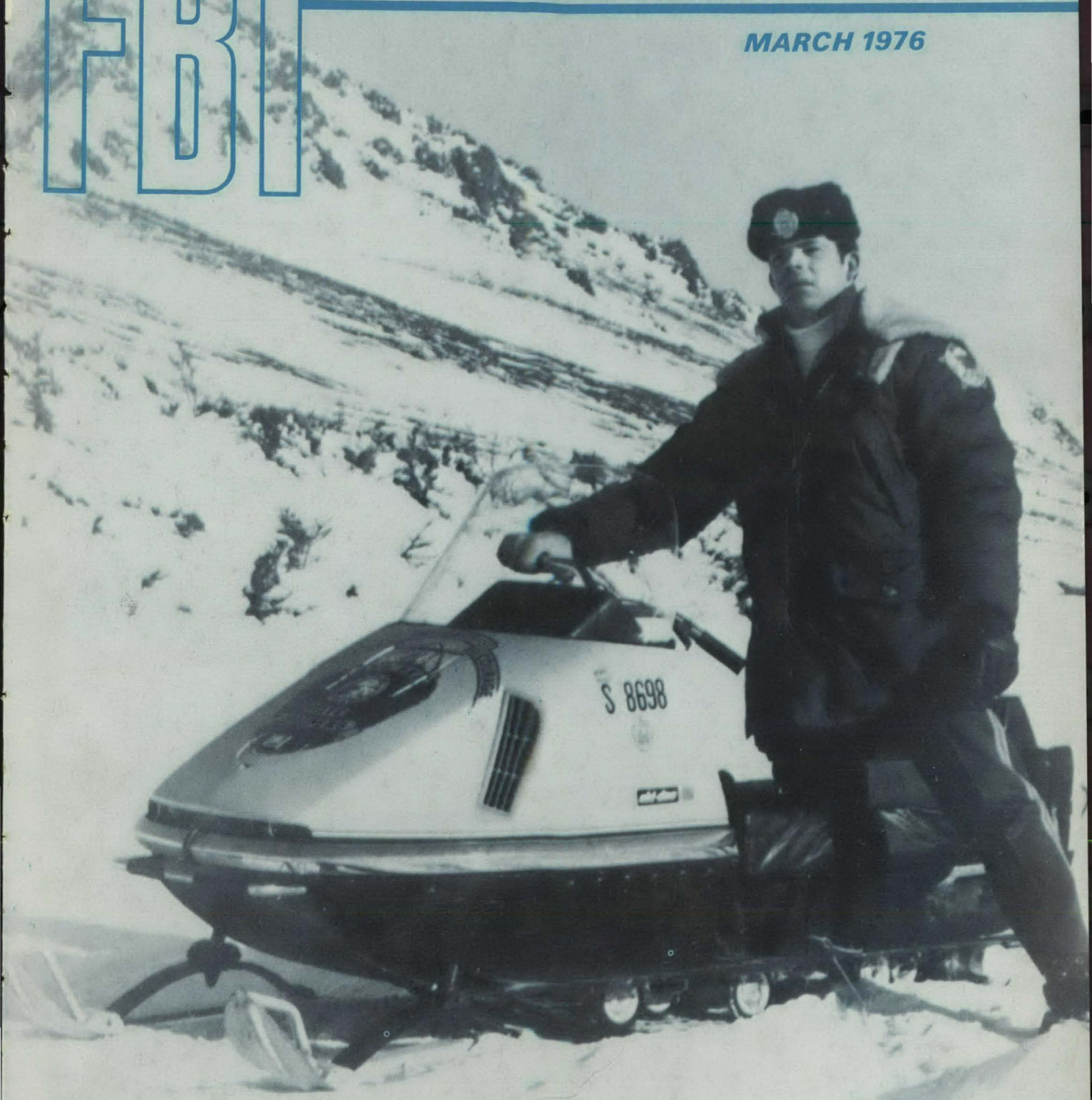


# FBI

## *Law Enforcement Bulletin*

*MARCH 1976*



*Federal Bureau of Investigation*

*Clarence M. Kelley, Director*



# FBI

## Law Enforcement Bulletin

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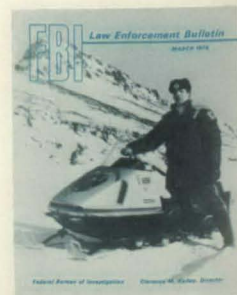
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#### THE COVER

A wide range of responsibilities and activities distinguish the many agencies composing our Nation's law enforcement community. Diverse, too, are the regions in which they perform their respective roles. Pictured in wintry solitude is an Alaska State Trooper on patrol.





## *Message from the Director . . .*



WHATEVER ELSE MAY BE GAINED by countering the violent activities of those who threaten our national interests, the safeguarding of life and property is a fundamental achievement. Though the twisted mind of the terrorist may view the shattering blast of a bomb in a crowd as a political act, the menace that it represents falls within the most basic obligations of law enforcement.

Any proper assessment of this Nation's internal security operations must recognize their absolutely vital contributions to public safety and order. While detecting and thwarting hostile foreign intelligence activities are essential security functions of the FBI, many of the Bureau's most significant accomplishments in this complex field have involved the protection of our citizens and institutions from domestic extremism.

These successes have not been easily won.

In recent years, extremist violence, ranging widely in its origins and aims, has relentlessly plagued our Nation. From Klan intimidation in the rural South to black extremist violence in northern cities, racial strife alone has claimed countless innocent lives and resulted in massive property losses. Other dissident elements, antagonistic to our democratic system, have perpetrated outrageous acts of violence against the people of this country.

There is today ample evidence of a rising wave of terrorist activity. During 1975, 89 bombings of a terrorist nature occurred, nearly double the number committed in the previous year and well

over three times the total for 1973. Over the past 5 years, the grim toll of terrorist-related crimes includes 255 bombings, 122 fire-bombings, 21 arsons, and scores of shootings, ambushes, and sniping incidents.

The problems that these and similar forms of extremist violence present to effective law enforcement are clearly substantial. Nonetheless, excellent results have been attained in this investigative field. In many instances, cooperative effort has been the key to these accomplishments.

In terms of FBI activities, the Bureau, of course, vigorously investigates cases involving violations of Federal law within its jurisdiction and has done so with a marked degree of success. Exceedingly impressive, if often unheralded, achievements have also resulted from the collection and timely dissemination of domestic intelligence data by the FBI on a national scale. The worth of such information is beyond question. On the basis of this intelligence data, the extremist threat may be comprehensively analyzed and informed decisions made to cope with it.

By virtue of such data, the FBI has been able to alert appropriate authorities to specific extremist threats and, in numerous instances, prevent the occurrence of violent acts. For example, information developed by the Bureau in connection with its domestic intelligence responsibilities has served to prevent the planned murders of police officers and citizens, as well as the commission of other violent crimes. Additionally, dangerous individuals have been apprehended, and murders, bank robberies, aircraft hijackings,

## MESSAGE

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and other serious offenses have been solved as a result of this information.

As we observe our country's Bicentennial anniversary, an arrogant terrorist threat to "bring the fireworks" to the celebration should

grimly remind us that "domestic tranquility" must be continually won. It should also inspire a renewed determination on the part of this Nation and its people to win in 1976 a greater measure of independence from the tyranny of extremist terror.

MARCH 1, 1976

  
CLARENCE M. KELLEY  
*Director*



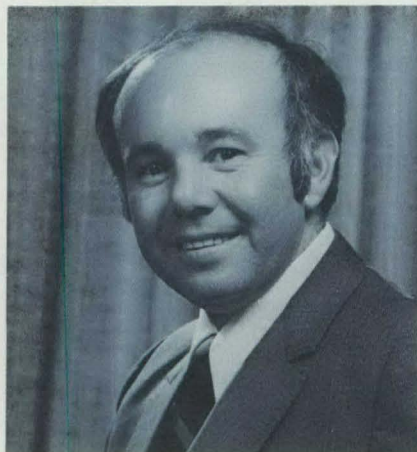
# COMMUNITY SERVICE: A Realistic Alternative for Sentencing

By

HON. DONALD E. CLARK

Chairman  
Multnomah County Board of  
Commissioners  
Portland, Oreg.

*"The Alternative Community Service Program . . . is not a 'pie-in-the-sky' theory, but a practical program that is working."*



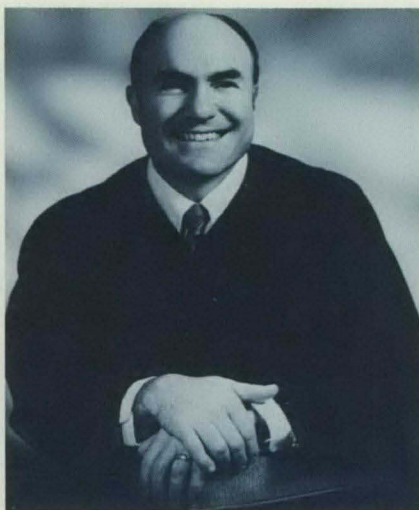
We, in Oregon, are proud of our pioneer spirit. It is both an attitude and a way of life that provide the social and political climate for innovation. Nowhere is this more true than in the area of criminal justice. Our judicial system is such that court dockets are current. The Multnomah County Sheriff's Office was the first local law enforcement agency in the Nation to require a college degree for all deputies. And, Multnomah County (a large urban county with a popula-



tion of 560,000 currently) was the first to make community service for misdemeanor offenders a formal part of the criminal justice process through the Alternative Community Service Program (ACSP).

Concerned about the inequities of requiring the poor to pay fines the same as the rich, and about the cost of the criminal justice system, District Court Judge Richard L. Unis initiated the program in December 1972. He believed that since the community is the victim of crime, restitution ought to be made to the community. The traditional remedies of the courts—fines, jail terms, probation—did not meet this goal. Thus it was that this line of thought produced another option for sentencing judges—community service.

Judge Unis frequently presides over a misdemeanor court, and he designed



Hon. Richard L. Unis

the community service alternative as a program for first-offense misdemeanants such as drunk drivers, shoplifters, users of marihuana and other

drugs, and those convicted of vagrancy, harassment, and other misdemeanors.

If a defendant chooses to participate in the ACSP, he agrees to perform a specific amount of work for a nonprofit agency at a time which does not conflict with regular employment. Services performed include working with youth, aiding senior citizens, counseling the poor and disadvantaged, and helping groups engaged in drug and alcohol rehabilitation, and child care. No further sentence may be required if the job is done satisfactorily.

In many cases, alternative community service leads to further volunteer activities. For example, a medical doctor was arrested on a charge of drunk driving. The judge sentenced the physician to establish a clinic on "skid road." He did and served 40 hours





there. Now, he and several colleagues are voluntarily carrying on the work without a court order.

In another instance, a women sentenced to do 40 hours of clerical work at a nonprofit organization is doing such a good job that officials have asked her to stay as a paid employee after her "time" is served.

The ACSP utilizes existing court personnel and has not required additional operating funds. Since the beginning of the program, it has been coordinated by one full-time supervisor. A tangible result of the program has been a decreased caseload in the probation department, thus allowing personnel to direct their attention to individuals with the greatest problems.

### ***How It Works***

After consultation with the offender and his attorney, the judge may sentence the person to the ACSP. About 90 percent of the offenders, given a choice, select community service. Sometimes prosecution and defense attorneys or the defendants themselves suggest participation, and they are encouraged to do so. If appropriate, however, a more traditional sentence is imposed, either instead of or in addition to community service.

If ACSP is selected, an appointment is made with the program coordinator, who asks the individual to describe any special skills or interests he may have. Although offenders are not allowed to contact agencies directly, in most cases the court will allow the offender to choose the agency where he will work as a volunteer. In some circumstances, such as drunk driving, drug abuse, or vandalism, the court may require the offender to perform a specific task related to the offense.

A definite number of hours of volunteer work is agreed upon by the



court and the individual. The maximum sentence is 80 hours and the minimum is 24 hours.

The volunteer agency is contacted by the program coordinator and makes arrangements to work with the offender. No information about the offense is given to the agency unless there is a special reason to do so.

An Alternative Community Service Agreement is entered into between the volunteer and the court, specifying the number of hours to be contributed and other conditions. The agency supervises the volunteer's work. The court accepts the verification of the participating agency that the work has been performed satisfactorily. In many cases, the court requests the participant to give a written or oral evaluation of the experience. The volunteer understands that, if he fails to comply with the terms of the Alternative Community Service Agreement, the court will consider further sentencing. About 80 percent of the volunteers complete the assignments satisfactorily.

The ACSP is open to any nonprofit agency whose services are provided to

the general public and are designed to enhance the social welfare, physical or mental stability, environmental quality, or general well-being of the community. These broad criteria do exclude fraternal or social groups which limit membership and services or public agencies whose sole function is law enforcement. The participating agency is asked to provide productive work experiences and adequate supervision for the volunteers and to report to the ACSP coordinator. All information about the volunteers is treated confidentially. The list of participating agencies has grown from 15 in December 1972 to more than 150.

### ***Reaction to ACSP***

The best barometer of the program's success is its high degree of acceptance by judges and attorneys, the police, the community, and the offenders.

As of October 1975, over 4,900 offenders had been referred for the ACSP since December 1972. As indicated earlier, the success rate for these



volunteers has held steady at around 80 percent. This represents over 115,912 volunteer hours contributed to the community during the past 23¼ years.

In summarizing the overall benefits of the program, Judge Unis states:

"Primarily, ACSP diverts first offenders and pranksters [as opposed to criminals] from the criminal justice system. In addition, it provides opportunities to serve the community, it develops respect for the law, courts and social agencies among offenders, it lightens the case loads of probation officers, and it relieves overcrowding of jails and the attendant high cost to the taxpayer."

As Judge Unis says:

"In a misdemeanor case, our main concern is to see that the person doesn't come back into the system and, in most cases, the alternatives of fines, jail or probation don't make sense. These people are usually lawbreakers, not criminals, and we need more constructive ways of dealing with them."

It should be stressed, however, that ACSP is not designed to coddle criminals. It is tightly structured, and volunteers are closely supervised. Judges have no hesitation about sentencing offenders to jail when they think it appropriate. It is simply that ACSP gives them a tool they have not had before. All 12 judges serving in Multnomah County's district court make use of the ACSP option. In addition, some circuit court judges, who have jurisdiction over felonies, have begun using the community service alternative in selected cases.

The program has been praised as productive and innovative by city and county elected officials. Multnomah



County receives inquiries from police, court, and municipal officials from coast to coast and from England about the ACSP, and several States have recently initiated programs modeled after ACSP.

While there have been some complaints about tardiness of volunteers and insufficient agency supervision, the feedback has been overwhelmingly positive. Random comments from participating agencies include:

"Our program to provide services to 4,000 senior citizens would not be possible without the participation of court-referred volunteers."

"Our staff has been freed to do more professional work."

"We have increased the number of people our agency can help."

"The impressive part of the program is the positive change in attitude of the volunteer."

The fact that this high degree of satisfaction with ACSP is shared by the offenders themselves is perhaps

the clearest indicator of a successful program. Their own words tell the story best:

"Now I have a positive feeling about the courts and established agencies."

"If I had been given a fine or other punishment, I would be bitter toward the system."

"I plan to continue working in the day care center after my sentence is finished because they need me."

"I learned by my experience [helping referee sports contests at a boys' club] what good things are happening in our community."

"I feel better knowing I can help society rather than hinder it."

"Some bad things have a good result."

Then there is the wife of a habitual drunk who wrote that her husband was befriended by a supervisor at a youth agency where he was doing volunteer work. He gave up alcohol



and returned to college. His wife wrote, "Some people said he was let off easy [he volunteered 24 hours]. But this made him realize he owed it to himself to do more with his life. Thank you for giving an entire family a hand up—and not a handout."

### Conclusion

I believe we can control crime only if our system is just. Our correctional programs must correct, not make an individual worse than what he was before his exposure to them. One of the primary recommendations of the President's Commission on Law Enforcement and Administration of Justice was:

"... The development of a far broader range of alternatives for dealing with offenders—... based on the belief that, while there are some who must be com-

pletely segregated from society, there are many instances in which segregation does more harm than good."<sup>1</sup>

The Alternative Community Service Program begins to meet this objective. It is not a "pie-in-the-sky" theory, but a practical program that is working.

As chairman of the Multnomah County Board of Commissioners and a former sheriff, I have long been a strong proponent of the kinds of diversion programs which ACSP represents. As I have tried to illustrate, this type of innovation is good for the community, for the offender, and most certainly for the jurisdiction that must pay the bills. It is my hope to further the diversion process by opening access to such programs even earlier in the criminal justice process.

Article I, Section 15, of the Bill of

Rights of the Oregon State Constitution reads as follows:

**"Reformation the basis of criminal law.** Laws for the punishment of crime shall be founded on the principles of reformation, and not of vindictive justice."

The Alternative Community Service Program is firmly in this—the Oregon—tradition.

#### FOOTNOTE

<sup>1</sup> The Challenge of Crime in a Free Society, 1967, p. vii.

FBI

## LAW ENFORCEMENT OFFICERS KILLED

During 1975, there were 128 local, county, State, and Federal law enforcement officers killed due to criminal action in the United States, Puerto Rico, the U.S. Virgin Islands, and Guam. In 1974, 132 officers were slain.

On a regional basis, 54 officers were killed in the Southern States, 24 in the North Central States, 23 in the Western States, 19 in the Northeastern States, 6 in Puerto Rico, 1 in the U.S. Virgin Islands, and 1 in Guam.

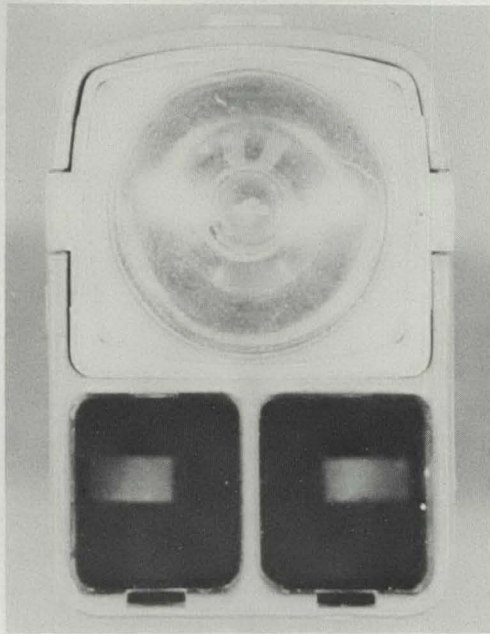
Thirty-three officers were slain while attempting arrests for crimes other than robbery or burglary, 24 in connection with robbery matters, 20 handling disturbance calls, 14 making traffic stops, 12 investigating suspicious persons, 10 in unprovoked or premeditated ambush-type attacks, 8 in connection with burglary matters, 5 handling mentally deranged persons, and 2 handling prisoners.

Of the officers slain in 1975, 126 were killed through the use of firearms. Handguns were used in 93 of the slayings.





# Flashlight or Dangerous Weapon?

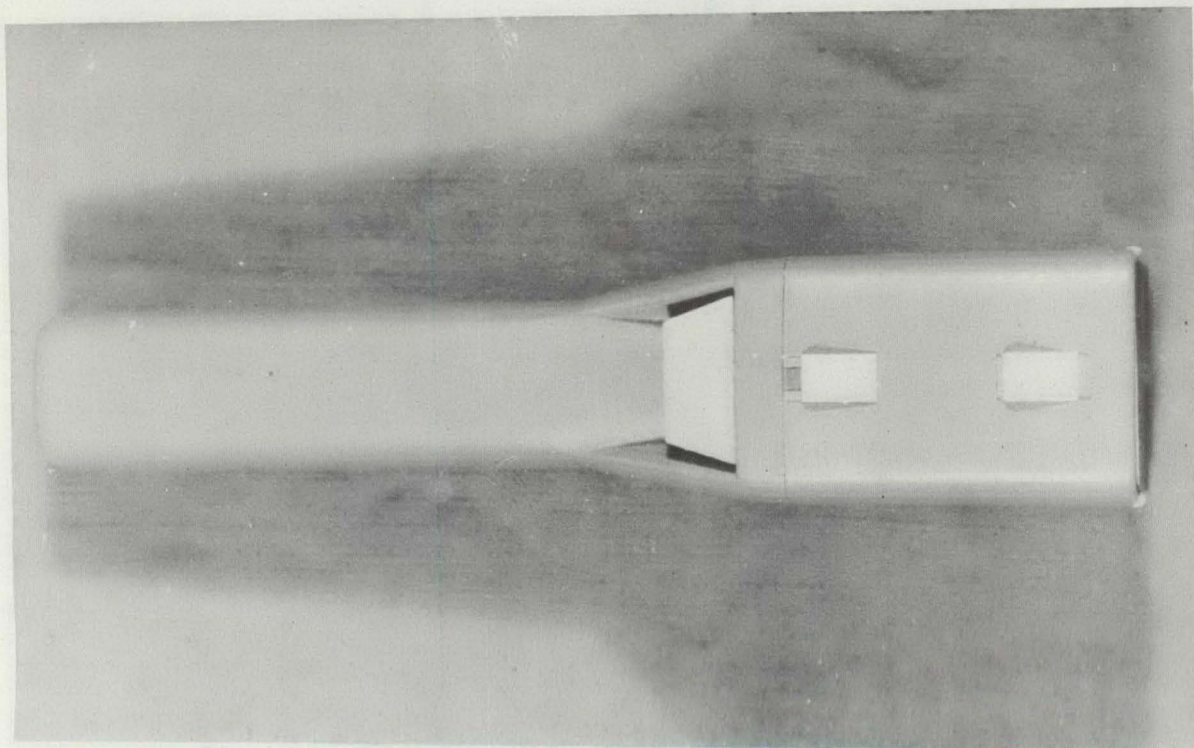


Front view of device.

Among the more bizarre weapons which the law enforcement officer may encounter is a small handheld, battery-operated unit which functions as and is similar in appearance to a flashlight (see illustrations). The device, fired by pressing a bar on its top, propels two small, barbed contacts that are connected by fine conducting wires to the weapon which generates high-voltage electricity. Reportedly, it has a maximum range of 18 feet. The electrical charge produced from small batteries, is a pulsating 50,000-volt charge which is capable of passing through 1½ inches of clothing into the body of a victim, rendering him helpless.

The weapon works on the principle that the myriad of nerves that lace through the body function as an electrical system, and when its electrical force is introduced to the body, domination of the existing neuromuscular system results. The muscles involuntarily contract, leaving the victim helpless and possibly in pain. Unconsciousness takes place in a matter of seconds, but the pain sensation and muscle spasms cease when the firing bar is released. However, the bar may be pressed again and again to reapply power.



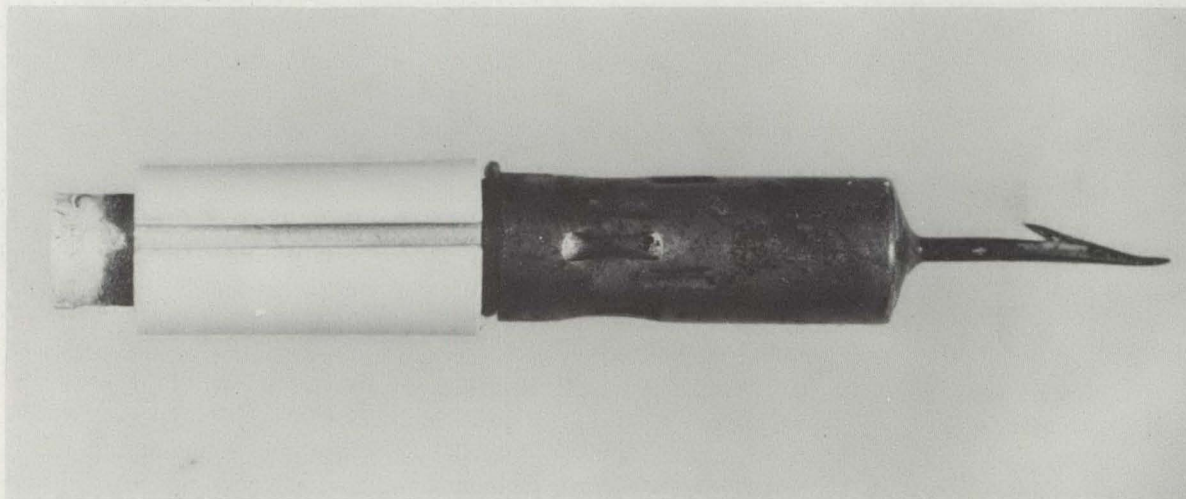


Top view of device.

It should be remembered that although the weapon is reportedly nonlethal to normally healthy people, there is no guarantee that serious injury will not occur.

The device is readily available to the public, and is advertised as a safe short-range, self-defense weapon. It can be, however, very dangerous in the wrong hands. The weapon is made of hi-impact plastic which cannot be detected by a metal detector.

Law enforcement officers throughout the country should be aware of this unique weapon which has reportedly been used in connection with armed robberies in Florida, California, and Ohio. Several of these devices and a supply of ammunition for them reportedly also have been stolen.



Barbed projectile.





# Bullet Removal Surgery

*"Compared to the search of one's clothing or entry into one's home, a compelled surgical intrusion into the human body for seizure of evidence is an invasion of the most serious magnitude."*

By

J. PAUL BOUTWELL

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

Can a criminal defendant be compelled by court order to undergo a surgical operation for removal of a bullet from his body to be later used in evidence against him at trial? More than a question of mere academic interest, it touches a vital area of criminal procedure, namely, the scope of constitutional protection afforded one charged with a crime. It illustrates, in dramatic fashion, the difficulty courts encounter in striking an appropriate balance between an individual's right of privacy and bodily security on one hand and the public's interest in convicting those guilty of crime on the other. Compared to the

search of one's clothing or entry into one's home, a compelled surgical intrusion into the human body for seizure of evidence is an invasion of the most serious magnitude. When, if ever, should the government be authorized to compel such a procedure? Not surprisingly, courts confronting this question have disagreed as to where the balance should be struck. However, their opinions are instructive and merit our attention. This article will discuss the pertinent cases involved, beginning with *Schmerber v. California*, 384 U.S. 757 (1966), the principal bodily intrusion case and the question's progenitor.



## The Schmerber Case

Schmerber was arrested at a hospital where he was being treated for injuries following an automobile accident. At the direction of a police officer, in the absence of a warrant and over Schmerber's objection, a sample of his blood was taken by a hospital physician. An analysis of this sample, a report of which was introduced at trial, indicated intoxication. Schmerber was convicted for driving an automobile while under the influence of an intoxicating liquor, and the case was taken to the U.S. Supreme Court on a petition for certiorari.

### Self-Incrimination Claim

Schmerber's challenge to this non-consensual blood test on the ground that it violated his fifth amendment privilege against self-incrimination was rejected. The privilege protects against *testimonial* compulsion, but not against compulsion which makes the suspect the source of *real* or *physical* evidence. Except as the donor, Schmerber's participation was irrelevant to the results of the test, which depended solely on chemical analysis. Because the blood test evidence, although an incriminating product of compulsion, was neither testimony nor evidence relating to testimony, it was not inadmissible on privilege grounds.

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

### Due Process Claim

Schmerber's claim that compelled extraction of his blood should be condemned on grounds that it violated the due process clauses of the fifth and fourteenth amendments was likewise rejected. He contended that such a procedure falls short of civilized standards of decency and was conduct so offensive as to shock one's sense of justice. The Court disagreed and reasoned instead that since the blood test was performed in a hospital by a physician following accepted medical procedures, no due process violation occurred. It was noted that blood tests are commonplace and routine, encountered by blood donors, physical examinees, and by those entering colleges, the military, and matrimony. *Such tests do not offend one's sensibilities.* Blood tests are safe and "involve virtually no risk, trauma, or pain" for most people. Furthermore, the test is highly effective in deterring drunk driving, which is responsible for thousands of deaths on the highways each year.

### Fourth Amendment Claim

The fourth amendment protects "[t]he right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures. . . ." Governmental intrusion into a person's body in search of evidence must be measured by this standard of reasonableness. Such a standard has considerable flexibility. Applying it to the *Schmerber* facts, the Court found the seizure of Schmerber reasonable (there was probable cause for his arrest). Furthermore, the Court found the nature of the bodily intrusion, as well as the manner in which it was accomplished, reasonable in the fourth amendment context. The government was faced with the need for immediate action (the

alcoholic content in the blood would quickly dissipate); therefore, the

*"The integrity of an individual's person is a cherished value of our society. That we today hold that the Constitution does not forbid the States minor intrusions into an individual's body under stringently limited conditions in no way indicates that it permits more substantial intrusions or intrusions under other conditions."*

withdrawal of a blood sample without a warrant was reasonable.

As each of Schmerber's claims was rejected, his conviction was upheld. However, in closing remarks the Court emphasized, ". . . we reach this judgment only on the facts of the present record. The integrity of an individual's person is a cherished value of our society. That we today hold that the Constitution does not forbid the States minor intrusions into an individual's body under stringently limited conditions in no way indicates that it permits more substantial intrusions or intrusions under other conditions." *Schmerber, supra.*, at p. 772.

What intrusions into an individual's body will be permitted as minor? What constitutes a substantial or major intrusion? Bullet removal cases, where the government has sought judicial approval for compelled surgical intrusion, provided a dramatic forum in which the lower appellate courts have sought to answer these questions.

### Major Intrusions

No case has been found in which bullet removal surgery has been approved where the operation constituted a substantial risk to the defend-



ant. At least two recent cases have denied judicial approval for such surgical intrusions. One such case is *Bowden v. State*, 510 S.W. 2d 879 (Ark. 1974).

Bowden was a suspect in a robbery-murder. He fit the description of one of two men seen fleeing the scene of the crime. He was brought to a local hospital suffering from a stomach wound. An X-ray revealed that a bullet, apparently of .38 caliber, had come to rest in his spinal canal. The deceased had fired a .38 caliber pistol at the robbers. The State sought and obtained a search warrant to remove the bullet, but the judge granted a stay pending appeal of the order. Bowden remained in the hospital under the observation of two doctors who had testified about the required surgical procedure to remove the bullet. They located the bullet in the lower spinal canal, and both agreed that surgical removal could cause a worsening of Bowden's condition due to the involvement of spinal nerves. Although both doctors recommended the removal of the bullet, the opinion was also expressed that a fatal risk was involved by surgical intervention. Each doctor described the operation, medically, as a "major intrusion" into the human body. The Arkansas Supreme Court quashed the search warrant and held that such a substantial intrusion into the defendant's body, without consent and involving pain and a risk of complications, was offensive to the due process standards of the fifth and fourteenth amendments and furthermore violates the concept of reasonableness as set forth in the fourth amendment.

In *People v. Smith*, 362 N.Y.S. 2d 909 (1974), a New York court in Queens County denied a warrant compelling the defendant to undergo a surgical operation for the removal of a bullet where there was medical testimony that major surgery would be required. To remove the bullet, an incision of at least 6 inches would be required.

It would then be deepened through the underlying tissue and into the muscle where the bullet would be found. The complete operation would take about 1 hour, and the defendant would then be hospitalized for 7 or 8 days. The operation was classified as major surgery. In rejecting the warrant application, the court distinguished this type of operation from the minor intrusion permitted in *Schmerber*.

### Minor Intrusions

Will compelled surgical removal of a bullet from the body of one accused of a serious crime ever be considered minor? Are there any cases in which such a procedure has been held reasonable? The answer is yes. There are cases for and against removal under circumstances where the intrusion might be characterized as minor.

#### For Removal

A doctor and his wife were murdered at their home. Four months later, the person believed responsible for this double homicide was arrested. Authorities believed the defendant had been shot at the scene by one of the victims and that the bullet was still in his body, but he refused to submit to an operation to have it removed. After a hearing, the trial court ordered an examination to determine if the health of the defendant would be substantially impaired by the removal.

At a subsequent hearing the court heard testimony from the examining physician that, among other things, a bullet lay just beneath the skin on the right side of the chest, that it could be removed in no more than 15 minutes with a local anesthetic, and that no risk to the defendant would be involved, although it would require a cutting procedure. The court ordered the bullet removed.

Before removal, however, the defendant appealed the order to the Supreme Court of Georgia, which allowed the operation, holding that "[b]ased upon the uncontradicted evidence in this case the removal of the bullet from the defendant's body would amount to a minor intrusion into his person and would not be violative of his rights under the Constitution of the United States." *Creamer v. State*, 192 S.E. 2d 350, 353 (Ga. 1971).

In *Allison v. State*, 199 S.E. 2d 587 (Ga. App. 1973), a search warrant was issued for Allison's car, in which a shirt was found with a bullet hole and bloodspots on the back and bloodstains in the car. Allison was allegedly shot in the back by the owner of a grocery store while attempting to rob the store. He was found in a local hospital where he sought treatment for a gunshot wound to his back. A second warrant was obtained to surgically remove a bullet superficially lodged in defendant's right side just beneath the skin. The court held the warrant did not constitute an unreasonable search and seizure nor was due process violated. Removal of the bullet would constitute a minor intrusion and would create no danger to the life or limb of the defendant.

#### Against Removal

Three armed men robbed a supermarket. Police officers, summoned to the scene, arrived as the suspects came out of the store, and a gunfight ensued. A police lieutenant, who had fired three bullets, was fatally wounded by a bullet fired from the gun of one of the robbers. Two suspects were successful in making their escape. Subsequent investigation accounted for two of the three bullets fired from the lieutenant's gun.

Several weeks later an individual was arrested on a disorderly conduct charge. When taken to headquarters,



officers observed two bullet wounds on his hip and buttocks. An X-ray showed a metallic fragment present in the flesh. A probable cause affidavit was filed for purpose of obtaining a search warrant to retrieve the metal fragments from his body. Facts were alleged with reference to this person being responsible for the robbery and shooting. The affidavit also stated ". . . the bullet fragments could be removed at the hospital through a surgical procedure performed by a licensed medical doctor using a local anesthetic." The court issued the search warrant authorizing the described medical procedure and the suspect was subsequently convicted of premeditated murder."

The Supreme Court of Indiana in *Adams v. State*, 299 N.E. 2d 834 (Ind. 1974), was divided over the issue but the majority held the court-ordered operation to remove the bullet from the defendant constituted an unreasonable search. The court wrote, "In *Adams v. State*, 299 N.E. 2d 834 (Ind. the case at bar . . . we are confronted with an intrusion of the most serious magnitude. Here an actual surgical operation was performed on the Appellant to remove a bullet from inside his body. We do not sanction a surgical operation forced on a defendant for this purpose. We therefore hold that the Fourth Amendment prohibits the type of intrusion into the body of the suspect as occurred in this case." *Adams, supra.*, at p. 837. The dissent pointed out that since the surgical procedure to remove the evidence posed no threat of serious bodily injury, that the critical evidence was embedded just beneath the skin in the fatty tissue of the defendant's posterior, the removal should have been held reasonable.

#### The Crowder Case

The most recent and perhaps most instructive case on point is *United*

*States v. Crowder*, 513 F. 2d 395 (D.C. Cir. 1975). In that case, a dentist was murdered in his office, death resulting from a gunshot wound, 17 CrL 2212. A .32 caliber revolver, which was found across the street from the doctor's office, had been kept in the doctor's office and was registered to his wife.

Acting on information from an accomplice, James Crowder, who was wearing a bandage on his right wrist and left thigh, was arrested and charged with murder. Officers took him to the hospital where X-rays disclosed a bullet lodged in his right forearm and another in his left thigh. The bullets appeared to be .32 caliber. Crowder refused to be treated for his wounds.

The government's attorney sought an order authorizing the surgical removal of the bullet from the defendant's arm. There was medical testimony that the wound in the arm was so superficial that removal would involve no harm to Crowder, and the risk involved would be similar to the risk in "crossing the street." The judge determined that probable cause existed to believe that Crowder murdered the dentist and that "evidence of that offense" was located in Crowder's right forearm and left thigh. The judge found that it was medically inadvisable to remove surgically the bullet from defendant's thigh because the procedure might cause reduction of use or function of his left leg. However, the surgical removal of the bullet in his right forearm, which was lying superficially beneath the skin, would not involve any harm or risk of life or injury to defendant's arm or hand or the use thereof. The judge granted the following order:

1. That the Superintendent of the District of Columbia General Hospital, or his authorized representative or representatives,

shall remove from the right forearm of James L. Crowder the foreign matter disclosed by X-rays and positively believed to be a .32 caliber slug;

2. That such removal is to be done at the District of Columbia General Hospital with accepted medical procedures, with due regard given to the health and preservation of life of James L. Crowder;
3. That if at any time during the course of the removal procedures danger to the life of such removal procedures shall cease and such other steps as may be necessary shall be taken to protect the health and life of James L. Crowder; and
4. That after removal of the foreign matter, such matter shall be turned over to an authorized representative of the Metropolitan Police Department, who is to make a return to the Court in accordance with requirements of Rule 41 of the Federal Rules of Criminal Procedure.
5. The defendant shall not tamper with or disturb the wound in his right forearm, or remove, destroy or dispose of the bullet lodged therein.

Following the issuance of this order a petition for a writ of prohibition against the execution of the order was made to the U.S. Court of Appeals, District of Columbia. The writ was denied and the bullet was thereafter removed from Crowder's right arm. At trial, a firearms identification expert testified that the bullet found in the defendant's arm and those recovered from the doctor's body were fired from the same gun. Crowder was convicted and thereafter appealed.

A three-judge panel of the appeals court voted two to one in favor of reversal. Their opinion, published in advance sheets at 513 F. 2d 395, was



withdrawn when the full court granted an en banc hearing. Therefore, the final holding in the *Crowder* case has yet to be announced.

Though not expressing the final decision of the appeals court, the conflicting views expressed in the panel opinion clearly illustrate the arguments for and against bullet removal surgery. Both views merit discussion. The argument against surgery began by distinguishing the *Schmerber* decision.

#### *Schmerber* Distinguished

A surgical operation, although minor in this case, was much more substantial than a needle insertion for a blood test. Undergoing a blood test may be routine and commonplace in the lives of most people but undergoing a surgical operation, no matter how minor, is not. In *Schmerber* there was a strong public interest in having the blood test available as a weapon to detect and deter drunk driving. Depriving law enforcement authorities of the surgeon's knife will not hamper detection or deter crime. While extraction of a bullet in a particular case may aid solution, its usefulness does not outweigh the substantial individual interest in preserving the sanctity of the human body.

As to the intrusion being major or minor, the court noted that surgical operations vary widely in nature, complexity, duration, and procedures. Undeniably, they vary in the degree of risk involved. Yet the seriousness of the risk and likelihood of its occurrence are questions upon which reasonable doctors may disagree and upon which judges have no special expertise. The court wrote, "[t]he state must not make the health (possibly even the life) of a person, not yet convicted of a crime, depend upon the opinion of a doctor who may mis-

judge the risk involved in a particular operation, or who may be overly confident in his own skill as a surgeon." *Crowder, supra*, at p. 2213.

#### Argument For Surgery

Before the bullet was removed, the matter was presented to a neutral and detached magistrate for his decision. An adversary hearing was held at which Crowder appeared with counsel. Probable cause was clearly established (this was conceded by the defense). The order was carefully drawn. Only the bullet in the forearm was removed, leaving untouched the bullet in his thigh. The bullet was just beneath the surface of the skin. Every medical and surgical precaution was taken. The entire operation took 10 minutes. In the opinion of the surgeon the risk was "negligible" and in fact there were no complications. In conclusion Justice Robb wrote:

If the majority opinion correctly states the law then no intrusion into a man's body that goes beyond a needle prick can ever be authorized by a court. I cannot agree that this is or ought to be the law. In my opinion the prosecuting authorities in this case made an intelligent and enlightened effort to comply with the law. I think they succeeded, they should be commended and the result should be approved. If we must find a 'public interest' to justify this conclusion then I submit that the public interest in bringing a murderer to book is enough. *Crowder, supra*, at p. 2213.

***"Governmental intrusions into the human body in search of evidence are controlled by the fourth amendment standard of reasonableness."***

#### Conclusion

Governmental intrusions into the human body in search of evidence are controlled by the fourth amendment standard of reasonableness. Three questions are relevant: (1) is there probable cause to believe that evidence is to be found in the body; (2) is the nature of the intrusion (surgery) to seize the evidence reasonable under the circumstances; and (3) will the intrusion be carried out in a reasonable manner? The standard of the fourth amendment is flexible and reasonable men differ on its application to a given set of facts.

Where the removal surgery would constitute a grave risk to the life and health of the defendant, removal generally will not be compelled. To do so may constitute a violation of the fourth amendment. On the other hand, where removal constitutes a "negligible" risk, removal generally may be compelled. Where an order is sought to compel surgical removal of evidence, the following points would be relevant:

(1) Prosecuting authorities must present the matter to a neutral and detached magistrate for his decision.

(2) A strong case or probable cause must be established. A higher degree of probability may be required than for the more conventional search warrant.

(3) Medical testimony should be presented (preferably from more than one doctor) that removal would constitute substantially no risk to the patient.

(4) The case should be one of grave public interest, such as, murder or attempted murder.

(5) The magistrate may require an adversary hearing at which defendant's counsel appears.

(6) An opportunity to appeal the order before its execution may be required.



# Views From Down Under

**T**he following letter, written by a police constable's wife from East Mackay, Queensland, Australia, was among the many favorable comments received in connection with the BULLETIN article, "The Police Family—A Wife's Eye View," by Pat James with Martha Nelson, which appeared in the November 1975 issue. It is felt that readers of the BULLETIN will find Mrs. Amos' own "wife's eye view" of the law enforcement profession to be of interest.

DEAR SIR:

I have just completed reading "The Police Family—A Wife's Eye View" which appeared in the November 1975 issue of the FBI LAW ENFORCEMENT BULLETIN, and I would like to tell you how much I enjoyed reading it.

I am an Australian police wife and even though the authoress and I are miles apart in different countries the situations and problems that confront a policeman and his family are similar.

I, with Pat James, dread people asking "and what is your husband's occupation?" and once these people knew, you were always introduced as Mrs. So and So, "the policeman's

wife." Oh, how I dread that phrase as I am a woman, a housewife, in my own right and I do not like to be branded by my husband's profession.

Such problems as described by Mrs. James are, for the most part, applicable to any police force in the world.

In Queensland, my husband is confronted with the abuse and resentment of society which to a certain extent alters the makeup of the individual. A police officer, whilst he may try to avoid becoming too hardened to the realities of life, cannot avoid the inevitable hazard of becoming cynical to his fellow man.

This places tremendous emotional strain on the officer and his family which the societies of both of our countries fail to realize. They merely accept the "cop" as a necessary evil, a person who is expected to look after their every whim but NOT to enforce the law against them, e.g., to give them a traffic ticket.

I continually have neighbors and friends coming to my door enquiring if my husband is at home and if not I am expected to answer their queries on anything from where to pay a traffic ticket to how do they go about reporting a stolen car. Even a leisurely Sunday afternoon drive can be spoiled by the fact that my husband is unable



to relax from his job and is often seen directing traffic around an accident or assisting in retaining a suspect until the duty police arrive. All this he does without pay and thanks.

If only the people that scorn the police and their families could become police officers for a week, maybe then they would realize that the job is by far not a pleasant or easy occupation and that these men are human beings with emotional feelings and not some type of monster that rubs his hands together and laughs as he pounces on his next victim.

It is such a good feeling to hear the car pull into the garage at night, 2 hours overdue and to see one's husband get out of the car all in one piece, after lying in bed for hours imagining all sorts of danger that he could have confronted.

I look forward to reading more articles of similar nature in your journal in the coming months.

Yours faithfully,

MONICA M. AMOS



# The Law Enforcement PROGRAMS FOR S

By

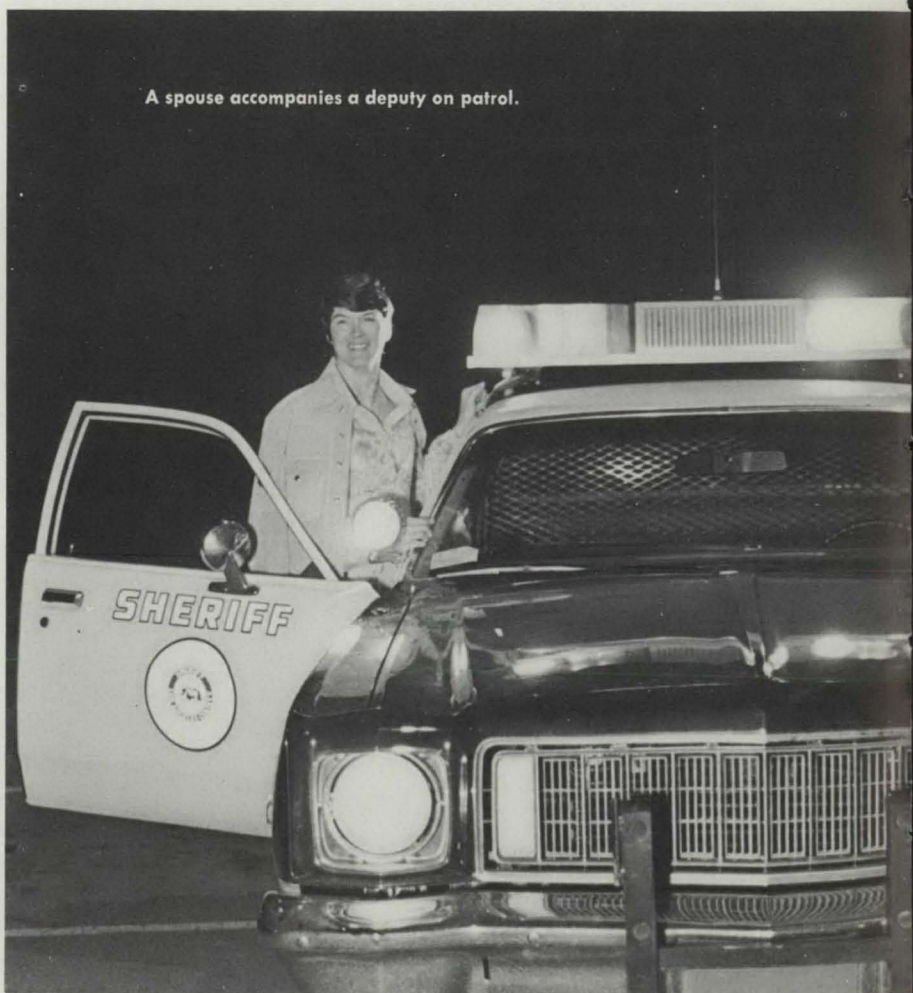
JOHN STRATTON, Ph. D.

Department Psychologist  
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Los Angeles, Calif.

The importance of the spouse and family is beginning to be recognized as a significant contributing factor to successful law enforcement careers. Still, many spouses feel isolated and neglected by law enforcement agencies, and often are angry at the organization and at their spouses because of their failure to recognize the special difficulties created by marriage into the law enforcement family.

Law enforcement marriages, as a group, have one of the highest divorce rates in the country. While there is a general trend in society toward less stable marriages, law enforcement marriages have stresses inherent in them which can create specialized difficulties that don't exist in other marriages. Unless the couple can develop some special means of coping, have better than average communication and understanding, and work together on their problems, their marriage probably will not be successful and rewarding to both parties. These special stresses and strains extend to the children as well, and all of these factors must be kept in mind when

A spouse accompanies a deputy on patrol.





# at Family: OUSES

dealing with the family relationships in law enforcement.

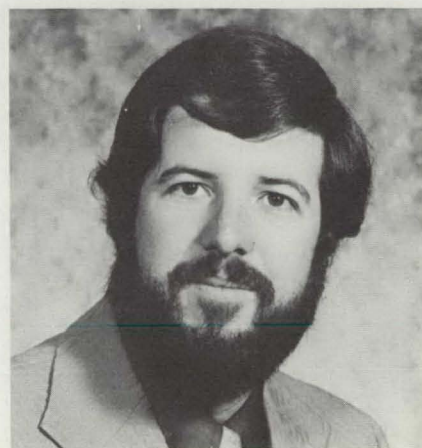
Los Angeles County Sheriff Peter J. Pitchess, being very aware of the additional stresses which his staff and their families undergo, has, as a result, developed some special programs to focus on these areas. Two of the programs especially created for spouses are described herein.

## *Spouses Training Program*

The Spouses Training Program consists of eight classes which meet once a week. The spouses are given an overall look at the operations within the department and the duties their law enforcement spouses will be performing. It is believed that such a program increases understanding and awareness; further, it provides actual participation in some of the activities that their spouses will be performing throughout their careers in law enforcement. The program interjects a personal touch as it allows spouses an opportunity to integrate names with people because of the personal interaction with the sheriff, undersheriff, and other top-level administrators, who have consistently made themselves available for these classes.

An important aspect is the honest, open exchange between the instructors and the participants. There is no attempt to glorify the job; the realities, problems, and concerns are all open for discussion and suggestions.

All spouses of new cadets entering the training academy and any spouses who married into the department during the current year are invited to attend. Since this is a new program, any spouse whose marriage partner is already a member of the department is allowed to attend.



Mr. Stratton

The program is offered 6 weeks after the cadets enter the academy and is held in the same physical facilities, allowing spouses an opportunity to receive some of the tone of the training experience, as well as to meet the instructors.

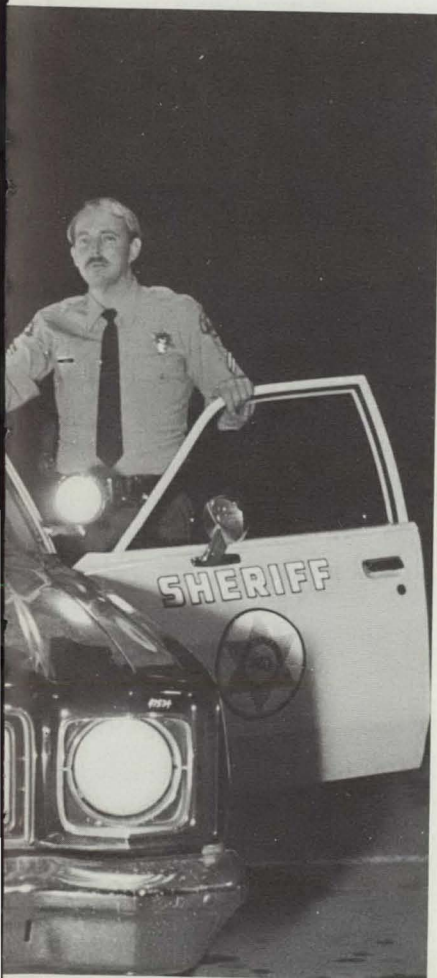
The overall design of the program has been divided into the following eight sessions as outlined in figure 1.

## **First Session**

Designed to provide an initial orientation to the sheriff's department, this first night presents procedures and policies of the department, including functions of the training academy and the purpose of the program involving the spouses.

The sheriff or the undersheriff welcomes the spouses, emphasizing the importance the family has in law enforcement and the need for understanding, communication, and awareness that both spouses must have to make the career in law enforcement a success for both marital partners.

The sheriff gives such basic information about the department as it is the fifth largest law enforcement agency in the country and has the largest





custody division, processing approximately 1,000 prisoners per day and over 300,000 prisoners per year. The wide variety of job opportunities within the divisions is spotlighted; there are 570 different job classifications available, including positions such as helicopter pilots, bailiffs, bus drivers, detectives, jailers, juvenile detectives, patrol deputies, and vice officers.

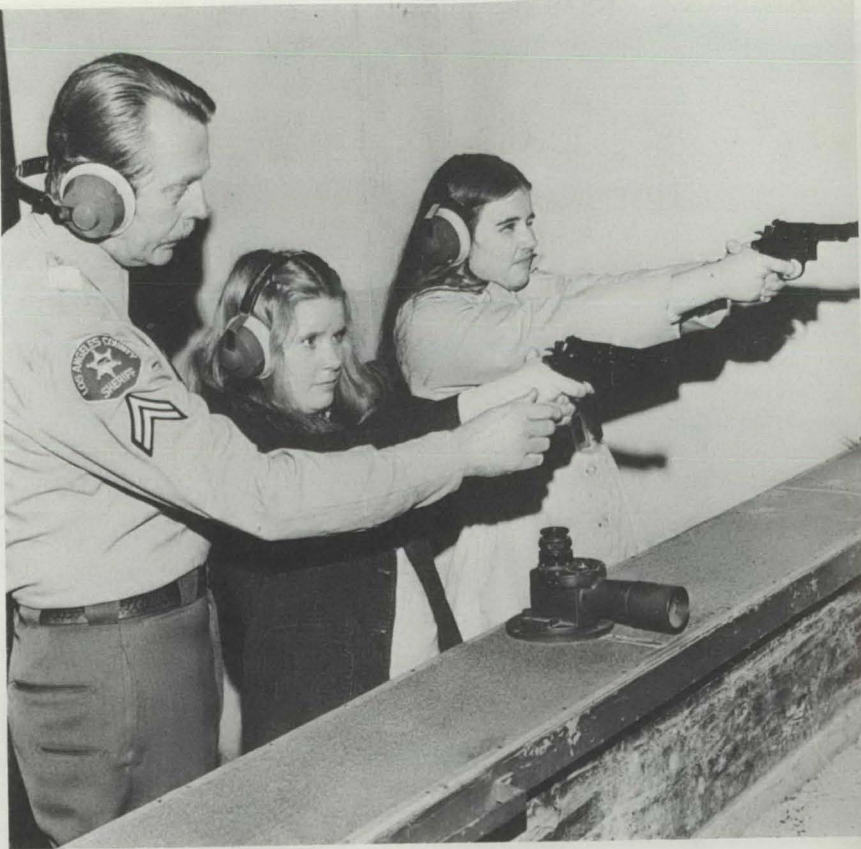
The daily procedures cadets perform at the academy, including physical training, classroom instruction, patrol, and testing procedures, are explained in detail, and the spouses are given a tour of the academy as part of the first session's agenda. This helps orient the spouse to the daily routine which goes on in the academy. These procedures are often an abrupt change from the daily routine in the past, which affect not only the individual cadet but the spouse and family as well, and understanding the process aids in the adjustments which have to take place.

Time has been set aside this first evening for an open question and answer period where the spouses are allowed to ask any questions they wish from the sheriff or undersheriff, the captain of the training academy, the department psychologist, and the academy training staff.

### Second Session

This class goes into depth regarding the eight divisions within the department with thorough explanations of the operations, functions, facilities, and locations within each division. The general organizational structure and various command levels are also explained.

The special programs developed by the department are also presented. Such programs as student and the law, comprehensive rape investigation, antiburglary, deaf awareness, and law enforcement explorers, and how these programs are of service to



Spouses receive instruction at the firing range.

the community, are explained.

After a thorough explanation of the custody division, its function and facilities, and the problems confronting the deputies working custody by the chief of that division, the spouses are then given a comprehensive tour of a custodial facility for men and one for women.

These tours enable the spouses to have firsthand knowledge of the working conditions and facilities that may be a part of their spouses' future careers.

### Third Session

This session is devoted to the role of law enforcement in the criminal justice system, as well as the entire court process and the personnel involved in the system. It begins with the crime report, the arrest, and the

booking process, including such details as advisement of *Miranda* rights, search and seizure issues, warrants, and lineups.

A breakdown of the court process is provided. Information is given about the role the individual law enforcement officer must provide, including such aspects as providing information to the district attorney, aiding and comforting witnesses, and the testifying process itself, with some of the accompanying frustrations. Covered in this session are the reasons for continuances and what requires the tremendous amounts of overtime. Also discussed are the frustrations arising when the individual officer feels that a good case against the defendant has been established, but for any number of reasons and difficulties within the criminal justice system, the case is dismissed.



## SPOUSES TRAINING PROGRAM FORMAT

Topics covered	Lecturers
Session 1-- Orientation to sheriff's department. Organizational structure and functions. Sheriff's department training procedures.	Sheriff or undersheriff. Captain of training academy. Department psychologist. Academy staff.
Session 2-- Various functions within department divisions. Special department programs. Tour of custody division.	Chief of custody division.
Session 3-- Law enforcement's role in the criminal justice system. Tour of sheriff's communications center.	Sergeant from training academy.
Session 4-- Marital and occupational pressures. Resources available to department employees and spouses.	Department psychologist. Spouses of deputies for over 5 years.
Session 5-- Investigative techniques, gathering of evidence, ballistics. Sheriff's comprehensive rape program. Methods of self-defense.	Criminalist. Female deputy from training academy.
Session 6-- Personal and home firearms safety. Use of the firing range.	Range staff.
Session 7-- Patrol ride-along.	Patrol deputies.
Session 8-- Review, summary, and graduation.	Assistant sheriffs. Captain of training academy. Department psychologist.

Figure 1

In addition to the above presentation, the spouses are given a tour and explanation of the sheriff's communications center. The communications center is designed to serve the dual purpose of a central dispatching point for all sheriff's radio vehicles and a communications center in the event of disaster or regional emergency. This facility, one of the most remarkable of its kind, is built to U.S. Government specifications for disaster/emergency installations and can withstand any type of disaster except a direct hit with an atomic weapon. In the event of a power failure, the center's dual generators can provide enough electricity for ap-

proximately 2 weeks to sustain life support systems for its occupants and to drive the electrical equipment necessary for emergency broadcasting on 32 separate frequencies, simultaneously, if necessary.

The spouses are also conducted through the emergency operations center, housed in the same facility. This center is activated during regional emergencies to direct the flow of public and private resources and emergency services for the protection of life and property. The emergency operations center, operated at the direction of the sheriff, was established and is maintained in constant readiness for the benefit of all citizens of Los Angeles County.

## Fourth Session

This session is conducted by the department psychologist, who points out the basic problems that will be encountered in law enforcement marriages. Such stresses as irregular working hours, changing shifts, being on call, carrying a gun, and potential of danger are all presented, along with the resulting interpersonal frustrations and difficulties in communication that many couples experience. Emphasis is placed on the responsibility each marriage partner has in making the relationship a viable one which is responsive to the needs of both partners.

Causes for and solutions to various problems that may occur in some law enforcement marriages, such as excessive drinking, finances, and time demands, are also examined thoroughly.

Methods and suggestions to improve communication, including ways for the partners to share equally and openly to facilitate the relationship, are provided.

After the presentation on stress, the spouses of cadets are divided into groups which include wives whose husbands have been deputies for many years. In these groups, they discuss some of the difficulties and stresses they have experienced, as well as ways they have utilized to combat these difficulties and methods they have developed to improve their communication with their spouses.

Services which are available to department employees and their spouses, such as the department psychologist's office, which offers confidential counseling for all employees, their spouses, and their families and provides assistance when special problems and difficulties arise, are outlined. Also presented is the role of the health and welfare bureau of the department, which provides assistance to employees and their families because of





Basic problems encountered in law enforcement marriages and solutions, as well as methods to improve communications, are among the subjects discussed by the department psychologist with spouses.

on-duty injuries or other emergencies, helping and assisting with various technical aspects the individual or family may encounter.

### Fifth Session

The first portion of this evening is devoted to criminalistics, with a criminalist presenting and demonstrating not only techniques used in gathering evidence, but explaining the importance and function of evidence. Topics such as the chain of custody, how evidence is protected, and the importance of gathering physical evidence are covered.

There is a slide presentation at this session wherein the spouses are exposed to the process of fingerprinting, matching fingerprints, ballistics, and microscopic examination. There is also an explanation of properly gathered evidence, as opposed to improperly gathered evidence which may be

responsible for destroying the entire case.

Time during the session is devoted to a more indepth discussion of the aspects of rape investigation and prevention. Various statistics about rape, such as those indicating that it is probably the least reported and punished of all crimes, are mentioned. A film of a properly handled rape investigation by sheriff's deputies is shown. Since rape is such a personal crime, the deputies must use special techniques in handling these cases, and these techniques are explained in detail to the spouses.

The last portion of this session is devoted to methods of self-defense. Techniques to be utilized in combating physical assault are demonstrated, and prevention methods, such as always locking doors, checking back seats of cars, and being extra alert to the surrounding environment and what potentially could occur, are suggested.

### Sixth Session

Since law enforcement officers are required to carry firearms throughout their careers, this session is devoted entirely to the proper use of firearms. Various aspects of home safety, where to keep a gun, and becoming familiar with the weapon so that the spouse is not uncomfortable with the gun, are involved. Proper understanding of firearms is extremely important as it is something that will have to be dealt with the entire time the marital partner is a member of law enforcement.

After the presentation on firearms safety and proper use of the weapon, the spouses are instructed in the various aspects of using the weapon, how to sight, line up the target, load the gun, empty expended shells, and use the safety, culminating in how to fire the weapon. After this, the spouses are taken to the firing range where they go through the same procedures their



spouses went through the first time they were at the range. As qualification at the range is an ongoing requirement of all deputies throughout their careers, the spouses go through the same procedures and are given

*"... the spouses are taken to the firing range where they go through the same procedures their spouses went through the first time they were at the range."*

their shooting scores. Approximately one-third of the spouses have been able to qualify on their first attempt at the range.

### Seventh Session

This week the spouses are assigned to various patrol stations within the department. They spend the evening riding in a patrol car as an observer for the work shift. The spouse spends the time with the patrol deputies seeing and experiencing the various func-

tions that occur in a squad car. They go on all calls with the patrol deputies and are present when arrests occur and during the booking process. They may end up at a hit-and-run scene, at a burglary, or at any other occurrences which may happen on that particular shift. As with all of the other sessions, the spouses are presented with a realistic view of what may happen during the deputies' careers. No attempt is made to keep them from seeing exactly what happens on a routine night, or on what may not be such a routine night, in an actual patrol car.

### Eighth Session

This is the final night and attempts are made to bring all of the unanswered areas together. In addition to having a review of the entire program, the two assistant sheriffs, the captain of the training academy, and the department psychologist are available to respond to concerns and questions the spouses may have.

This also gives the spouses an opportunity to share their experiences gained while on patrol, as well as some of the feelings and new insights gained throughout the 8 weeks.

The session culminates in a graduation ceremony for the spouses, and they receive a certificate for completion of the program.

### Annual Seminar

The concern for spouses of law enforcement personnel within the sheriff's department extends beyond the Spouses Training Program. Sheriff Pitchess initiated an all-day workshop for the wives of all law enforcement personnel in the southern California area 2 years ago. It is an annual program which is open to wives of the department, as well as wives of law enforcement personnel from other police agencies, and has had participants from 21 agencies.

This seminar emphasizes the importance of the wife and family in the life of a law enforcement officer. It

Spouses are conducted on a tour of the sheriff's communications center.





Sheriff Peter J. Pitchess receiving a plaque of appreciation from Spouses Training Class No. 1.



provides an opportunity for the women to express their concerns, ideas, and ways they can improve their relationships. Because of space limitations, this workshop is limited to 200 women, with many requests for participation being turned down.

*"Responses to ... [these] programs have been extremely favorable."*

After introductory remarks by the sheriff wherein he emphasizes the importance of the wife in law enforcement, a presentation is made about the pressures and problems inherent in law enforcement marriages and suggestions for improving such relationships. The next item on the agenda is a division of the women into groups of 15 or 20. Each group has a psychologist leader who helps facilitate discussion about the problems that the wives have experienced, solutions which have worked for them, and in general, methods to use in making the

relationships between husband and wife more fulfilling.

Each woman is a member of two groups; one which is held in the morning and one in the afternoon. At the conclusion of the afternoon group, each psychologist addresses the audience as a whole, summarizing their individual experiences with their groups and making suggestions to improve marital communication.

Responses to both programs have been extremely favorable. The spouses attending the 8-week training program have been very enthusiastic about the knowledge they have gained, and their actual experiences have enabled them to understand and empathize with their spouses in their new career. Many cadets whose spouses have attended the program have approached the staff to express how helpful they feel the program has been not only for their spouses but for them and their marital relationship. Spouses also state that they have been made to feel the importance of their role in law enforcement and how they

now feel more identified with the department. In addition, the instructors have been very enthused about teaching the course as they see the excitement and eagerness to learn on the part of the spouses.

Responses to the all-day workshop dealing with the role of the wife in law enforcement have also been very favorable as evidenced by the increased requests for participation each year and also the numerous favorable responses from the participants. The women experience a deeper sense of themselves and their part in a law enforcement marriage.

### Summary

The purpose of both of these programs as stated by Sheriff Pitchess is to "reinforce the role of the family in law enforcement, lessen the pressures and stresses experienced by both of the marital partners, and facilitate stronger and more meaningful relationships between the law enforcement couple." FBI



# *Fourth Dimension of the Criminal Justice System*



DALE T. BEERBOWER  
Director



By  
and

L. WILLIAM SHEPPARD  
Instructor

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Jacksonville, Fla.

*"The need for developing a maximum thrust toward the prevention of crime is apparent."*

National Advisory Commission on Criminal Justice Standards and Goals. One particular report published by the Commission entitled "Community Crime Prevention" is responsible for initiating an innovative idea and concept.

For some time, academicians and practitioners have concerned themselves with volumes of information relating to the criminal justice system and crime in our country. In this regard, various publications have resulted from work conducted by the



*"... serious consideration should be given to the establishment of an additional component to the criminal justice system."*

In our opinion, serious consideration should be given to the establishment of an additional component to the criminal justice system. The traditional concept has included three major divisions in the system: police, courts, and corrections. A comprehensive examination of the system reveals that crime prevention permeates the entire system without coordination and has resulted in considerable fragmentation. In addition, considerable emphasis is now being placed on marshaling citizen power against crime. The following excerpt gleaned from the "Community Crime Prevention" report underscores the need to move expeditiously in the area of crime prevention:

"The keynote of this report and, indeed, of the entire Commission effort is that the greatest potential for reducing the incidence of crime in America lies in activities directed at preventing the occurrence of crime."

In order to accomplish this important mission, the primary crime prevention effort should be vested in a separate agency or department. In short, a fourth dimension should be considered for incorporation into the criminal justice system. This separate operation would work in conjunction with police, courts, corrections, and the community in general when developing and implementing preventive measures. A move in this direction would develop a "unity of purpose" toward the prevention of crime.

When placing crime prevention ef-

forts by police, courts, and corrections in historical perspective, it is quite clear that the necessary impetus has only been spawned. The need for developing a maximum thrust toward the prevention of crime is apparent. More recently, the criminal justice system, in conjunction with other governmental agencies and community groups, has been striving to develop prevention programs never before attempted. Each of these programs is designed to reduce crime through crime prevention. The degree of success appears to be minimal when examining crime rates. However, a significant number of programs possess some degree of merit and could possibly become more effective if certain changes were instituted.

#### **Community Involvement**

"Community Crime Prevention" points to a variety of practical prevention programs that can be undertaken by communities. Also, it brought to light that most community attempts to prevent crime have inevitably resulted in only a token effort. Any serious attempt to prevent crime must be a unified effort with maximum utilization of available resources. Perusal of the Commission's report reveals that great emphasis is placed on com-

*"Any serious attempt to prevent crime must be a unified effort with maximum utilization of available resources."*

munity involvement. This is certainly reflected in the following statement taken from the report:

"The Commission believes that effective crime prevention is possible only through broad-based community awareness and involvement."

Our views coincide with those of

the Commission. In addition, we would advocate the extension of such awareness and involvement throughout the entire spectrum of the criminal justice system.

Prevention programs singled out by the report include youth services, and drug abuse, employment, education, recreation, religion, and criminal opportunities. Our intention is not to elaborate on the variety of programs in existence, but merely to indicate the growing number and diverse nature of these programs. For example, the implementation of some programs requires very little expertise while others are much more sophisticated and complex. A significant number of programs are housed in the private sector apart from the criminal justice system. This, of course, has resulted in a division and duplication of effort which works against unity of purpose. Continued efforts under such conditions will yield low utilization of community resources in anticrime programs.

The criminal justice system must adapt itself to meet the changing demands it faces today. The assignment of crime prevention responsibility to a fourth component of the system will eliminate barriers to effective planning. It will also provide effective coordination and result in improved linkage between the fragmented attempts to prevent crime.

Communities should give serious consideration to the potential of establishing a fourth subsystem to work in conjunction with police, courts, and corrections to develop and implement prevention measures in each respective area. In addition, the staff of this fourth component of the system would work in conjunction with various civic groups and other organizations in crime prevention activities. All major components would be implementers of various programs designed to prevent crime. The role of the prevention area



would include collecting data, coordinating and implementing programs, and monitoring and providing support and expertise within the realm of crime prevention. The primary responsibility assigned should focus on planning, research, and development.

*"The coordination of crime prevention activities in a community will result in optimum effort while minimizing duplication in programs."*

The coordination of crime prevention activities in a community will result in optimum effort while minimizing duplication in programs. In addition, a crime prevention unit would be in a position to develop an overview of the attempts to curb the crime problem from a prevention standpoint. This should facilitate planning and insure full utilization of available resources.

The great philosopher Thoreau once stated, "There are a thousand hacking at the branches of evil to one who is striking at the root." The development and incorporation of a fourth dimension to the system would be "striking at the root" of crime.

### **Planning and Resources**

Planning should be meticulous and considerable contemplation must be devoted to staff selection. Individuals with experience coupled with appropriate academic credentials should be found. Expertise will be needed in such areas as recreation, education, planning, and environmental engineering. In addition to hiring a cadre of full-time professional staff, assignments of personnel should be made by agency heads within the system. For example, persons assigned should represent police, courts, and corrections. It should also be pointed

out that personnel assignments should be made by community organizations involved in crime prevention activities. If crime prevention is to become an effective means of crime reduction, a multidisciplinary approach in staff selection needs to be taken. This wide diversity of individuals should lend itself to better understanding and cooperation.

When considering a project of this magnitude, thought must be directed toward resources. We know by experience that crime is costing the American public billions of dollars each year. Any significant reduction in crime would certainly justify the retention and replication of crime prevention efforts similar to the approach being advocated.

The overall mission of the crime prevention unit would be the reduction of crime through prevention measures. In order to determine the effectiveness and efficiency of such an operation, accountability measurements should be instituted. Both qualitative and quantitative indicators are of utmost importance in determining how effective and efficient the operation is. An amalgamated approach to crime prevention should result in a more frugal expenditure of funds. In other words, the public would get more for their dollars because of better resource utilization. It is felt that the monetary return resulting from crime reduction would far exceed operational costs in subsequent years.

### **Conclusion**

A firm commitment by practitioners and the community will play an integral part in the success or failure of this new approach to prevention. Systemwide and communitywide momentum must be generated and maintained in long term perspective. It is our belief that a concerted effort similar to that described would have

a significant impact on the reduction of crime. If the approach set forth is not taken, the outcome will remain unknown. We must be cognizant of the fact that we are continuing to lose battle after battle against our ever-widening crime problem. This is certainly sufficient grounds to try a new approach to an age-old problem. If such an approach fails, we can simply include it among a long list of unsuccessful attempts to stem the tide so far as crime is concerned in this country.

*"The criminal justice system must adapt itself to meet the changing demands it faces today."*

As we attempt to reduce crime, we find ourselves yielding to the advancing crime problem. The criminal justice system must adapt itself to meet the changing demands it faces today. The assignment of crime prevention responsibility to a fourth component of the system will eliminate barriers of effective planning. It will also provide effective coordination and result in improved linkage between the fragmented attempts to prevent crime.

With funds provided and support generated, a pilot project designed to add a fourth dimension to the criminal justice system should be attempted. It is strongly recommended that Federal funds be solicited to develop and implement this fourth dimension. The development and implementation of a new concept, which runs counter to the traditional approach, would be a cooperative effort unparalleled in previous attempts to curb the onslaught of crime in this country. If successful, the means by which crime can be reduced to more manageable proportions in future years may have been discovered.

FBI



# MOBILE RECRUITMENT FACILITY

By

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A mobile recruitment facility is especially appropriate for an agency, such as the Michigan State Police, that serves a large geographical jurisdiction. A well-designed, attractive facility of this nature provides an excellent means of reaching and processing on the scene prospective candidates.

In January 1973, the Michigan State Police applied for and was awarded a grant through the Office of Criminal Justice Programs to design and purchase a mobile recruitment facility. Specifications were developed and requests for bids were submitted to a number of Michigan motor home manufacturers. Departmental employees visited many of these manufacturers for purposes of evaluating construction techniques and general quality of workmanship.

The interior and exterior display and artwork were also contracted on



Col. George L. Halverson  
Director, Michigan State Police

a bid basis. A committee of seven persons, comprised of departmental personnel and outside professionals, was used to evaluate, comment on, and recommend the most appropriate company, based on the five creative illustrations and bid quotations provided. Contracts were awarded to two Michigan firms, one for construction of the



The Mobile  
Recruitment  
Facility.



basic facility and one for the display and artwork.

The basic mobile facility was completed and delivered during January 1974 at a cost of \$15,500. During the next 4 months, the display and art-

work were completed at a cost of \$6,500, for a total cost of \$22,000. On May 1, 1974, the facility made its official debut at the State Capitol where the Governor inspected the

facility and visited with staff members.

#### **Specifications**

Some of the primary specifications for the mobile recruitment facility were as follows:



The Mobile Recruiter  
being displayed in a  
shopping mall.



Wheelbase—178 inches.  
 Length—28 feet.  
 Engine—V8 (440-3 cu. in.)  
 Fuel tank—45 gallon minimum.  
 Interior height—minimum of 79 inches.  
 Heat—28,000 Btu furnace, forced hot air.  
 Air-conditioning—12,000 Btu roof mounted with wall thermostat.  
 Electric powerplant—5,000 watt, air-cooled generator. (This provides adequate electrical power when shore power is not available.)  
 Speaker jacks—for outside public address system.  
 Floodlights—located on each end, curb side, of the facility.  
 Exterior electrical outlets—two duplex receptacles at each end, curb side, of facility.  
 Carpet—throughout and must meet fire marshal requirements.

Office and clerical compartment—minimum of 72 inches in length and separated from rear display area by insulated paneled wall and sliding door.

A 12-foot awning is permanently mounted on the facility and covers the entrance and exit doors and provides protection for outdoor displays, such as films, photograph boards, etc. Necessary installations were included at the rear of the facility for agility testing.

Indirect lighting accentuates the interior of the facility which includes gold carpeting, walnut paneling, and matched furnishing. The office compartment was designed so four persons can participate in the written examination process simultaneously. In addition, this area is used for interviewing prospective applicants and for viewing movie and slide presentations.

The walk-through display area pro-

vides an impressive three-dimensional panoramic display that highlights many activities of the Michigan State Police. In addition, there are 25 colorful, back-lighted transparencies depicting training and job-related functions. An attractive brochure distribution cabinet also enhances the area.

### *Success of Facility*

Since its official debut, extensive use of the facility has been made in promoting the career opportunities of the State police. Thousands of persons have visited the facility, and numerous candidates have been interviewed and examined during its appearances at a broad range of activities, including high school and college career days, church affairs, shopping mall events, State and local fairs, neighborhood drop-in and crises centers, festivals, military programs, parades, and other special events.

An explanation of the three-dimensional panoramic display is given to a prospective applicant.





## *“With Great Expectations”*

On December 11, 1975, another select group of law enforcement officers successfully completed 11 weeks of executive-level training at the FBI National Academy at Quantico, Va. The 246 graduating members of this 103d National Academy Session represented 49 States, the District of Columbia, the Canal Zone, the U.S. Virgin Islands, and 8 foreign countries. With this commencement, the number of officers successfully completing the National Academy course now totals 9,662.

Following an appropriate musical introduction by the U.S. Marine Band, the graduation proceedings were called to order by Assistant Director William M. Mooney of the FBI's Training Division. Thereafter, the invocation was delivered by Capt. A. Wayne Riggs, Chaplain Corps, U.S. Navy.

Next on the program was a voice from abroad in the form of an address by the elected class spokesman,

Michael D. Richards, detective superintendent of the Metropolitan Police, London, England, who described the thrill and apprehension with which he approached the famed advanced training course at the FBI Academy. “This complex,” he stated, “has a magical,

almost charismatic, quality about it which does little to eliminate that sinking feeling in the tummy. You see, the FBI and all things associated with it enjoy a tremendously high reputation in the United Kingdom. It is my belief, also a belief confirmed by my



Det. Supt. Michael D. Richards, Metropolitan Police, London, England, addresses the graduating class of the 103d Session of the FBI National Academy.



fellow students, that the FBI is held in very high esteem in this country. Standards set by the FBI are high and we students knew we had to attain those standards in the academic sphere, in the gymnasium, and on the firing range."

Superintendent Richards noted the learning experience was a very rewarding one and commented, "It is axiomatic that our goals would not have been accomplished without the most excellent instruction, guidance, and advice handed out so efficiently and professionally by the dynamic instructors of this Academy. We now go forth to our respective countries, communities, and cultures, confident in the knowledge that we are now far better equipped, both mentally and physically, to perform our difficult and often irksome tasks. . . . Whatever our feelings and frustrations, let us never flinch from our task and let

us demonstrate by effective leadership, by impeccable behavior and by a determination to root out the wrongdoers in our own midst, that the public has law enforcement officers upon whom they can be totally reliant. By these means, we will obtain and hold public support without which we can achieve little.

"Students of the 103d Session go forth today with the memory of John Anders [lieutenant, La Mesa, Calif., Police Department], a fine officer and trusted friend, who died at this Academy on October 30, 1975, from a heart attack. We will not forget him, neither will we forget the heroic efforts made by his friends to save his life.

". . . the students of the 103d Session came to this Academy with great expectations. Let me say with conviction and emphasis, we have not been disappointed."

In closing, Superintendent Richards stated, "Today, I will return home and . . . spell out loud and clear what a fine country you have and how the students of the 103d Session . . . epitomized not only what is good in law enforcement but what is good in American society today."

Following this address, Assistant Director Mooney introduced FBI Director Clarence M. Kelley who extended his personal congratulations to the graduating class and noted that "each succeeding class of graduates continues to enrich and enlarge Academy traditions." Director Kelley commended the effort put forth by each National Academy Session "to leave a mark against which succeeding classes must measure themselves." He observed, "you will find, as time passes, that you have . . . joined a remarkable fellowship . . . which reaches around the free world . . . which, with the passing years, you will tend to value more and more."

After his remarks to the graduates, Director Kelley introduced the guest speaker, the Reverend Dr. Lawrence W. Bash, pastor of the Country Club Christian Church, Kansas City, Mo., of which Mr. Kelley is a member.

Dr. Bash discussed the relationship between the law enforcement role and "some of the profound things of the human spirit which are part of the religious tradition." He noted that the community at large holds high expectations for its law enforcement officers and all others in whom a public trust is vested—a standard that cannot be considered unfair. In the words of Dr. Bash, "It may be uncomfortable but it is not unfair. You represent the majesty of the law and the majesty of the law is the symbol and expression of the moral conscience of mankind. It's a tough assignment but a challenging and inspiring one. After all, the motto of the FBI Academy is 'Knowledge, Courage, Integrity.'"

The Reverend Dr. Lawrence W. Bash, pastor, Country Club Christian Church, Kansas City, Mo., is shown delivering the principal address at the graduation.







Pictured with FBI Director Clarence M. Kelley are the five section leaders of the 103d Session. Shown, left to right, are: Insp. James V. Cotter, FBI Training Division; Det. Supt. Michael D. Richards, Metropolitan Police, London, England; Chief Insp. Robert A. Wolfinger, Philadelphia Police Department, Philadelphia, Pa.; Mr. Kelley; Sgt. James R. Arnold, LaPorte County Police Department, LaPorte, Ind.; Lt. James D. McFadden, New York, N.Y., Police Department; and Det. Insp. William I. Harding, Peel Regional Police Force, Brampton, Ontario, Canada.

Dr. Bash characterized our Nation as being "incurably moral," a condition that is "deeply embedded in our ideals and dreams." He observed, "Morality is not merely a matter of opinion. It touches something at the very heart of existence. It makes an absolute claim. It is an expression of Reality, that is, of God as one understands Him. This is the basis of the majesty of law."


He further observed, "In all societies of which I am aware, the laws rest upon religious sanctions, that is, upon a perception of a divine power and of His call to men to do good and not evil. Whatever your own religious views, as lawmen you are a part of a process that rests upon the bedrock of the universe."

In concluding his remarks, Dr. Bash noted that in this era of frightening increases in the Nation's crime rate, "The moral resources of our great institutions—the home, the school, and the church—must be rallied to the support of just and fair enforcement of the law, and you have a right to call upon them. None of us can do it alone."

Following Dr. Bash's address, Mr. Kelley introduced several distinguished guests in attendance, among whom were: Brig. Gen. M. C. Ashley, director of the Education Center, Marine Corps Development and Education Command; Canadian Ambassador to the United States Jake Warren; Commissioner Maurice

Nadon of the Royal Canadian Mounted Police; and Chief Clyde P. Klaumann of the Carmel, Calif., Police Department, president of the FBI National Academy Graduates Association.

Insp. James V. Cotter of the FBI Training Division then presented the graduating class to Mr. Kelley for the individual awarding of diplomas. Thereafter, Assistant Director Mooney delivered brief closing remarks, extending congratulations to the graduates and expressing appreciation to the U.S. Marine Band under the conductorship of M. Sgt. Thomas Barlow.

Benediction, led by Captain Riggs, and a rendering of the National Anthem by the U.S. Marine Band brought to a close the program. 



# WANTED BY THE FBI



Photos taken 1971.

**HARRY REESE, also known as Harry Reese Graves, Harry Ruce Graves, "Dirty Harry"**

## ***Killing Federal Officer; Deserter***

Harry Reese, a U.S. Army deserter, is currently being sought by the FBI in connection with the killing of a Federal officer.

## **The Crime**

In the early morning hours of July 20, 1972, Harry Reese and four accomplices were allegedly involved in the assault, robbery, and shooting death of a Deputy U.S. Marshal in Cedar Rapids, Iowa. His accomplices have subsequently been apprehended, but Reese remains at large. Reese, who absented himself from Fort Hood, Tex., where he was serving with the U.S. Army, was subsequently declared a deserter

on August 20, 1972. A Federal warrant was issued for his arrest on September 8, 1972, at Cedar Rapids, charging him with killing a Federal officer.

## **Description**

Age	27, born September 5, 1948, Jackson, Miss.
Height	5 feet 9 inches to 5 feet 10 inches.
Weight	150 to 160 pounds.
Build	Medium.
Hair	Black.
Eyes	Brown.
Complexion	Dark.
Race	Negro.

Nationality -- American.  
Occupations -- Laborer, taxi driver.  
Social Security  
No. used ---- 427-98-1343.  
FBI No. ----- 762,501 F.

Fingerprint classification:

2 S 1 A 3a  
S 1 A 2at

NCIC classification:  
02 AA AA AA AA 11 AA AA AA TT

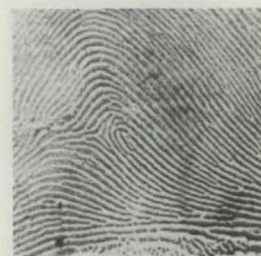
## **Caution**

Since Reese allegedly assaulted, robbed, and fatally wounded a Deputy U.S. Marshal, he 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.

Right thumb print.

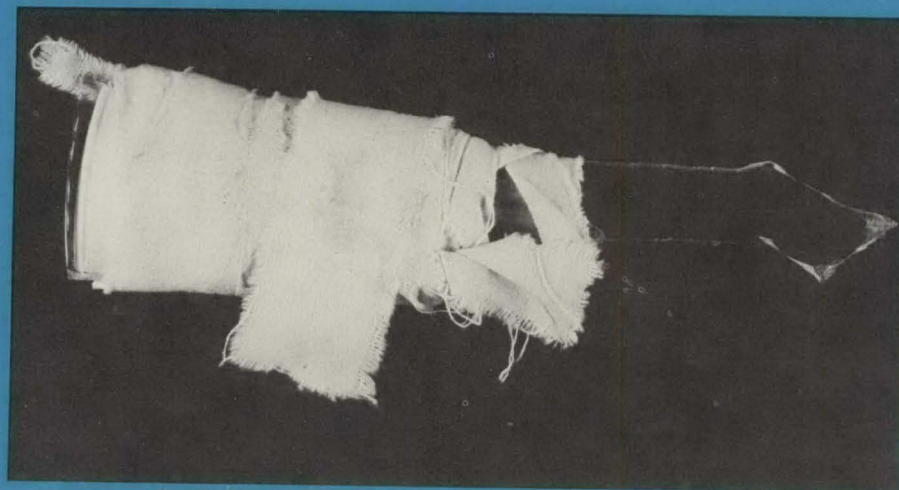




# IMPROVISATION— KEY TO ESCAPE

The weapon pictured below was recently utilized by an inmate to effect his escape from jail. When the jailer entered the prisoner's cell to check on what appeared to be a malfunctioning light (produced by loosening a bulb), the inmate brandished this weapon and made his escape. He was recaptured several hours later, and the weapon was recovered.

Made from a sliver of a clear plastic drinking container, the knife-like weapon is approximately 8 inches in length. The handle area is padded with portions of a styrofoam cup wrapped in place with strips torn from a mattress cover. Although the blade is somewhat brittle, its sharp, jagged edges make it a formidable-appearing weapon, particularly in respect to the more vulnerable areas of the body.



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## INTERESTING PATTERN

The pattern at left is interesting in that in lieu of a recurve in front of the delta in the inner pattern area, it possesses an obstruction at right angles to the line of flow. It is classified as an obstruction-type central pocket loop-type whorl with a meeting tracing. This pattern is referenced to a loop with two ridge counts.