a team or group of coaches and athletes together and asking them to create a master list of situations that they have experienced prior to, during, or following competition which have elicited emotionally charged and distracting thoughts. The distracting thoughts and feelings are detailed. They will ultimately serve as the cue for recognizing an inappropriate and distracting thought that can interfere with performance.

An example drawn from the shooting test given to police officers in their training program at the FBI National Academy, Quantico, Va., may serve as a model for understanding coping rehearsal. (See fig. 3.)

Once this master list is created, a strategy for gaining self-control is described. The strategy basically involves four short steps that will be implemented each time a distracting thought enters the mind. Step 1 is to recognize the distracting thought as quickly as possible. Even the best athletes or shooters are occasionally distracted, but they are able to regain attention control more readily. Anticipation and repetition of potentially interfering thoughts on the tape sensitize individuals to their potential occurrence so that they can readily recognize, then eliminate, them. Step 2 requires the individual to shout the word "stop" to himself for the purpose of ceasing the inappropriate thought. In step 3, the individual repeats the words "let go" and "easy," which are words that have been associated with previously learned relaxation training. They initiate an immediate relaxation response. Step 4 has the individual repeat a positive word or thought appropriate to the desired attentional target. In the shooting test example,

the thought might be "target" or "bull's-eye." This word would be repeated over and over until attention naturally flows to the bull's-eye.

The following is a brief example of how a coping rehearsal script may read:

Prior To:
"If I fail, I'll be real embarrassed."
"I wonder who will know if I fail."
"Man, am I ever uptight."
"I just know I am going to fail."
"What am I thinking, 'Stop,' 'Let go,' 'Easy.' "
"I will do fine. I am prepared."
"I have every reason to be confident. I have prepared for this."
"Others have taken it for years and done well. I'll do fine."

During:
"Damn, I missed my first five shots. I'm in big trouble."
"How could I do this. I wonder if I have time to catch up."
" 'Stop,' 'Let go,' 'Easy,' 'Target.' "
"There, I've got it going now. I'm going great now."
"I'm going to do just fine. Wouldn't you know, rain."
" 'Stop,' 'Let go,' 'Easy,' 'Target.' "

The basic idea is to prepare each individual for every possible situation that might interfere with performance. The better prepared by anticipating and listening to the coping rehearsal tape, the more readily control will be gained. Too often, the typical alternative has been to have each person make each error, and then hopefully, learn from their errors. This is obviously an ineffective and inefficient approach to performance under stress.

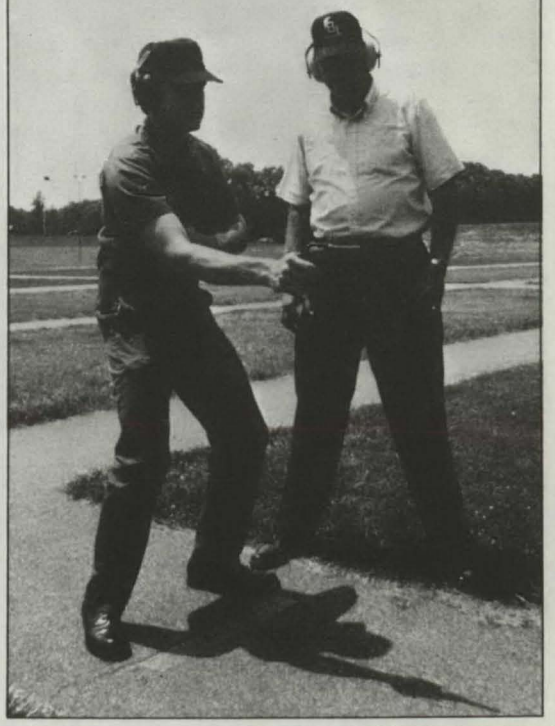
Coping rehearsal has many beneficial effects, not the least of which is that it concentrates attention on pre-

Figure 3

Anticipating Distracting and Inappropriate Thoughts for Developing Coping Rehearsal Program for Shooting Test

PRIOR TO TEST	DURING	FOLLOWING
"If I fail, I'll be really embarrassed."	"Damn, I missed my first 5 shots, I'm in big trouble."	"That test was crazy. I didn't have a chance."
"I wonder who will know if I fail."	"Great, I'm off to a great start. If I can just keep it going, now I'll have it."	"The test was unfair. It doesn't prove anything."
"I bet this test isn't fair."	"I wonder how much time I have left. That can't be right. That's too fast."	"It wasn't my fault I didn't pass. Other people kept distracting me."
"I feel awful. I drank too much last night."	"Damn, it looks like rain. Just my luck—it will rain and I won't be able to see through my glasses."	"I'm so embarrassed. I can't believe this."
"I just had a terrible practice run. What a terrible day for testing."	"This is ridiculous. I can't shoot with my weak hand. Why even try? I'm going to fail anyway."	
"I just dropped all my skills. I must be scared. No way I can shoot."		
"I just had a great practice run. Damn, I just wasted my best shots. I'll never repeat it."		
"Wouldn't you know it. I have to shoot next to the worst shooter. Gosh, he could hit me he's so bad."		
"Everyone is better than I am. The guy next to me never misses. I'm in big trouble. They must think I am terrible."		
"I can't believe it. I must shoot in a few minutes and the instructor wants to change my shooting technique."		
"One teacher is getting me excited. The other calms me down. I wish they'd leave me alone. They are just messing me up."		

FBI Academy, Quantico, Va.



". . . increased awareness and coping skills . . . developed to facilitate optimal performance in athletes . . . have relevance in helping police officers prepare for performance under stress in their work world."

New York City

paring in a productive manner. This is much preferred to not thinking about performance at all or worrying about it. In a positive and realistic way, it prepares people to respond effectively in situations that cannot or are not experienced frequently.

One criticism of mastery and coping rehearsal is the difficulty of anticipating many situations. In some ways this is a valid criticism, but they do provide skills which may be used in the unexpected. This is particularly true if an effort is made to occasionally present an imagined situation and ask athletes to transfer their coping skills to these new situations. In police work, veteran officers could help others by reflecting on situations and responses they have had in stressful situations. Tape recordings could be prepared for particularly challenging situations, especially those that occur infrequently.

Conclusion

Preparing individuals to perform in stressful situations is a highly complex and difficult task. It will take both increased awareness and coping skills. New strategies are being developed to facilitate optimal performance in athletes. These strategies have relevance in helping police officers prepare for performance under stress in their work world.

FBI

Footnotes

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The Importance of Listening in the Interview and Interrogation Process

"One can obtain more accurate and complete information in interviews through simply listening."

By
EDGAR M. MINER
Special Agent
Education and Communication Arts
FBI Academy
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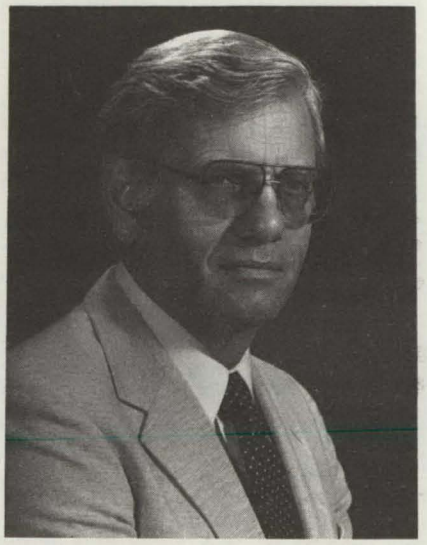
Some time ago, a Kansas sheriff talked to a suspect in a liquor store robbery. At first the suspect was reluctant to talk about anything, much less the robbery, but soon began to talk about his girlfriend. They had gone to California together, began visiting and drinking with another man at a bar, and soon the three were making rounds of the bars together. After several days, the girlfriend deserted the suspect, leaving with the other man. Of course this had absolutely nothing to do with the liquor store robbery. Many in law enforcement would have instructed the suspect to talk only about the robbery. The Kansas sheriff, however, listened to the story of the suspect's love life. After giving the full details of his love life, the suspect said, "That's why I got into this trouble." His full confession soon came as a result of more listening.[1]

It is assumed that sharp questions, piercing the subject's lies, lead to confessions, but what about listening? Who has ever confessed while the interrogator was talking? Isn't listening as important as questioning?

Distorting the Story

Since most texts center more on questioning than listening, what is the effect of questions? While not conclusive, research has shown that some questions may distort both the answers and later recollection. In one study, a 3-minute video tape of a disruption of a class by demonstrators was shown to 56 undergraduate students.[2] One group was asked passive questions, such as, "Did you notice the demonstrators gesturing at any of the students?" Another group was asked active, loaded questions, such as, "Did you notice the *militants threatening* any of the students?" [3] When tested 1 week later, those who were asked active questions remembered the incident as more noisy and violent and the demonstrators as being more belligerent. Their reaction to the demonstrators was more antagonistic than those students who were asked passive questions. The article concludes that descriptions of witnesses to a complex situation can be influenced by the questions used to interrogate them about the incident. How suggestive a question may be or how much a person may be influenced is difficult to determine.[4] If a witness gives a narrative report rather than answering frequent questions, would it be more accurate? In a previous study it was stated that "a good deal of research has been conducted over the last 70 years and has indicated that relative to a narrative report form, an interrogatory report is more complete, but less accurate. Thus one conclusion that might be reached is that when people are forced to answer specific questions, their accuracy suffers, and further, that some



Special Agent Miner

questions affect accuracy more than others." [5] The authors cite earlier studies in which it was concluded that a narrative/interrogatory order produced more correct responses, fewer "don't know" responses, but little change in the frequency of incorrect responses.[6]

If an interviewer will first listen to the full story by a witness, followed by specific passive questions that have been triggered by careful listening to the narrative, he should get accurate, complete information. Listening, then, seems as valuable a tool as questioning.

Prior to the interview, the interviewer should set out a list of specific questions to be asked, realizing that there are problems with this approach. First, the questions are based on the interviewer's knowledge of the incident and are apt to be loaded with the interviewer's preconceived notion of what happened. Since it is the witness who will testify at a trial—not the interviewer—the interview must reflect the viewpoint of the witness, not that of the interviewer. If it does not, it may result in embarrassment to the interviewer as the witness' true viewpoint is brought out in cross-examination in court. Second, this approach may lead to distortion, depending upon how suggestive the particular questions are. Third, the information obtained from the witness through this process is limited. A long list of questions leads the witness to believe that the interviewer wants only limited information and that volunteered information is not wanted. If the interviewer concentrates on the prepared questions, no opportunity may arise for volunteered information. It is the unsolicited information from the witness' viewpoint that enhances the interview, making it both more complete and more accurate. When only a few unloaded questions are asked initially, the witness is given the feeling that anything he says is significant. The full story then flows forth freely.

The Narrative Report

One can obtain more accurate and complete information in interviews through simply listening. After the formalities of introduction, the interviewer should ask, "What happened?" and follow this question with a long period of active intense listening, allowing the witness or subject to tell the full story as he sees it. How well the interviewer listens initially is crucial to the interview. Only after the full story has been told in narrative form, without interruption, should specific questions be asked. These questions should be based both on missing elements of the narrative and planning before the interview.

Listening Aids

A few simple aids to better listening that can be easily remembered, practiced, and added to everyday habits will aid in forming successful listening habits. Practice of these listening skills should lead to improved interviews and interrogations.

Avoid Distractions

Most people speak at a speed of about 125 words per minute,[7] extremely slow compared to what the brain can handle. A poor listener's thoughts drift away into daydreams or outside thoughts during this spare time, then fail to return for crucial spoken words. While a listener is wondering whether he turned off the waffle iron, the witness or subject may say something important—thought connections are

"An interviewer who lacks patience and understanding is headed toward an unproductive interview and is creating an obstinate witness."

lost. A phrase may be spoken only once while the listener's thoughts have drifted away. That phrase may contain an important item of evidence or an important admission of a suspect, but it goes undetected because the interviewer is daydreaming.

To aid concentration, a listener should use the extra thinking time to think ahead of the talker, formulate ideas on where the talker is headed, and connect that information to what has already been said. He should also withhold weighing the evidence or making any evaluation until the complete message is understood. There is a strong tendency to make a quick evaluation without first getting the full meaning. Patient listening should be followed by questions to weigh the evidence and separate truth from lies.

Watching the clock can be a severe distraction to good listening habits. Beginning an interview only 30 minutes before the car pool leaves for home will cool the interviewer's listening desire. "Get to the point" and "Give me the bottom line" are other forms of impatience that can eliminate much of the detail from any interview. "The bottom line" has no relevance without sustaining explanation.

Questions prepared before the interview can hinder concentration greatly, since the interviewer is often thinking about what he will ask next rather than concentrating on the answer being given. Questions that clarify a narrative by a witness can only be formed through proper listening.

The Listener's Responsibility

One should listen actively rather than passively.[8] Good listening is hard work. The listener's own actions, i.e., body movement, eye contact, hand gestures, head nodding, facial expression, and tone of voice, must convey to the witness an interest in what is being said and an interest in the witness as a person. Leaning toward the speaker conveys the nonverbal signal that we are interested, even enthused, about the information being given. Through tone of voice, facial expression, and body movement, the interviewer can betray emotions of disgust, boredom, disbelief, and contempt which can make a witness defensive or evasive.

Time Frame and Space Descriptions

As the narrative by a witness develops, a time frame should begin to develop in the mind and notes of the interviewer, then be firmed up through questioning after the narrative. A map of the crime scene is also necessary, including the position of each witness, table, chair, truck, auto, and weapon, showing movement as it took place. It has been observed during role playing interviews that trainees who failed to complete this step of the interview missed much of the necessary information. Listening with time and space in mind is an excellent way of weighing the truth and accuracy of both the witness' and the suspect's versions since lying about time and space is most difficult. It is even more difficult to lie about time and space on review or during a second interview. Many persons forget more easily when they have lied.

Understanding Emotions, Ideas, and Facts

People want interviewers to understand their ideas, emotions, or attitudes. Facts are used only to support their ideas. Allowing a narrative with little interruption allows the witness to give us his ideas and point of view with little distortion.

Another important part of an interview is listening to the questions of the witness or subject. A complaining witness wants to know if the stolen property has been or can be recovered and when and where he might be called to testify. An interviewer who lacks patience and understanding is headed toward an unproductive interview and is creating an obstinate witness.

Nonverbal Messages

Words alone convey only a part of any message. Sixty-five percent of a message is nonverbal.[9] To listen well, the interviewer must expand beyond mere words, gathering meaning from tone of voice, eye contact, facial expression, hand gestures, body language, clothing, and environment.

Emotion and attitude, in particular, are exhibited through nonverbal means and are often difficult to express through words alone. For example, a listener may say, "I'm very interested in what you are saying," but unless these words carry with them the listener's intensity in gesture, tone of voice, eye contact, and body movement, the total message will convey little interest or enthusiasm.

While untrained observers may detect deception by chance, persons in certain occupations seem to develop the ability better than others. Polygraphists often detect deception without their machine through experienced looking and listening. Professional poker players also develop a degree of competency in detecting deception and possess psychological skills that clearly separate them from amateurs.[10]

Although the findings have not always been consistent, researchers have found liars to have higher pitched voices, less eye contact, more hand shrug gestures, less nodding, more speech errors, and a slower speaking rate. Feet/legs are usually the best source of deception cues, the hands next, and the face the poorest.[11] Leakage and deception in the face often come from microfacial movements (about the same time length as an eye blink), which may reflect a spontaneous reaction, only to be followed immediately by a masking facial expression.[12]

While few simple rules can be derived from the considerable literature on nonverbal communication, a listener/interviewer must be aware of nonverbal messages. If deception is seen by the interviewer in a witness' behavior, it is likely to also be seen by a jury during trial.

Departure from the norm may indicate deception. If the normal behavior of the person being interviewed is carefully observed during the initial stages of an interview through routine questions with presumably truthful answers, comparisons can be made to his reactions to later questions designed to further test truthfulness.

Communication research has found human observers to be suspicious of communication that is too strained or too pleasant, where the responses are too long or too short, or where there is "any deviation from a hum-drum response." [13]

Deceptive answers can be expected to show departure from normal behavior. Inconsistency between verbal and nonverbal cues is important, too, such as using polite words in an angry tone of voice. It is difficult to control several different channels of communication simultaneously.

Avoid Advice and Criticism

There is in each of us a terrible temptation to offer advice and criticism. This distorts the information we are getting from a witness or suspect. There are five types of communication that make people defensive—evaluative, control, neutrality, superiority, and certainty.[14] A defensive witness is apt to restrict information or refuse to talk. Communication should be supportive rather than defensive. It should be descriptive rather than evaluative, problem-oriented rather than controlling, empathetic rather than neutral, express equality rather than superiority, and should be a provisional solution, open to change. While there may be times when an investigator needs to make witnesses or suspects defensive, he usually needs to keep the interview open in order to obtain more information, rather than restrict or close it.

Even praise is an evaluation, making it more difficult for a person to express his problems, personal faults, or even a wrongdoing that might otherwise have been confided to an interviewer. A compliment or encouragement, as well as scolding, pleading, or appealing to reason, can create a listening barrier. An interviewer needs to think with a witness, rather than for him. By allowing a person to articulate and examine his own thoughts without evaluation, the listener is acting as a sounding board. The interviewee then begins to see himself in a truer light and becomes more open to disclosing more information.

Paraphrasing

How can an interviewer know that a witness' story has been accurately recorded? Unless an interviewer is adept at shorthand, the notes and what the witness actually said are often very different. We all use different wording to express ourselves, have different perceptions of events, and different priorities, and our own viewpoints frequently find their way into notes taken during an interview. There is one way that much of this distortion in perceptions and change in wording can be overcome. The substance of a witness' testimony can be paraphrased to him until he agrees to what has been written. This method allows a meeting of the minds to take place, the interview should be far more accurate, and the witness is assured that the information has been correctly received. When an interviewer knows that he must satisfy the witness by repeating his thoughts, he is forced to listen well.

A person can't truly paraphrase unless the message has been understood. This takes concentration and forces out distraction. When an interviewer says, "I want to be sure I have this right. What you have told me is this . . . ," both he and the witness will be assured that the story was accurately received. If the facts were incorrectly received the first time, they can be corrected before the defense embarrasses the witness and the investigator during the trial. The interview must reflect in paraphrase form the attitude, belief, content, and emotion of the person interviewed, not the investigator's.

Recording More Than Words

Every message has two components—content and emotion or attitude.[15] Both are needed for total meaning, but many law enforcement

interview reports contain only the content or spoken word. The spoken word gives far less than the full meaning, since much of the emotion or attitude is exhibited not through words but through body movements, facial expression, or voice tone. Bearing this in mind, notes should reflect the emotional as well as factual content. There is nothing wrong with reporting in notes that a witness smiled or frowned as he said something, or that the witness looked downward when telling an important fact. While reaching conclusions as to the meaning of nonverbal action can be risky, describing nonverbal behavior can and does add substantially to the completeness and accuracy of an interview. Yet, few interview reports actually contain more than the words spoken.

Training To Listen

Listening has become an important part of interview and interrogation training of new Agents at the FBI Academy in Quantico, Va. New Agent trainees interview an instructor playing the part of a witness or suspect, while another instructor evaluates the trainee's performance.

Experience has shown the best listeners to be the best interviewers. Role play scripts purposely include unclear or partial information that could not be contemplated in preinterview planning—the interviewer must listen carefully to the witness. Questions to complete the information must then follow. For example, one role playing situation calls for the witness to mention some information but leave large gaps that must be filled. A few names, times, and places are mentioned by the witness without further explanation. Mention of these facts to a good listener triggers necessary questions. In another role play scenario, a bank robbery suspect said, "There weren't any customers in the bank." This lone statement is an excellent admission that a good listener should catch, making a notation of the exact words and testifying to this admission later. Such a slip of the tongue can either lose or win a case, but the statement is brief and can be easily lost if an interviewer is not listening well. Some trainees miss this important information at first, but improve their listening skills through practice.

Poor listeners interrupt; concentrate on questions instead of answers; fail to ask followup questions to clarify what a witness says; are impatient, over-eager, or over-relaxed; have little or no eye contact; and take few notes or notes that do not coincide with the story given. Bad listening habits can be corrected through critiquing role play interviews.

A shorter listening exercise that has proven worthwhile is to have a speaker explain to a listener several happenings that have had profound influence on the speaker's life. The listener then attempts to paraphrase the story to the speaker's satisfaction. Speaker and listener then exchange roles, followed by a discussion of their listening habits. This training exercise can be done in 5 or 10 minutes for each person and is especially useful when it is video taped so that each person may view his own behavior when listening.

Summary

Often, an investigator may not be satisfied that he has obtained enough information or that it has been received accurately. By adhering to a few simple, practical interviewing rules, the completeness and accuracy of interviews and interrogations can be substantially improved. Those who achieve these skills will soon find themselves understanding others better. They may also earn an unexpected dividend—understanding themselves better.

FBI

Footnotes

[1] Proper warning of constitutional rights prior to questioning is an integral part of the listening and questioning process of suspects and subjects.

[2] Elizabeth F. Loftus, Diane Altman, and Robert Geballe, "Effects of Questioning Upon a Witness's Later Recollections," *Journal of Police Science and Administration,* vol. 3, No. 2, June 1975, pp. 162–165.

[3] Ibid, p. 163.

[4] Ibid, p. 164.

[5] Ibid, pp. 162–163.

[6] Ibid, p. 163. Citing Cady, "On the Psychology of Testimony," *American Journal of Psychology,* vol. 35, No. 110, 1924; Whitely and McGeoch, "The Effect of One Form of Report Upon Another," *American Journal of Psychology,* vol. 38, No. 280, 1927; Snee and Lush, "Interaction of the Narrative and Interrogatory Methods of Obtaining Testimony," *American Journal of Psychology,* vol. 11, No. 229, 1941.

[7] Ralph G. Nichols, "Listening is a Ten Part Skill," *Nations Business,* vol. 45, July 1957, pp. 56–60.

[8] Carl R. Rogers and Richard E. Farson, "Active Listening," *Communication and Interpersonal Relations: Text and Cases,* ed. William V. Haney (Homewood, Ill.: Richard D. Irvin, Inc., 1979), pp. 161–175.

[9] Lawrence B. Rosenfeld and Jean M. Civikly, *With Words Unspoken* (New York: Holt, Rinehart, and Winston, 1976), p. 5.

[10] David M. Hayano, "Communicative Competency Among Poker Players" *Journal of Communication,* vol. 30, No. 2, Spring 1980, pp. 113–120.

[11] Mark L. Knapp, *Essentials of Non-verbal Communication* (New York: Holt, Rinehart, and Winston, 1980), p. 140.

[12] Paul Ekman and Wallace V. Friesen, *Unmasking The Face* (Englewood Cliffs, N.J.: Prentice Hall, Inc., 1975), pp. 14–15, 145, 150–152.

[13] Bella M. DePaulo, Miron Zuckerman, and Robert Rosenthal, "Humans as Lie Detectors," *Journal of Communication,* vol. 30, No. 2, Spring 1980, pp. 129–139.

[14] Jack R. Gibb, "Defensive Communication" *Journal of Communication,* vol. 11, 1961, pp. 141–148.

[15] Supra note 8, pp. 166–167.

Private Security Lectures as Part of Southeast Florida's Police Recruit Training

". . . our goal [is] better liaison between law enforcement officers and those persons involved in private security."

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and
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The Southeast Florida Institute of Criminal Justice was created in 1972 to consolidate entry level and career service training for police, corrections, and fire agencies in metropolitan Dade County. A division of the Miami-Dade Community College, the Institute is located on the college's north campus. Its director reports to the vice president for the north campus, and each component within the Institute (law enforcement training, corrections training, etc.) has a chairman who is responsible for the day-to-day operation of the programs.

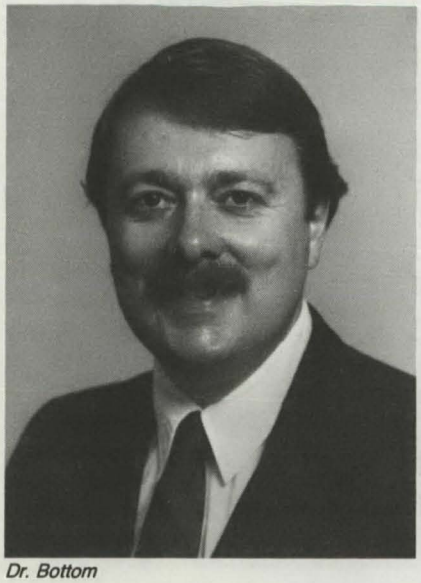
The Institute operates within the regulations established by the Criminal Justice Standards and Training Commission for the State of Florida. Policy direction is provided by a 16-member advisory council made up of the chiefs and directors of various agencies within Dade County. The staff is composed of college faculty, full-time police personnel, and nearly 300 part-time instructors. The full-time police personnel range from patrol officers to lieutenants.

The curriculum is designed around a competency format where each block of instruction is tied to a specific set of learning outcomes. Written and performance examinations provide the basis for successful completion of the program, which consists of 810 hours of training over an 18-week period. Graduates receive 30 college credits with a heavy concentration in law, human skills, patrol procedures, and investigative techniques. In addition, trainees are given extensive instruction in defensive tactics, defensive driving, emergency medical procedures, firearms, and report writing.

In 1982, approximately 800 police, corrections, and fire officers graduated from the entry level training programs and an equal number from the various career service courses.

The Institute strives to improve its basic law enforcement (BLE) curriculum and other offerings and to be innovative. In early 1983, a decision was reached to place a private security module temporarily in the BLE curriculum. A 2-hour lecture, preceded by an attitude survey on private security, would be followed by a change measurement survey. The latter instrument was designed to reflect knowledge intake, improvements in attitude toward private security, and recognition of liaison opportunities with members of this important practitioner area.

Better law enforcement/private security liaison is not a new issue. In recent years, both the FBI and the International Association of Chiefs of Police (IACP) have initiated activities designed to enhance such liaison op-



Dr. Bottom

portunities. For example, IACP has urged greater cooperation with private security through *Police Chief*[1] magazine and its private security committee, which resolved that the International Association of Chiefs of Police encourages the chief law enforcement officer of every jurisdiction to establish a formal liaison with the private security industry, including both proprietary and contract, and to cooperate with such agencies to the extent permitted by law.[2] Both the FBI and IACP have held dialogs with representatives of the American Society for Industrial Security, International (ASIS), which is the premier generalist association of security executives. Representatives of ASIS have been invited to speak to FBI Academy classes in recent years.

Many command police officers are members or frequent guests at ASIS meetings. The annual ASIS Directory shows members from scores of police and Federal law enforcement agencies.

The liaison problem between law enforcement and private security often exists at the line officer level. As the new officer gains experience—frequently off-duty security experience—more fruitful liaison results. However, the new police officer usually emerges from his academy with little or no understanding of private security or liaison advantages between the two

Figure 1

1. I would never consider a career in private security.
2. American big city police chiefs earn more than corporate directors of security.
3. Security can best be described as second-rate police work.
4. Law enforcement is proactive; security is reactive.
5. The scope of law enforcement is greater than the scope of private sector security.
6. Unlike law enforcement, security can restructure the environment.
7. Access control is a major security advantage over law enforcement.
8. Citizen complaints are the primary motivation of private sector security.
9. Law enforcement has many more options than private sector security.
10. ASIS is the government agency that regulates private sector security.
11. There is little or nothing that a security guard can do to help local law enforcement personnel.
12. In-house, or proprietary security, is subject to the same regulations as contract security.
13. Most police officers look for a security job when they leave police work.
14. Crime prevention is a major police task.
15. Police are well-trained to deal with white-collar crime, such as computer fraud.
16. "Two Armies—One Flag" is an appropriate reference to law enforcement and private sector security.
17. A law enforcement background is the best preparation for private sector security responsibilities.
18. Florida should raise training requirements for private sector security personnel.
19. Florida should raise training requirements for police personnel.
20. Waste, accident, error, crime, and unethical practices are interrelated in cause and effect.

groups.

Most of the recruits exposed to the private security module came from the Metro-Dade Police Department. This added validity to the project since this department had announced plans to establish formal liaison with the local security community in accord with the IACP resolution. A total of 93 BLE students in 3 consecutive classes during spring and summer of 1983 participated in the lecture and survey.

The lecture topics included:

1) Threats to commercial enterprises (waste, accident, error, crime, and unethical practices);
2) The evolution of private security;
3) Contrasts between law enforcement and security;
4) Security technology;
5) Special security problems—fraud, computer crime, industrial espionage, terrorism;
6) Business perspectives on security; and
7) Benefits of law enforcement security liaison at the line officer level.

Twenty statements were listed on both the initial and final surveys, which were taken anonymously, and the respondent was asked to indicate whether his attitude had changed following the lecture. (See fig. 1.) The lecture attempted, in part, to either refute or support each of the statements on the survey. This resulted in a large number of response changes on the final survey.

Conclusion

Because of the success of the program, the Southeast Institute of Criminal Justice is considering the addition of the module to its permanent curriculum.

The enthusiastic response to the lectures was reflected in many of the comments on the questionnaire, indicating to us that we had accomplished our goal—better liaison between law enforcement officers and those persons involved in private security. **FBI**

Footnotes

[1] See "Untapped Resources of the Private Security Sector," editorial, *Police Chief,* December 1977, p. 9; Richard Kobetz and H. H. A. Cooper, "Two Armies: One Flag," *Police Chief,* June 1978, pp. 31–33.

[2] "Private Security Committee Report," *Police Chief,* March 1983, pp. 176–177.

Crimes Reported to Law Enforcement Drop

For the second consecutive year, the Nation has experienced a decrease in the number of crimes reported to law enforcement agencies, according to preliminary figures of the FBI's Uniform Crime Reporting Program. The 7-percent decline in 1983 was greater than any since 1960. Using 1960 as the base year, there has been no previous 2-year period when reported crime decreased.

The 1983 annual totals showed violent crime down 5 percent as compared to 1982. Murder declined 9 percent; forcible rape, 1 percent; robbery, 9 percent; and aggravated assault, 3 percent. Overall, property crime was down 7 percent. The number of burglaries fell 10 percent; larceny-theft, 6 percent; and motor vehicle theft, 6 percent. Arson, the eighth Crime Index offense, recorded a 13-percent decrease. When arson was considered in the Crime Index total, the overall percent change was the same, a 7-percent decline.

Collectively, cities with populations over 50,000 recorded a 7-percent decline, while those outside suburban areas registered a 5-percent drop. The Nation's suburban and rural areas showed decreases of 8 and 7 percent, respectively.

All geographic regions registered Crime Index declines last year. While the Northeastern Region recorded an 8-percent decline, the Southern Region showed a 7-percent drop, and the North Central and Western Regions each had a decrease of 6 percent.

Handwriting Evidence for the Investigator

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The alert investigator will find that the document examiner (often referred to as handwriting expert) can be a valuable ally in successfully investigating and prosecuting cases. Handwriting examination is one of the few forensic sciences in which a particular individual can be identified to the exclusion of all other persons. The very act of writing may establish intent.

The effective use of handwriting evidence requires a considerable degree of effort and knowledge on the part of the investigator, who must be aware of the potential presence of documentary evidence within the framework of the investigation and be able to recognize it as such. Then, necessary steps must be taken to obtain the tools with which to determine the origin of the document or to prove it for what it is. In some cases, such as those dealing with fraudulent or counterfeit checks, the bogus nature of the document is self-evident. In a complicated fraud scheme, however, it may be difficult to recognize the importance of documents to the investigation.

In order to make full use of handwriting evidence, an investigator must know what is required for an examiner to conduct a comprehensive examination. Definite results in handwriting examination are not always possible. This is simply the nature of handwriting. By supplying the examiner with adequate materials with which to work, the chances of receiving a laboratory report detailing definite conclusions are significantly improved.

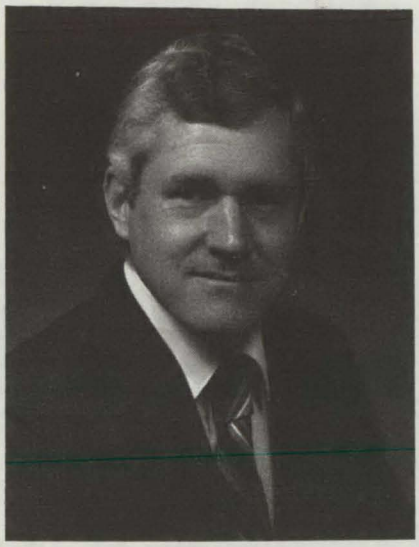
Where Handwriting May Be Important

Identifying the person who did the writing becomes extremely important in many cases. Signatures and other writing on a fraudulent check will provide proof of that person's involvement in the crime. The handwriting on contracts, work papers, and correspondence can help incriminate those involved in a fraud. Letters are used in extortions, while demand notes turn up in robberies. Handwriting on documents such as a motel registration card, credit card invoice, sign-in sheet, or visitor's log may place a person in the vicinity or at the scene of a crime. These are but a few of the potential applications of handwriting evidence to everyday investigative operations.

Why Handwriting Can Be Identified

The basic premise that no two people write exactly alike is a generally accepted tenet within the community of document examiners and has been accepted by the courts and criminal justice system for many decades.[1] The physical act of writing is a habit or a reflexive action. As a person writes, his mind is on the words or message he is trying to communicate. Therefore, in normal writing, the movement of the muscles required to push the pen across the page, forming the letters and words, is controlled by the subconscious, while the conscious mind concentrates on the message.

As the writer matures, his writing develops numerous individual characteristics which are consistent and are repeated from one specimen of writing to another. It is the combination of



Special Agent Waggoner

these characteristics unique to an individual which permits two specimens of writing to be identified as the product of one person. Likewise, it is this unique combination of characteristics which permits most people to recognize the handwriting of friends, relatives, and business associates.

During his examination, the expert examines in detail the writings involved in the investigation. These will generally consist of documents bearing handwriting that is in question and other documents bearing known handwriting samples of a suspect. The examiner determines what combination of characteristics is present in each of the writings and compares the two. The actual examination involves a thorough, detailed study of all aspects of the writing. This includes features such as slant, speed, pressure, rhythm, ability, spacing, letter formations, beginning, ending and connecting strokes, line quality, and many other elements of the writing. Appropriate magnification and lighting is used as required.

A handwriting can be identified with the writer if it contains the characteristics and individualities of the writer in adequate kind and number and if the writing is truly representative of its source. In other words, there must be an adequate amount of writing, it must be normal writing, and it must contain sufficient individualities. For these reasons, it may not be possible to identify very limited writing, such as a check mark, a single letter or number, initials, distorted or disguised writing, or block letter handprinting. (See fig. 1.) By the same token, distorted or disguised handwriting exemplars are not suitable for use in a handwriting examination because they do not represent the normal writing of the individual.

Another example of handwriting which cannot be identified with the writer is in the case of a simulated or traced forgery. In a simulated forgery, the writer attempts to copy the signature of another person by observing the signature and trying to draw it. In a traced forgery, the writer actually traces from a genuine signature by going over it with carbon paper underneath or by using transparent paper. In both of these cases, the forged product cannot be identified with the writer because these forged signatures do not represent his normal handwriting characteristics. Rather, the characteristics of the victim's writing will be incorporated into the

Figure 1. Examples of writing too limited to identify.

"The primary consideration in obtaining documentary evidence is to preserve the evidence in the same condition in which it was found."

forged signatures to a greater or lesser extent, depending on the skill of the forger. Both simulated and traced forgeries, however, will generally exhibit features which enable the examiner to judge them as forgeries.

Handling Questioned Documents

The primary consideration in obtaining documentary evidence is to preserve the evidence in the same condition in which it was found. (See fig. 2.) The questioned documents should be inconspicuously dated and initialed for identification. They should not otherwise be marked, stapled, folded, or soiled. Never write on paper that is placed on top of the evidence since this may leave indentations in the questioned document. Also, the documents should be placed in plastic envelopes to preserve them from fingerprints while being handled.

Keeping detailed records of where and how the documents were obtained and their disposition for future chain of custody accounting is important. Also, always send the original evidence to the examiner unless it is absolutely not available. It is often difficult to conduct an adequate examination from photocopies.

Obtaining Known Writing Exemplars

Once a suspect is located, it becomes important to obtain suitable handwriting standards or exemplars to be used in the examination. This is a crucial point in the investigation because the quality of the known standards has a direct effect on the results of the examination. It has been the experience of document examiners that the lack of adequate known exemplars is one of the primary causes of inconclusive examination results.

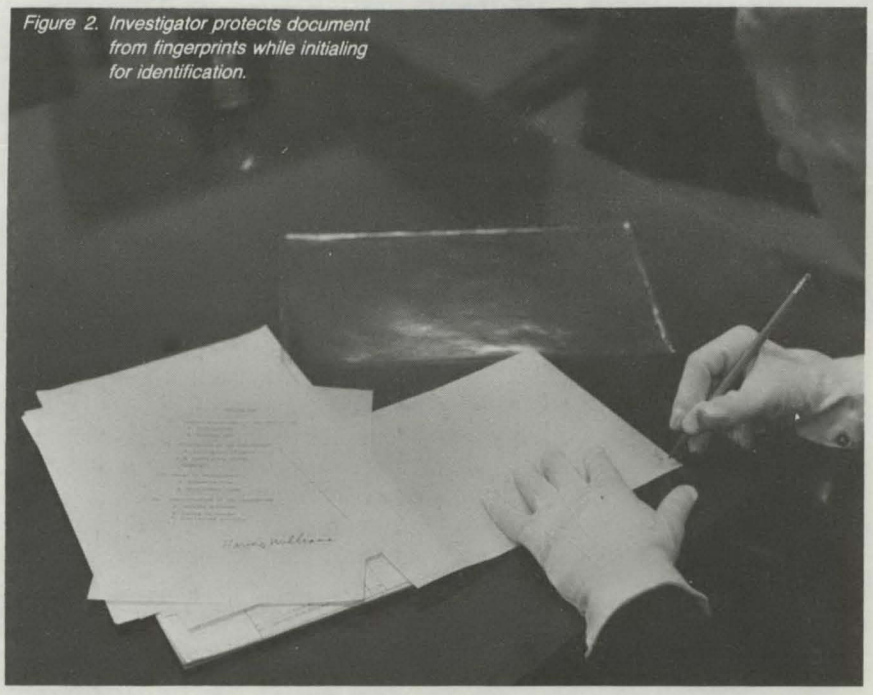


Figure 2. Investigator protects document from fingerprints while initialing for identification.

An informal survey has shown that in about 50 percent of the cases with inconclusive findings, the cause has been inadequate known handwriting samples. It is, therefore, important for the investigator to understand what exemplars the examiner requires in order to conduct an adequate examination.

The object of the exemplar is to illustrate the writer's personal writing habits with respect to the writing in question. If an identification is to be made, the handwriting sample will recreate the identifying elements, or combination of characteristics, of the questioned writing with which it is to be compared. It becomes evident, now, that the examiner will compare the characteristics that are present in the strokes, letters, letter combinations, words, names, numbers, punctuation marks, and other facets of the questioned writing with those same strokes, letters, letter combinations, words, names, numbers, punctuation marks, and other facets appearing in the exemplar. In other words, the known writing sample should consist of substantially the same wording, in the case of extended text, and of the same names, where signatures are involved, as the questioned writing.

To illustrate further, a successful comparison cannot be made between a questioned signature "John Smith" and a known sample in the name "Stephen Barnes." (See fig. 3.) Likewise, the words "I have a gun" cannot be compared with the phrase "This is a stickup." The letters, words, and names in the questioned writing must

be compared to those same letters, words, and names in the known exemplar. A similar situation exists with respect to cursive writing and handprinting. A letter, word, or name written in cursive style cannot be successfully compared with that same letter, word, or name which is printed. A letter printed in upper case cannot be compared with the same letter printed in lower case form.

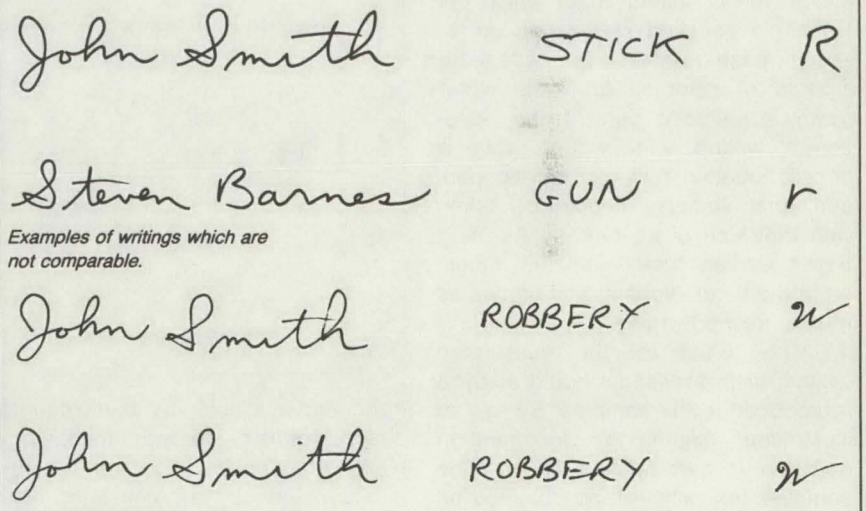
It is incumbent upon the investigator to obtain known samples that can be compared successfully with the questioned writing. These exemplars must not only represent the normal writing habits of the writer but also must contain a sufficient quantity of the same letter combinations, words, and names as the writing in question.

There are two classes of exemplars. Undictated exemplars are those writings prepared during the normal course of business. Dictated exemplars are writings produced at the request of the investigator. Both types have advantages and disadvantages.

The primary advantage of undictated writings is that they are likely to contain the normal writing habits of the writer since no reason exists for him to alter or disguise his writing. At the time the writing was prepared, there were no circumstances which would cause undue emphasis on the act of writing.

There are, however, two disadvantages to undictated standards. These are the potential difficulty in having the writings authenticated for court purposes as being the writings of the defendant and the problems of locating writings which are comparable to the questioned writing, that is, that contain a sufficient number of the same letters, letter combinations, and words. When the questioned writing consists of extended text, such as an extortion letter, it becomes easier to find comparable exemplars.

Figure 3.



Examples of writings which are not comparable.

Comparable writings.

The source of undictated exemplars will depend on the suspect. An investigator should review the subject's background for potential avenues of approach. One way is to simply ask the subject for notes, letters, and cancelled checks that he has written, making sure that he verifies the writing as his. Relatives or friends may supply letters the subject has written to them. Business records from the place of employment, including application forms, should be considered. School papers, financial documents, and military records are some additional potential sources. Here again, send in the original evidence, not photocopies, to the examiner.

In most cases, it is advisable to obtain requested or dictated known exemplars. The main advantages to this type of standard are that the subject can be requested to produce writing that is comparable (same wording) to the questioned writing and the samples can be easily authenticated for court purposes. The disadvantage is that obtaining such exemplars focuses inordinate attention on the writing process. This may inhibit the writer, resulting in a product that is not freely and normally prepared and may not contain his normal writing characteristics. There also may be an attempt to alter the style of writing or disguise it. Nevertheless, in most cases, it is necessary to obtain dictated exemplars. The quality of these exemplars has a direct bearing on the results of the examination. Therefore, it is important to discuss in detail correct methods of obtaining dictated known handwriting exemplars.

"The successful investigation and prosecution of a case may depend on the comprehensive examination of handwriting evidence."

A key point to remember is to duplicate the condition under which the writing in question was produced. In every case obtain an adequate amount of samples from the writer using a ballpoint pen. If the questioned writing was written with a pencil, fountain pen, or fiber-tip pen, additional samples should be taken with that kind of instrument. As mentioned earlier, these samples should be in the same wording and names as the questioned writing.

The format of the questioned writing, within reason, should also be reproduced in the samples. By way of illustration, assume the document in question is a fraudulent check. The samples, logically, will be obtained on check-type forms. (See fig. 4.) Many law enforcement agencies have forms printed specifically for this purpose. If none are available, try bank counter checks, forms made by photocopying a blank personal check, or even simulate a check form by drawing lines on a sheet of paper.

Figure 4

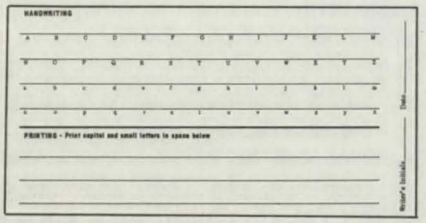
CHECK SAMPLE

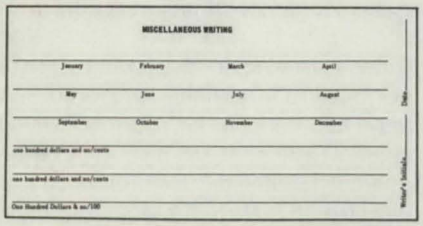
Once again, it is important to have the suspect write all of the questioned writing on all of the fraudulent checks. This includes date, payee name, written and numerical amounts, signature, endorsement, and such identifying information as addresses or numbers which are part of the endorsement. Do not limit the writer to the signature or endorsement alone, unless they are the only writing in question.

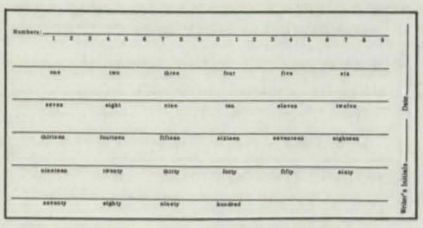
In the case of an extortion letter consisting of extended cursive writing on lined tablet paper, for example, provide the suspect with lined tablet paper and instruct him to write in cursive as the wording of the letter is dictated. If the letter was handprinted, give the writer specific directions to print in uppercase or lowercase letters corresponding to the questioned writing.

Other types of questioned documents are to be treated accordingly. Credit card invoices generally consist of a signature crowded into a small box or block. Sample forms should be prepared so that the suspect will be writing in a similar sized area. A contract or letter may bear one signature on a line at the bottom of the page. Draw lines of similar length on similar sized sheets of paper for use as sample forms. If the writing in question includes an addressed envelope, have the writer prepare the samples on envelopes or on slips of paper of the same size. Make sure that the sample consists of the wording of both the address and the return address.

Figure 5







Standard Sample Forms

Beware of standard handwriting sample forms containing various names, paragraphs, the alphabet, and numbers. (See fig. 5.) These forms are often not adequate substitutes for comparable writing in the same wording, names, and numbers as the questioned writing. Likewise, page after page of the alphabet are unlikely to be adequate for an examination in themselves. These types of writings are fine as supplementary material or for "warming up" the writer but are generally not adequate standing alone.

In each case, dictate the writing to the suspect without letting him see

the questioned writing. As each sheet is filled out, it should be removed from the view of the writer. Both the suspect and investigator should initial and date each page.

Number of Samples

How many samples must be obtained? There are no set requirements, and each case must be treated individually. The handwriting exemplars should be sufficient to demonstrate the normal range of writing habits of the writer. As a general rule, however, obtain 20–30 repetitions when the questioned writing is relatively brief, such as a signature or a single check. If there are 10 questioned checks, each bearing different writing, 8 or 10 repetitions of *each* check is probably sufficient. By the same token, a 3-page extortion letter will require perhaps 3 or 4 repetitions. In the case of large volumes of questioned documents, such as work papers, notebooks, or diaries, obtain as much known writing as is feasible in a period of 2 hours or so. Concentrate especially on words and phrases which appear throughout the questioned writing.

One of the greatest drawbacks of dictated known exemplars is the potential for disguising the writing. In an attempt to disguise his writing, the suspect will often slow the writing speed, increase pen pressure, change the style of capital letters, alter the slant, or make exaggerated or grotesque letter forms. Observe the writer for evidence of disguise as he writes. If he does not appear to be writing normally, encourage him to do so, requesting him to speed up or alter his slant as necessary. Have the suspect continue to write until you believe the writing is normal. Many people find it difficult to maintain a disguise over a period of 2 or 3 hours. Also, consider obtaining samples with the awkward hand if the questioned writing exhibits a lesser degree of skill than the samples written with the normal hand.

Examiner testifying in court.

Conclusion

It is becoming more and more common to obtain handwriting exemplars at the direction of a court order or grand jury subpoena. In this event, request that the order or subpoena direct the defendant to provide "normal handwriting in the amount, style, and wording as directed by the investigator." Remember, a great deal of time and effort have been spent in gathering evidence for the case. Do not cut corners in obtaining handwriting samples. Always submit a complete set of exemplars. The successful investigation and prosecution of a case may depend on the comprehensive examination of handwriting evidence.

FBI

Footnote

Fenelon v. *State,* 195 Wis. 416, 217 N.W. (1928), *rehearing denied,* 195 Wis. 416, 218 N.W. 830; *Murphy* v. *Murphy,* 144 Ark. 429, 222 S.W. 721 (1920); *Baird* v. *Shaffer,* 101 Kan. 585, 168 Pac. 836 (1917); *Bank of Weston* v. *Saling,* 33 Ore. 394, 54 Pac. 190 (1898).

Interrogation after Assertion of Rights
(Conclusion)

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

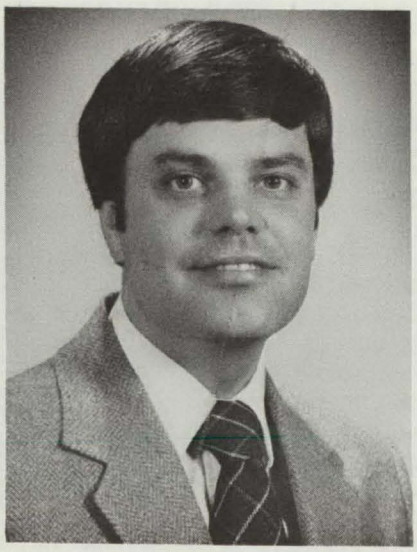
Part I of this article focused on what courts have found to constitute an assertion of rights requiring immediate termination of a custodial interrogation and when, pursuant to the rules set forth in *Michigan* v. *Mosley*[31] and *Edwards* v. *Arizona,*[32] law enforcement officers can attempt a second interrogation without violating *Miranda* v. *Arizona.*[33] The conclusion addresses exceptions to the *Mosley* and *Edwards* rules that have been recognized by the courts.

Exceptions to the *Mosley* and *Edwards* Rules: The Subject-initiated Second Interrogation

In both *Mosley* and *Edwards,* the Supreme Court stated that the special rules announced in those cases do not apply where the subject initiates a second interrogation. This exception is easily applied and understood in a case where a subject, without any prompting, contacts an investigator and states that he has changed his mind and wants to answer questions without a lawyer present. However, many cases are not so clearcut.

In *United States* v. *Thierman,*[34] the Court of Appeals for the Ninth Circuit confronted a case where the defendant, who had just been arrested and was present while officers executed a search warrant at his residence, told the police that he was not going to talk with them until the next morning when his attorney was present. The officers refrained from asking any further questions; however, several of the officers commented among themselves, in the defendant's presence, that they would have to contact his girlfriend, family, friends, and acquaintances about the case. After several minutes, Thierman indicated he was willing to answer questions and asked to speak with the officer who originally tried to question him. Following a discussion with this officer, Thierman led the police to the evidence sought under authority of the warrant, and later the same day, provided a taped confession.

Thierman could be said to have initiated the second interrogation in the sense that the police did not resume questioning until he indicated that he had changed his mind. However, the court held that if the officers' comments among themselves constituted interrogation, then *Edwards* was violated and Thierman's statement



Special Agent Riley

that he would answer questions could not be viewed as an initiation of the second interrogation. In analyzing this question, the court referred to *Rhode Island* v. *Innis,*[35] wherein the Supreme Court defined interrogation as direct questioning or its functional equivalent, i.e., "any words or actions on the part of the police (other than those normally attendent to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect."

Using the Supreme Court's definition, the court concluded that the officers' comments in this case did not constitute interrogation since they "were brief and concerned the likely course of the police investigation and the possible consequences of the suspect's failure to cooperate with the police." Furthermore, while the police may have attempted to use Thierman's concern for his family to persuade him to tell the truth, the court ruled that in view of Thierman's education and background, he did not have a "peculiar suspectibility" to such psychological pressure. Since the officers' comments were not found to constitute interrogation, the court held that Thierman had initiated the second interrogation within the meaning of *Edwards,* and his confession was properly used against him at trial. Although Thierman's conviction was affirmed by a majority of the three-judge panel that decided the case, one judge wrote a strong dissenting opinion stating that the officers' comments constituted interrogation because they should have known that their words were likely to elicit incriminating responses from Thierman.

The *Thierman* majority approach was taken by the Court of Appeals for the Eighth Circuit in *Stumes* v. *Solem*[36] with a different result. In *Stumes,* the defendant was lawfully arrested in Green Bay, Wis., under authority of a warrant issued in South Dakota, charging him with offenses unrelated to a murder for which he was later indicted. He was placed in a local jail to await his return to Sioux Falls, S. Dak., to stand trial. A few days after his arrest, while still in Wisconsin, Stumes was questioned, without being advised of his rights, by South Dakota officers about the murder of a female acquaintance. He made some admissions before stating that he would rather not talk about it any more until he spoke to his attorney. The interrogation was ended. The next day Stumes was transported back to Sioux Falls by two police officers—a car trip that covered 600 miles and took almost 7 hours. At the beginning of the trip, Stumes was advised of his rights and then "questioned intermittently" during the trip. When the trio was approximately 90 miles from their final destination, Stumes stated that he "couldn't understand why anybody would want to kill Joyce and that the taking of a human life is so useless." One of the officers then told Stumes that he would feel better if he "got it off his chest." He thereafter related how he had killed the victim.

"A subject will not be found to have initiated a second interrogation where the initiation is preceded by police actions or comments that equate with interrogation."

A majority of the three-judge panel found that Stumes' comment about the taking of human life could not be viewed as the initiation of a second interrogation because the statement was preceded by interrogation in violation of *Edwards.* One judge dissented, finding that while questioning took place during the trip, there was no interrogation for several hours before Stumes made his unsolicited statement about the taking of human life. Emphasizing the lapse of time between the interrogation that took place during the trip and the subject's unsolicited statement, the dissent concluded that Stumes initiated the second interrogation within the meaning of *Edwards* and that the surrounding circumstances indicated that he waived his rights to have counsel present during the interrogation.

The courts disagreed in foregoing cases over what words or actions on the part of the police constituted interrogation; however, both courts agreed that if the subject's willingness to discuss the case was preceded by interrogation, he did not initiate the second interrogation.

Another problem raised in these cases concerns what comments or statements by a subject can be interpreted as a willingness to engage in a second interrogation. In *Thierman,* the subject's statements to the officers clearly indicated that he was willing to renew the questioning; however, it is at least questionable whether Stumes' general statement about the taking of human life can be interpreted as a willingness on his part to once again be questioned about the murder.

On June 23, 1983, in *Oregon* v. *Bradshaw,*[37] the Supreme Court addressed this issue. In *Bradshaw,* the defendant was arrested for furnishing liquor to a minor and advised of his *Miranda* rights. The defendant denied any involvement, requested an attorney, and the interrogation ceased. Subsequently, while being transferred from the police station to jail, the defendant inquired of the transporting officer, "Well, what is going to happen to me now?" The officer advised the defendant that he did not have to talk to him and the defendant stated he understood. However, a conversation ensued and the defendant agreed to undergo a polygraph examination. The polygraph examination was administered after the defendant was readvised of, and agreed to waive, his *Miranda* rights. After being advised that the polygraph indicated deception, the defendant made incriminating statements that were used against him at his trial. The Oregon Court of Appeals subsequently reversed his conviction on grounds that the defendant's inquiry of the transporting officer did not amount to the "initiation" of a conversion with the officer, and therefore, the statements growing out of this conversation were obtained in violation of the *Edwards* rule.

In reversing the State court's decision, the Supreme Court ruled that the defendant's question to the transporting officer evinced a willingness and a desire on the part of the defendant to engage in a generalized discussion concerning the investigation; therefore, the defendant "initiated" the conversation that resulted in the incriminating statements. Explaining further, the Court stated that there are undoubtedly situations where a lone inquiry by either a defendant or by a police officer should not be held to "initiate" any conversation or dialog. For example, the Court noted that requests for a drink of water or to use the telephone are so routine that they cannot fairly be said to represent a desire on the part of the accused to open up a more generalized discussion relating directly or indirectly to the investigation. Consequently, such "inquiries or statements, by either an accused or a police officer, relating to the routine incidents of the custodial relationship, will not generally 'initiate' a conversation in the sense in which that word is used in *Edwards.*" [38]

Another important aspect of the *Bradshaw* case is that while a subject's initiation of a second interrogation is an exception to the *Edwards* rule, the Court stated that such initiation does not automatically mean that the subject has waived his rights. Waiver was regarded as a second question that must be considered in these cases; however, a valid waiver was found in *Bradshaw* since the defendant was advised of his rights before the second interrogation took place, and voluntarily, knowingly, and intelligently relinquished his rights before confessing.

Based on the above cases, the following guidelines are offered concerning the subject-initiated second interrogation:

1) The special rules announced by the Supreme Court in *Mosley* and *Edwards* do not apply where the subject initiates the second interrogation.
2) A subject will not be found to have initiated a second interrogation where the initiation is preceded by police actions or comments that equate with interrogation. General conversations with a subject about matters unrelated to his case do not constitute interrogation. Where these conversations relate to the subject's case, the courts differ as to how far the police can go before the conversation is found to be interrogation. Because of this uncertainty, officers should refrain from making any statements that could later be interpreted as an attempt to elicit an incriminating response from the subject.
3) Not all statements will be interpreted as showing a willingness on the part of the defendant to resume questioning, i.e., a request to use the telephone or for a glass of water will not be viewed as a desire on the part of the defendant to continue the interrogation.
4) Before proceeding with a subject-initiated second interrogation, the subject should be readvised of his rights and a waiver obtained.
5) If the subject again invokes his rights, the second interrogation must cease.

The Custody Requirement

The rules set forth in *Miranda* only apply where a defendant is subjected to custodial interrogation. Since *Mosley* and *Edwards* are based on *Miranda,* the courts have found that the special rules set forth in these cases only apply in *custodial* interrogation situations.

For example, in *United States* v. *Skinner,*[39] the defendant voluntarily accompanied investigators to the police station so he could be interviewed about the fatal shooting of one Thomas Cullison. At the station, Skinner was advised of his rights and executed a waiver of rights form. After a questioning session that lasted an hour and 45 minutes, Skinner stated he wanted to speak with an attorney before answering any further questions. The interrogation was ended and Skinner left the police station alone. The next morning, the same investigators arrested Skinner for Cullison's murder and again advised him of his rights. Skinner stated that he understood his rights and agreed to answer questions. He then confessed and the confession was used against him at trial.

Appealing his subsequent first-degree murder conviction to the Court of Appeals for the Ninth Circuit, Skinner argued that his confession should have been suppressed under the *Edwards* rule since he had invoked his right to counsel the day before he was arrested and confessed. Rejecting this argument and affirming the conviction, the ninth circuit distinguished the *Edwards* decision by noting that Skinner was not in custody at the time he requested counsel, and when he left the stationhouse after terminating the first interview, "he had the opportunity to contact a lawyer or to seek advice from friends and family if he chose to do so."[40] Based on *Skinner,* and other court decisions that have addressed this issue,[41] it is logical to conclude that *Edwards* and *Mosley* do not apply where a subject who is not in custody refuses to be interviewed or states that he will not agree to be interviewed until he speaks with an attorney. Consequently, police officers can attempt later custodial interviews in these situations without complying with the special rules set forth in these cases. Of course, since the subject is in custody when the later interview is attempted, he must first be advised of his rights and a waiver obtained. Additionally, if he again refuses to be interviewed by asserting his right to remain silent or requests counsel, the interrogation must cease. Likewise, if a defendant who has invoked his right to remain silent or requests counsel is released

". . . before conducting a custodial interrogation police officers should inquire of other officers whether the subject has previously invoked his rights."

from custody, investigators can approach the defendant and request that he submit to interrogation without complying with the *Mosley* or *Edwards* rules.[42]

No Good Faith Exception

Many arguments have been made to limit the scope of the *Mosley* and *Edwards* rules. For example, it has been argued that *Mosley* and *Edwards* should not apply where the second interrogation is conducted by officers from a different jurisdiction, or where it concerns crime other than those for which the defendant was arrested and invoked his rights. The courts have not been sympathetic to these arguments and have found violations even where the officers conducting the second interrogation were acting in good faith and were not aware that the subject had previously invoked his rights.[43]

Consequently, before conducting a custodial interrogation police officers should inquire of other officers whether the subject has previously invoked his rights. If so, the officers should treat the invocation of rights as if it was made directly to them. Depending on which right was asserted, the officers should not attempt to interrogate the subject until the *Mosley* or *Edwards* rule has been satisfied.

Edwards Not Retroactive

On February 29, 1984, the Supreme Court held in *Solem* v. *Stumes*[44] that the rule established in *Edwards* should not be applied retroactively to final convictions on collateral review. In *Solem,* the defendant Norman Stumes made incriminating statements after the police had twice renewed custodial interrogation despite his having invoked his right to counsel. The statements were used against him, and he was convicted of first-degree manslaughter. The conviction was affirmed on direct appeal, at which time Stumes attempted to collaterally attack his conviction by filing a petition for a writ of habeas corpus in Federal district court. The petition was denied, and Stumes appealed the denial of the writ of habeas corpus to the Court of Appeals for the Eighth Circuit. While this appeal was pending, the Supreme Court rendered its decision in *Edwards.* The eighth circuit applied *Edwards* to the facts in this case and concluded that *Edwards* had been violated.

Reversing and remanding the case to the eighth circuit, the Supreme Court concluded that *Edwards* should not have been applied retroactively. First, noting that retroactivity is especially appropriate where the new principle is designed to enhance the truthfinding process, the Court found that a defendant's request for a lawyer does not necessarily mean that a statement made in response to continued police questioning is inaccurate. Second, the Court concluded that it would be unreasonable to expect the police to have anticipated the *Edwards* rule prior to its announcement by the Court. Finally, the Court determined that retroactive application of *Edwards* would have a disruptive effect on the administration of justice.

Conclusion

The *Miranda* decision requires police officers to discontinue custodial interrogation once an accused invokes his right to remain silent or requests an attorney. Part I of this article discussed what constitutes an invocation of rights requiring that the interrogation be stopped, several general principles gleaned from court decisions addressing this issue, and suggested police responses to the problem.

First, requests by subjects to speak with probation officers, clergy, friends, and relatives do not constitute an assertion of the right to remain silent or a request for counsel. Consequently, police officers need not end an interrogation simply because such a request is made. Second, *Miranda* does not require that an interrogation be terminated merely because a subject is uncertain about whether he wants to waive his rights and answer questions without a lawyer present. However, since this conduct does not evidence the required waiver of rights, it is suggested that investigators immediately focus the interview on clarifying the subject's wishes. Investigators who find themselves in this situation should refrain from making any promises or statements that could later be interpreted as an attempt to influence the subject's decision. General interrogation should not be resumed unless and until the subject unequivocally agrees to waive his rights and answer questions. Third, it is clear that subjects can agree to waive their rights to discuss certain topics, while at the same time invok-

ing their rights as to others. Such limitations have been deemed a prerogative of the defendant, and the interrogation can continue so long as the limits established by the subject are respected. Fourth, a subject's request at a judicial hearing that counsel be appointed to assist him at future judicial appearances does not equate with an assertion of the right to have counsel present during an interrogation. Hence, police officers need not forego interrogation simply because such a request has been made.

Assuming that a subject invokes his rights requiring that the interrogation end, part I proceeded to discuss under what circumstances, following assertion of the rights, law enforcement officers could attempt a second custodial interrogation without violating the *Miranda* rule. The answer to this question was found to be dependent on which right—the right to remain silent or the right to counsel—had been asserted at the first interrogation. Based on the Supreme Court's decision in *Mosley,* and lower court decisions applying the *Mosley* rule, it was concluded that second custodial interrogations, conducted after a subject has invoked his right to remain silent, will not be found to violate *Miranda* so long as the following guidelines are met:

1) The subject's initial invocation of his right to remain silent is immediately honored;
2) A significant period of time elapses before a second custodial interrogation is attempted; and
3) The subject is readvised of his rights and provides a waiver at the beginning of the second interrogation.

Where a subject invokes the right to counsel rather than the right to remain silent, the Supreme Court's decision in *Edwards* provides that a police-initiated second custodial interrogation cannot be attempted until counsel has been made available to the defendant. Although the Supreme Court has not clarified what it meant by counsel being "made available," the following suggestions are offered to investigators:

1) *Edwards* does not prevent a police officer from recontacting a subject for the limited purpose of determining whether he has had access to an attorney;
2) If during such a recontact the accused says that either he has not had the opportunity to consult with counsel or he has done so and decided not to answer questions, all efforts to seek a waiver of rights and to interrogate should cease; and
3) If during the limited recontact the accused states that either he has consulted with counsel or he has had the opportunity to do so but decided not to take advantage of it, a second interrogation can be conducted, so long as the subject is willing to waive his rights and answer questions.

Part II of this article focused on exceptions to the *Mosley* and *Edwards* rules that have been recognized by the courts. The major exception occurs in a situation where the subject initiates the second interrogation. Such subject-initiated reinterviews have not been found to violate *Miranda* if they are not preceded by police actions or comments that equate with interrogation and the defendant is readvised of his rights and a waiver obtained at the beginning of the second interrogation.

Finally, it was emphasized that since *Mosley* and *Edwards* are based on *Miranda,* the special rules set forth in those cases operate only in *custodial* interrogation situations. Consequently, the rules (1) do not apply where a subject asserts his rights during a noncustodial interview; and (2) do not prevent officers from attempting to interview an individual who invokes his rights while in custody, but is since released. **FBI**

Footnotes

[31] 423 U.S. 96 (1975).
[32] 451 U.S. 477 (1981).
[33] 384 U.S. 436 (1966).
[34] 678 F.2d 1331 (9th Cir. 1982). *See also, United States* v. *Gordon,* 655 F.2d 478 (2d Cir. 1981); *United States* v. *Lame,* 716 F.2d 515 (8th Cir. 1983); *McCree* v. *Housewright,* 689 F.2d 797 (8th Cir. 1982), *cert. denied,* 103 S.Ct. 1782 (1983).
[35] 446 U.S. 291, 301 (1979).
[36] 671 F.2d 1150 (8th Cir. 1982), *rev'd on other grounds,* 52 U.S.L.W. 4307 (February 29, 1984).
[37] 103 S.Ct. 2830 (1983).
[38] *Id.*
[39] 667 F.2d 1306 (9th Cir. 1982), *cert. denied,* 103 S.Ct. 3569 (1983).
[40] *Id.* at 1309.
[41] *United States* v. *Serlin,* 707 F.2d 953 (7th Cir. 1983); *United States* v. *Turpin,* 698 F.2d 351 (8th Cir.), *affirmed after remand,* 707 F.2d 332 (8th Cir. 1983).
[42] *Id.*
[43] *United States* v. *Downing,* 665 F.2d 404 (1st Cir. 1981); *United States* v. *Scalf,* 708 F.2d 1540 (10th Cir. 1983); *Kimes* v. *Greer,* 527 F.Supp. 307 (N.D. Ill. 1981), *rehearing denied,* 541 F.Supp. 632 (N.D. Ill. 1982); *Shaffer* v. *Clusen,* 518 F.Supp. 963 (E.D. Wis. 1981).
[44] 52 U.S.L.W. 4307 (February 29, 1984).

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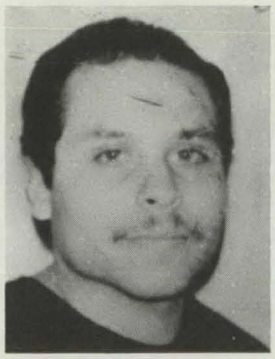
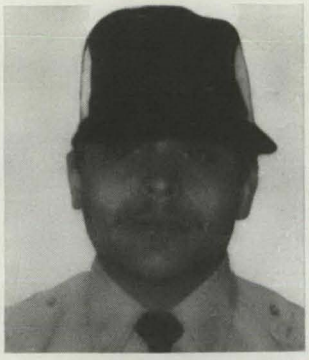


Photograph taken 1983



Photograph taken 1982

Victor Manuel Gerena

Victor Manuel Gerena, also known as Victor Ortiz, Victor M. Gerena Ortiz, Victor Manuel Gerena Ortiz

Wanted For:

Bank Robbery; Interstate Flight—Armed Robbery; Theft from Interstate Shipment

The Crime

Victor Manuel Gerena, a former security guard, is being sought in connection with the armed robbery of approximately $7 million from a West Hartford, Conn., security company. Gerena, who was reportedly armed with a .38-caliber revolver, allegedly took two fellow employees hostage. After handcuffing and binding them, Gerena reportedly injected the hostages with an unknown substance to further disable them.

A Federal warrant was issued on September 13, 1983, in Hartford, Conn.

Description

Age	25, born June 25, 1958, New York, N.Y.
Height	5'6" to 5'7".
Weight	160 to 169 pounds.
Build	Medium-stocky.
Hair	Brown.
Eyes	Green.
Complexion	Dark/medium.
Race	White.
Nationality	American (Puerto Rican descent).
Occupations	Machinist, security guard.
Scars and Marks	One-inch scar on right shoulder blade; mole on right shoulder blade.
Remarks	Customarily wears light mustache; noticeably green eyes.
Social Security Number Used	046-54-2581.
FBI No.	134 852 CA2.

Caution

Gerena should be considered armed and extremely dangerous.

Notify the FBI

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

Classification Data:

NCIC Classification:

POTTTT1016DIAA032212

Fingerprint Classification:

$$\frac{10\ O\ 5\ Tt\ 16}{I\ 17\ A}\ \text{Ref:}\ \frac{13}{17}$$

I.O. 4946

Right middle fingerprint

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Washington, D.C. 20535

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Intentionally Mutilated Fingerprints Identified as Those of a Fugitive

A male subject, using a fictitious name, was recently arrested by local authorities in the State of Florida for sexual battery on a child. While awaiting processing, he used a cigarette to burn the delta and core areas from all of his fingers. After being fingerprinted, his prints were submitted to the FBI's Identification Division for search in an effort to determine his true identity. Although the fingerprints disclosed extensive mutilation, it was still possible to determine the general pattern types.

A preferred classification was assigned with many cross-references to what might have been the detail before this destruction occurred. After 2 days of manually searching in the mammoth criminal files, these mutilated fingerprints were identified with those on file of a subject wanted in Tennessee as an escapee. The left photograph is of a 9-count ulnar loop in the subject's left index finger before mutilation. The right photograph is the impression of the same finger after it was damaged. The subject's nine remaining fingerprint impressions were similarly mutilated; yet, the identification was still possible.

Left: Before
Right: After

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The Bulletin Notes

that Officer John D. Hansen, a 9-year veteran of the Juneau, Alaska, Police Department, received a commendation for bravery for rescuing a woman attempting to jump off a bridge in Juneau. Officer Hansen, without regard to his own safety, grabbed the woman as she jumped from the bridge and held her until another officer arrived to help pull her to safety. The Bulletin, along with Officer Hansen's chief, commends this selfless act.

Officer Hansen