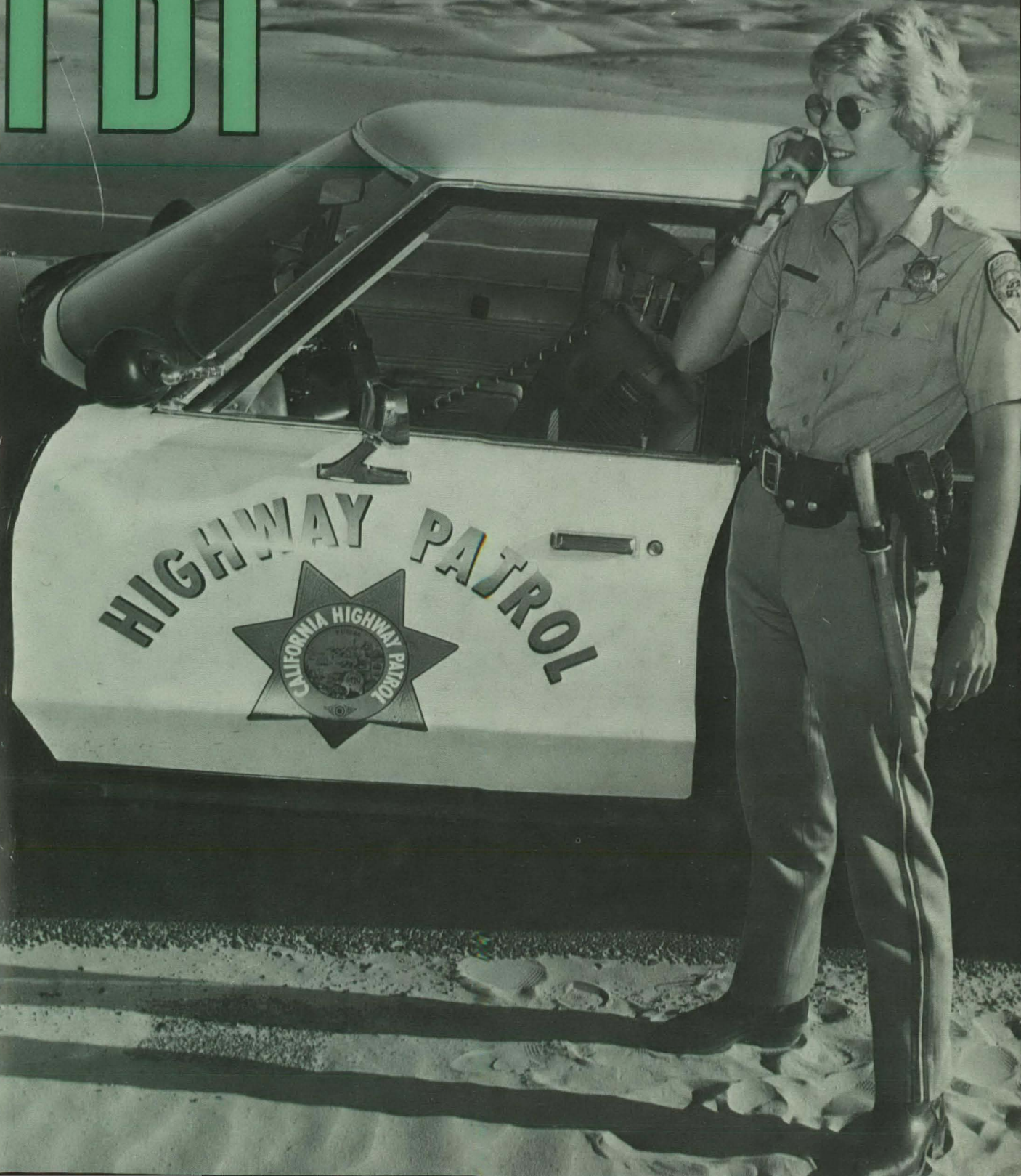


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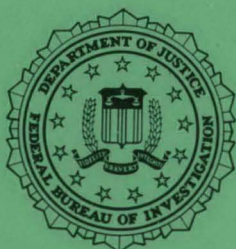
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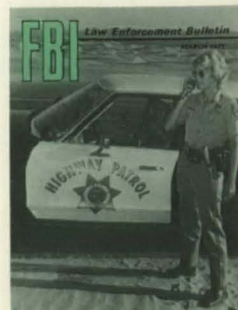
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THE COVER

Surrounded by a barren sweep of desert, a California Highway Patrol traffic officer stands in lonely watch. Photo courtesy of the Imperial Valley, Calif., Sheriff's Office.



Message from the Director . . .



IN THE FEBRUARY 1976 ISSUE of the FBI Law Enforcement Bulletin, there was emphasized the need for a national stand against crime—a commitment to resist crime as individuals, families, and communities. It was urged that every effort be made to engage the citizens of this Nation more fully in crime resistance activities. July 1975 marked the beginning of a challenging joint venture involving four local police departments, the Police Foundation, and the FBI to achieve that goal.

This Crime Resistance Program centered around pilot projects undertaken in the communities served by the participating police departments. These projects were designed to demonstrate that citizens, with guidance from law enforcement, could be mobilized to help reduce a targeted crime problem through low-cost, self-help crime resistance measures. The communities involved and their crime targets were Birmingham, Ala.—trafficking in stolen property; De Kalb County, Ga.—crimes against youths; Norfolk, Va.—crimes against women; and Wilmington, Del.—crimes against the elderly.

Early this year, the four pilot projects were concluded, and the results were most encouraging: Citizen anticrime action, generated by law enforcement task forces consisting of two police officers and two FBI Agents in each locale, contributed to reductions in targeted crimes in all four of these projects. What is more, as it is essential that the citizen anticrime efforts in the project communities be sustained and broadened, crime resistance guidance will continue to be furnished by each participating department.

Efforts in these communities have persuasively demonstrated the importance of crime resistance to both law enforcement and the citizens we serve. Indeed, it is one of the most promising concepts which can be employed in the struggle against crime.

The steps taken by the task forces to mobilize citizens in their respective communities and the progress achieved were documented and are set forth in a report which has been distributed by the FBI to law enforcement officials and civic leaders throughout the country. It is hoped that this report will provide other communities with a blueprint for establishing crime resistance programs where none exist. Moreover, it will serve as a source of new ideas for those which have ongoing programs of a similar nature.

Of the lessons derived from the pilot project experiences, four are particularly significant and should be stressed.

The first—and foremost—is that crime can be reduced when citizens take preventive measures to eliminate opportunities for criminals and join with their police to form a potent law enforcement team.

The second is that effective crime resistance programs can be sustained if citizens motivate other citizens to participate.

The third lesson is that crime resistance programs can be low cost for citizens, police, and any level of government involved.

The fourth lesson—and certainly one of special significance to our profession—is that we must act as a catalyst. Law enforcement must

MESSAGE

provide inspiration and guidance to citizens, if highly successful community crime resistance programs are to be attained. This supportive role by law enforcement in crime resistance programs is absolutely vital and cannot be too strongly emphasized.

To adequately plan a crime resistance program, a police department must first analyze offense and victim data to identify crime problems and determine some of the measures that can be used to counter them. At the same time, citizens must be encouraged to seek law enforcement's expertise in developing these countermeasures and to learn ways of assisting in the effective operation of the law enforcement process.

Because we in the FBI believe that providing crime resistance guidance is a basic law enforcement function—as basic a function as are patrol and investigation—Special Agents in each of our 59 field offices are now assigned solely to crime

resistance matters. These Agents are providing guidance to potential victims of crimes within the investigative jurisdiction of the FBI and are affording instruction and other forms of assistance to local police departments seeking crime resistance aid.

Recent Uniform Crime Reports statistics have indicated encouraging downward trends in the number of serious crimes being reported in this country. Rather than precipitating a relaxation in our anticrime efforts, these developments should spur us to reduce crime to even lower levels and insure that it never again reaches crisis proportions. Crime resistance, implemented as an integral tactic in a community's overall anticrime strategy, can accomplish this objective. All that is needed is *commitment*—a commitment on the part of law enforcement agencies to mobilize the citizenry to resist crime and a commitment on the part of citizens to make crime resistance a way of life.

MARCH 1, 1977


CLARENCE M. KELLEY
Director

CRIME RESISTANCE: A REPORT

In July 1975, four police departments joined the FBI and the Police Foundation in initiating the Crime Resistance Program. The purpose of this endeavor was to demonstrate in four pilot project communities that citizens, with guidance from their police, could resist and thereby reduce targeted crimes through low-cost, self-help measures.

“The purpose of this endeavor was to demonstrate . . . that citizens . . . could resist and thereby reduce targeted crimes through low-cost, self-help measures.”

The project communities and their targeted crimes were Birmingham, Ala.—trafficking in stolen property; De Kalb County, Ga.—crimes against youths; Norfolk, Va.—crimes against women; and Wilmington, Del.—crimes against the elderly.

These pilot projects were recently concluded. The responsibility for providing crime resistance guidance to citizens in these locales has been assumed by established units in the four participating departments. The effects of these four citizen anticrime efforts on their targeted crime programs were being determined and readied for publication at the time this issue of the BULLETIN was being prepared for printing. It is anticipated that these results will be discussed in a subsequent issue of the BULLETIN.

On December 15, 1976, Chiefs of Police James C. Parsons of Birmingham, Francis D. Hand of De Kalb County, Charles D. Grant (Acting Chief) of Norfolk, and John T. McCool of Wilmington joined FBI Director Clarence M. Kelley in issuing a report on the program entitled, “Crime Resistance.” This report, prepared and published with the assistance of the Police Foundation, described the steps taken by law enforcement teams to generate crime resistance action among citizens in the pilot

communities. The report was sent to law enforcement executives and civic leaders in cities and counties throughout the country in the hope that they could utilize it as a blueprint for establishing programs in their areas or as a source of new ideas for ongoing programs.

The following is drawn from that portion of the Crime Resistance report that describes the crime resistance concept, particularly as it was practiced in the pilot projects. Following the introduction, significant aspects of crime resistance are addressed in a question and answer form for the convenience of the reader. In some instances, parts of the original report have been abridged or revised for the purpose of this article.

INTRODUCTION

A group of neighbors in a high-crime section of Birmingham, Ala., succeed—through tightly knit organization, the marking of personal prop-

erty, and intense community concern—in significantly reducing the neighborhood's crime rate.

High school students in De Kalb County, Ga., interview victims of crime to learn what can be done to prevent the student's future victimization.

A retired man of impressive size and voice tips his hat to elderly women on the streets of Wilmington, Del., displays a police-approved identification badge, and asks if he might have the pleasure of escorting them home.

Women in high-risk areas of Norfolk, Va., learn to protect themselves against rape, robbery, and purse-snatching.

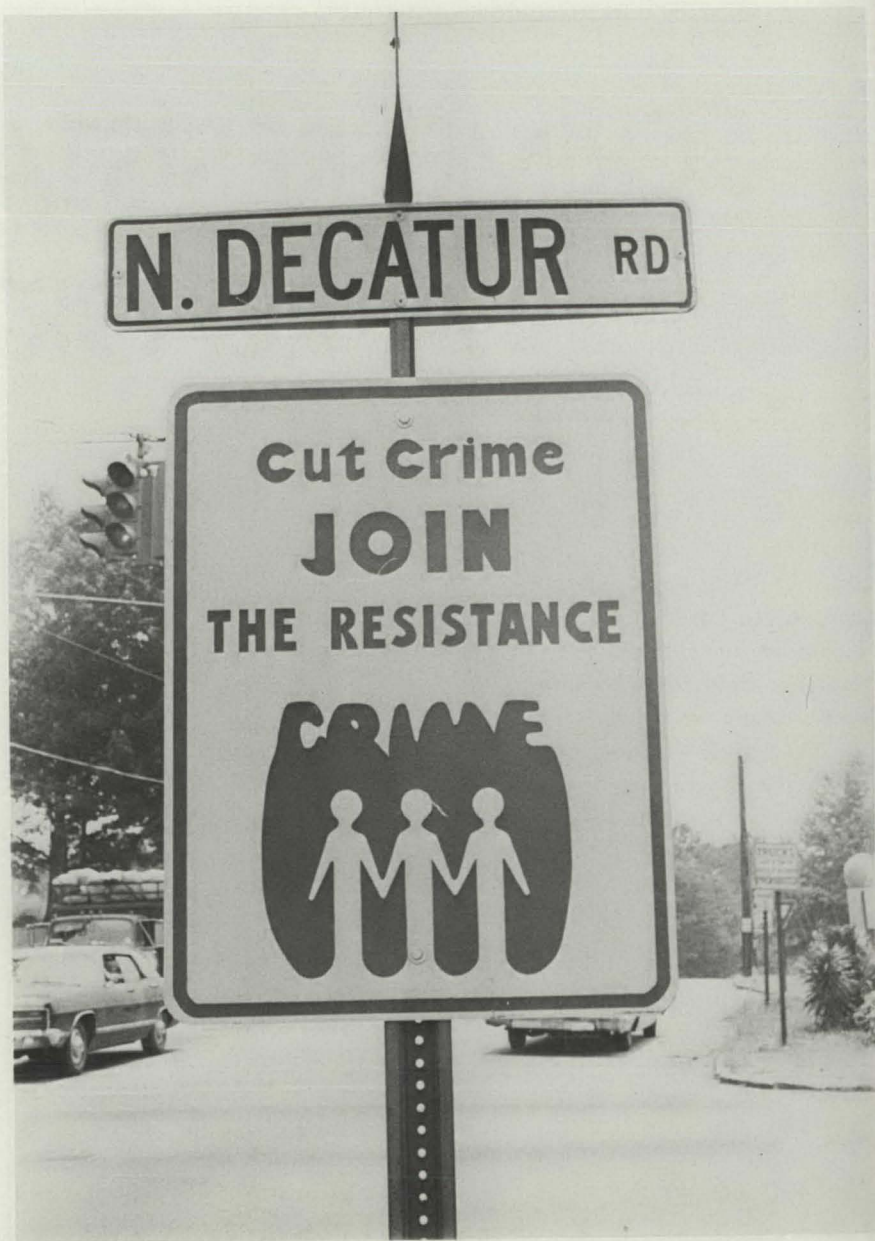
The citizens in these four communities are doing something that has become rare in American society—working on common problems on a person-to-person level. There is nothing especially new about all of these efforts. Some have been tried, in one form or another, in a number of places. What is different is that the police in four Crime Resistance Program pilot project communities have been sustaining these efforts as deliberately coordinated tactics in the fight against crime. They have sought to show citizens how, through careful planning, they can find security in both numbers and knowledge.

Crime resistance is more than a program or a slogan. It is more than a movement on the part of citizens who are sick of living under the shadow of crime. Crime resistance is resistance not only to the reality of crime, but to the fear of crime that has narrowed the lives of so many people.

One of the principal architects of crime resistance is Clarence M. Kelley, Director of the Federal Bureau of Investigation. "Crime is a hazard, just as disease is, or fire, water, and traffic can be," Kelley says. "There are certain basic precautions you take. De-

spite all the efforts of traffic police and programs of traffic instruction, pedestrians and motorists will have accidents unless they are individually wary. The same with crime—you take

Norfolk, De Kalb County, and Birmingham in July 1975 began four projects directed at demonstrating to police chiefs and public officials around the country how the concept of



A street sign in De Kalb County, Ga., encourages citizens to join the crime resistance effort.

precautions, you become more wary and less vulnerable—that's crime resistance."

Based on this premise, the FBI and the police departments in Wilmington,

crime resistance works in practice; how, with limited resources but plenty of imagination, a small team of law enforcement officers can effectively rally and muster citizens to make

themselves and their neighbors more wary and less vulnerable to crime. Assisting the FBI and the police agencies was the Police Foundation.

Law enforcement leaders have come to realize that, without citizen involvement, the police are helpless to check ever-rising waves of crime. Unless crime resistance is practiced in the home, in the school, and on the streets, there is small hope that crime will be curbed. No community can afford wall-to-wall police officers. Mockingly, malevolently, crime grows and flourishes, even when extra officers and equipment are added to local police agencies.

Citizen involvement in crime resistance does not require increasing the bill for local policing; as the task forces showed, it takes commitment and effort on the part of citizens and their police.

According to advocates of crime resistance, the function of providing crime resistance guidance to citizens is as legitimate a police function as patrol work and criminal investigation. As such, it must be given a permanent, continuing status in police departments around the country.

“[T]he function of providing crime resistance guidance to citizens is as legitimate a police function as patrol work and criminal investigation.”

In accordance with that position, two police officers and two FBI Special Agents joined to form a crime resistance task force in each of the four communities. Each task force focused on a particular category of crime: In Birmingham, trafficking in stolen property; in De Kalb County, crimes against youths; in Norfolk, crimes

against women; and in Wilmington, crimes against the elderly.

Initially, the task forces operated in similar ways, spending from 2 to 4 months analyzing computer printouts, daily crime reports, census figures, and all the existing crime-related studies pertinent to their projects. Some of the task forces also conducted small-scale surveys among victims of these crimes to learn more about both the victims and the specific nature of the crimes. Two task forces even received informal confirmation of their conclusions from imprisoned offenders.

After analyzing the available crime data, the task force members met with local groups of every kind—not just traditional civic groups. They met with neighborhood groups, business executives, workers, school officials, students, and church groups. They presented the findings of their research and asked for suggestions. Some of the best ideas came out of these meetings.

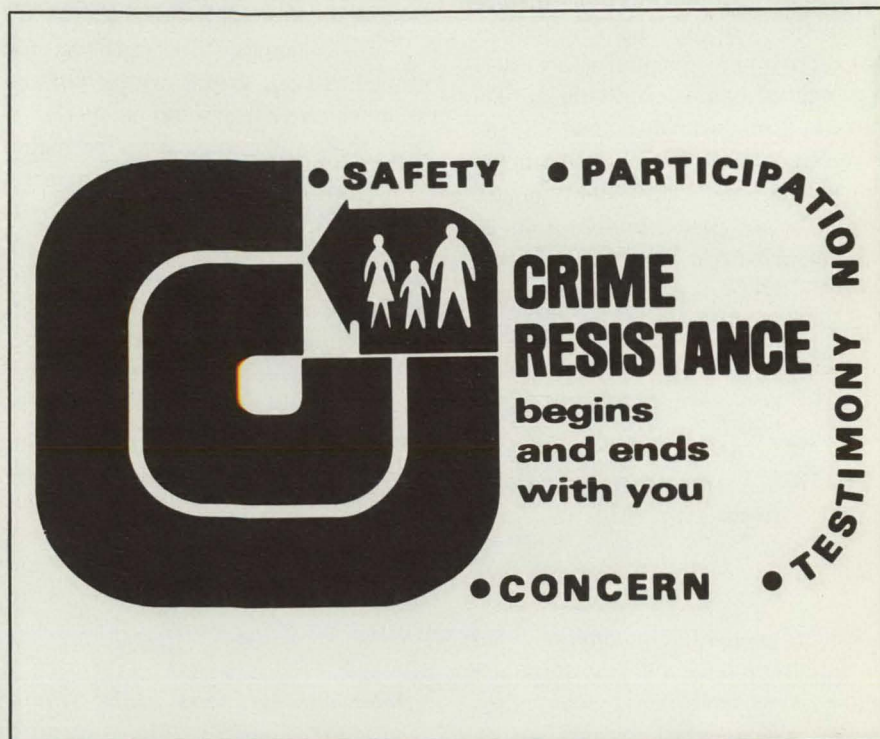
QUESTIONS ABOUT CRIME RESISTANCE

In simple terms, what is “crime resistance”?

Crime resistance is, in essence, an attitude—an attitude that manifests itself when citizens take measures to avoid becoming victims of crime and when they join with those in law enforcement in reacting to criminal activity when it occurs. Crime resistance does not include any suggestion of ill-considered physical resistance to threats of force or violence. Nor is it an invitation to vigilante groups to operate outside the law. It means resistance to the idea that everyone must live in isolation and shrink from contact with others. It is resistance to being immobilized by fear.

One of the crucial functions of law enforcement involves providing people with information that will help them to become less vulnerable by taking basic safety precautions, by

Logo used by the FBI to symbolize its crime resistance efforts.



avoiding dangerous situations, by banding together with their neighbors and their police, and by taking prudent, informed anticrime action.

If police departments fulfill this responsibility properly, they will develop a significant defensive weapon against crime. Consider how much less discouraging the fight against crime would be if people removed the temptations for criminals to take "cheap shots" at them. Any attempt to reduce the crime problem without the central element of public participation would, in fact, be as futile as an effort by the medical profession to try to control disease without people taking preventive measures, or traffic safety experts trying to reduce accidents without citizens employing safe driving techniques.

When continuously pursued with diligence and imagination, crime resistance becomes a tactic whose results can be significant.

Why is crime resistance necessary?

Because without citizen involvement, the police are helpless to combat a large percentage of today's serious crimes against individuals. The phrase, "Support your local police," meaning "Give us your tax money and let us handle it," is not enough. Crime is not just a police problem; it's an American problem. As one Norfolk public service announcement put it, "Support your local self."

"Crime is not just a police problem; it's an American problem."

Commission after commission has said that one principal way to reduce crime is responsible citizen action. Crime resistance is, in part, an at-

tempt to find those citizens who are ready to act responsibly for themselves and their neighbors.

Many police departments have initiated various crime prevention efforts, but quite often these efforts have been spasmodic and pamphlet-oriented. This is not to say that these programs have had no impact, but only that in most cases they have not been sufficiently widespread or sustained.

To make crime resistance a reality among a community's citizens requires a full-time effort by a front-line police unit. This effort must be directed toward generating and guiding citizen involvement in attempting to stop crime before it happens and in cooperating with police when it does occur.

In most communities, there are no established channels through which all citizens can be effectively informed how to prevent crime and how to complement the work of their law enforcement personnel. Crime resistance specialists need to find and use less formal, more innovative channels of communication with citizens.

For instance, Birmingham for years has been trying to get citizens to mark their personal property to deter theft and to assist in the recovery and return of stolen property. Citizens could call the police department, and an officer would arrive at their homes with an etching device and instructions on how to operate it. The program did not succeed, however, because individual citizens lacked the motivation to do the marking themselves. But by working through an existing system of small neighborhood councils throughout the city, the crime resistance task force has been able to mobilize and sustain a successful citizen marking effort.

How can citizens make themselves less vulnerable to crime?

Through very basic means in most instances, as is exemplified by the property identification project undertaken in Birmingham and described above. Equally simple measures were employed in the other projects.

Elderly women in Wilmington, for instance, were encouraged in a variety of ways to stop carrying their invitations to crime—pocketbooks—in public. At the same time, they were shown a practical, inexpensive alternative—carrying money and other valuables in specially designed pockets sewn inside coats and other outer clothing. To lessen the opportunity for street robbery of elderly women, a contingent of carefully screened volunteers was formed to provide escort service. In addition, several plans to get youthful muggers off the streets were considered.

The Norfolk task force launched an intensive public awareness campaign to discourage women from taking unnecessary chances. Personal safety workshops and a concerted media campaign, enthusiastically supported by local radio and television stations, contributed to this effort. Working with a women's group that attempts to combat rape, the task force has been able to improve the treatment of victims by both police officers and hospital emergency room employees, and to follow through on the prosecution of defendants.

The team in De Kalb County, a suburban area touching Atlanta, enlisted the help of schools, Boy Scouts, fire stations, repair shops, and individual neighborhoods in engraving serial numbers on bicycles. (Bicycle theft is a very common crime against youths.) Task force members also helped change the reporting system for child abuse and neglect in order to enhance the identification of recidivist cases and to promote inter-agency coordination. They rekindled a block parent program in selected

areas of the county, and with the enthusiastic help of the county school system, they conceived and helped implement a high school crime resistance course which has earned wide praise.

The task force experience in the four communities shows that approaches to crime resistance are not hard to find. They will suggest themselves as soon as law enforcement officials begin looking at crime and the fear of crime from the point of view of the victim.

What does crime resistance cost?

It costs a great deal in terms of personal commitment, imagination, and work. But the goal has been—and it has, for the most part, succeeded with the four task forces—to operate without any new expenditures at all. Crime resistance requires the undivided attention of a few, perhaps several, good officers who have to be diverted from routine duties. But this sacrifice should be well worthwhile, in terms of a community of less vulnerable citizens.

“[Crime resistance] costs a great deal in terms of personal commitment, imagination, and work.”

At a time when municipal budgets are getting tighter, and when the demands on police to be more efficient are increasing, the “costs” of shifting to crime resistance to help reduce crime would appear easily justifiable. As the four task forces can document, much of what they did in the name of crime resistance, whether it was developing radio and television spots or printing stickers or grocery bag fliers, was achieved through contributions of money or donated services. When citizens give a little time or money, gaso-

line or shoe leather, they acquire a stake in the effort and a reason for seeing it through. Paying them might have the opposite effect.

As one Wilmington volunteer put it, speaking about the nature of government involvement in crime resistance, “Don’t give us money. If you put money into the program, you’ll kill it.”

What factors are necessary for a successful crime resistance effort?

The active support of the chief of police, both within the department and the community, is vital to the success of the project.

The chief should let personnel at all levels know immediately what the team is doing and what its relationship will be to the total police effort. The chief cannot and should not be involved in the day-to-day operations of the crime resistance team, but continued top-level support is essential. That support might include speaking to groups or the media, signing letters, or helping to open doors.

Personnel must be assigned full time to a crime resistance unit, if they are to achieve successful and sustained crime resistance programs. One of the reasons for the failure of other community-based efforts has been the divided responsibilities of the officers assigned to them. Crime resistance is a full-time job, as demanding as any other in police work. If the officers chosen for the job are constantly being diverted to other duties, they will quickly get bogged down in those duties, will have little time or energy for the crime resistance unit, and that will be the end of the effort.

If crime resistance approaches are allowed to grow naturally, from the grassroots, they will flourish. If they are forced, the chances are greater that they will die before they come to fruition. On the other hand, crime resist-

ance task force officers cannot afford to begin projects and leave them without any kind of guidance. The groups running them need constant feedback and timely information from police headquarters. “You need to show them something visible,” says Chief John T. McCool of Wilmington. “They’ve got to see something coming from their efforts.”

How should the unit relate to the rest of the police department?

If a crime resistance task force is to be innovative, it should not be tied down by numerous levels of administration and perhaps should initially be allowed some autonomy. For instance, task force members could be assigned to operate directly under a deputy chief or other executive-level officer.

Because it is a departure from traditional approaches to law enforcement, there may be internal opposition and skepticism concerning the concept. Some police personnel will not view it as a distinct and legitimate police function, but merely as another community relations program. Each of the task forces encountered this problem in varying degrees. They sought to overcome this opposition through various means, including regular appearances at rollcall, active solicitation of police advice and suggestions for program strategies, and publication of information in an internal weekly newsletter.

Although the unit could be physically separated until its identity and goals are established, it must work in tandem with the rest of the department, and often that means being physically proximate. As the Birmingham task force found out, an active property-marking campaign required the addition of a fencing detail to help recover more stolen items.

Crime resistance is a tactic that can be used in many crime situations. For instance, if a rapist is known to be working one section of a city, a police chief might increase the patrol force there, put additional investigators to work, use decoys, have an artist put together drawings of the suspect, and of course, have the crime resistance unit concentrate its efforts on teaching citizens in the area where the problem is occurring and how they can be more wary and less vulnerable. The chief not only would be decreasing the number of potential victims, but also increasing the chances of catching the suspect.

How does a department initiate a crime resistance effort?

With a talent search. The makeup of the initial task force is all important.

"I asked for volunteers with research capability, who wanted to do something new and different in an unstructured way, who had a good education and who would like to try something kind of innovative," says A. J. Brown, who was chief of police in Norfolk at the outset of the project. Other chiefs sought personnel with qualities that matched the particular crimes they wanted to attack. Chief James C. Parsons of Birmingham chose an investigator and a planner. Chief Francis D. Hand of De Kalb County picked two officers from the youth division. Chief John T. McCool selected for Wilmington a planner and a detective lieutenant.

A certain amount of irreverence toward traditional ways of doing things is helpful to crime resistance task force members. They must be able to find new communication pathways between law enforcement and the citizen. One of the Birmingham task force members caught this spirit when he volunteered to preach in local churches. Beyond that, some experi-

ence in research, planning, or community organizing is helpful.

What data are necessary for planning purposes?

Preliminary research is extremely important. Police leaders know a great deal about the nature of crimes in their communities, especially the ways of the criminals. But do they know very much about the victims? If police executives are looking at street crimes, do they know where the victims were going, how close they were to their homes, or what kinds of precautions they had taken? The experience of the task forces has been that in order to lessen citizen vulnerability to crime, victim data must be gathered, analyzed, and disseminated in a form that enables citizens to be more wary.

"[Task force members] must be able to find new communication pathways between law enforcement and the citizen."

Some of this information is contained in crime incident reports which, added together, begin to show patterns. The patterns may substantiate what police leaders have already surmised, or may prove them completely wrong. The Wilmington team, for example, assumed that most crimes against the elderly took place in the evening hours and were concentrated on those days of the month when victims cashed Social Security checks. But the task force found that there was no special day for crimes against the elderly and that the majority of offenses occurred during school hours. Since the offenders were predominantly of school age, these findings suggested a truancy problem that had to be faced.

A unit may look at census figures

or the results of existing studies for more information about the makeup of the neighborhoods where the crimes were committed and where the victims live.

At this point, a crime resistance unit will probably realize that it needs more information from victims.

A simple questionnaire might serve to obtain such data. The Wilmington team prepared and sent out a one-page survey designed to learn more about the circumstances of the target crime, along with a cover letter from the chief of police explaining the survey and including a postage-paid preaddressed envelope. Of 128 surveys sent out, 105 (82 percent) were returned with usable information.

What did the survey show? Most elderly victims of street crime were going home when they were victimized; a substantial majority (72 percent) were alone at the time of the crime; nearly all believed they had never before seen their assailant. When asked what preventive measures they now take, 40 respondents said they no longer carry pocketbooks in open view when they do go out. That reply suggested a possible solution, but such a simple one that many people would not think of it until they too became victims.

To gain another perspective, the team, through a counselor at the Delaware State Juvenile Correction School, arranged for interviews to be conducted with a number of juvenile suspects arrested for street crimes. Alone, the conclusions from these interviews would be highly suspect, but because some of them backed up data from the victims' survey, they brought the message home again. "Don't carry pocketbooks" and "Don't walk alone" were among the offenders' general advice to elderly women. Both of these suggestions would later find their way into strategies for the elderly in Wilmington.


Interviews of victims may also be a helpful technique for gathering necessary information regarding some crimes. The Norfolk team, with the cooperation of two female probation officers and a rape counseling unit, was able to develop a better understanding of rape situations through personal discussions with a few recent rape victims who, for a variety of reasons, had not reported the offense to the police.

How should a community begin its crime resistance effort?

All four of the demonstration projects had the advantage of being launched with considerable fanfare. FBI Director Kelley appeared in each community, and there was much media coverage. There were speeches, interviews, proclamations, and many other publicity-generating events. The project was something new, and the initial attention helped each of the teams get established.

Although it is helpful to get some publicity at first in order to create instant recognition in the community, the initial enthusiasm probably will not last. It is far more important, over the long run, to sustain the program by making and cultivating personal contacts with citizens in the community, and an effort of this nature should start right away. Crime resistance officers should talk with anyone who will listen, especially with individuals and groups in the target areas, to elicit their ideas and participation. They should go out to neighborhoods, to businesses, and to community organizations—not wait for citizens to come to them. The officers won't have many of the answers at first, but it is important to let citizens know what the unit is doing and what the team is learning.

After people begin talking together about how they could be less vulnerable to crime, solutions begin to




CRIME TIPS
FOR
SENIOR
CITIZENS

WHAT YOU SHOULD DO
TO REDUCE YOUR
CHANCES OF
BECOMING

A
VICTIM
OF
STREET
CRIME


This Bookmark is
given by The Wilmington
Crime Resistance Office



TELEPHONE
658-4300

Do These in Self Defense

1. DO NOT WALK **ALONE**,
EVEN IN YOUR OWN
NEIGHBORHOOD; THIS IS
WHERE **MOST** STREET
CRIMES OCCUR!
2. TRY NOT TO CARRY A
POCKETBOOK IN OPEN
VIEW. IT MAKES **YOU** A
BIG TARGET!
3. ALWAYS BE ALERT TO
YOUR SURROUNDINGS
EVEN IN THE **DAYTIME!**
4. BE A GOOD NEIGHBOR.
REPORT ALL SUSPICIOUS
PEOPLE AND ACTIVITIES
TO THE POLICE —



654-5151

A bookmark carries the crime resistance message to senior citizens in Wilmington, Del.

emerge. One characteristic of crime resistance is that the tactics developed for local efforts depend to a great extent on the interests of volunteers. Crime resistance is, after all, citizen- and community-based. It is up to the crime resistance team to find volunteers and tailor the department's approaches to things the volunteers are willing to do. The success of crime resistance does not rest solely on the

efforts of the police, but rather on what the team can get others in the community to do.

For example, rather than go into a predetermined number of high schools with a crime resistance course, the De Kalb County team was able to find a young teacher in one of the high schools who seemed just right for the course and who was eager to teach it.

Norfolk was able to obtain the support of the superintendent of schools and his staff in organizing an advisory committee for crime resistance education made up of a State senator, two juvenile judges, two ministers, a naval officer, a city department head, community leaders, teachers, and citizens.

Local businesses may be willing to help print material and may even assign someone in their art or advertising departments to help. Police officers may have trouble locating this kind of resource, but a key contact in the community, who knows many of its citizens, can be valuable in getting things started.

The Wilmington team established a close relationship with a soon-to-be-retired training coordinator for one of the city's major corporations. As well as becoming one of the team's chief volunteers, he invited the task force to regular, informal meetings with a variety of business, public relations, and media figures in the city. He referred to himself as the team's "can opener."

Crime does not always stay in one neighborhood, but moves from one to another. The crime resistance team needs to move with it. The team must have ready access to incident reports; police analysts should cooperate by flagging all reports that concern the team and making them available immediately.

As their data analysis begins to pinpoint crime problem areas, the officers can start talking with authority about what is happening in the neighborhoods. The officers can also dispel myths: Sometimes, for example, citizens have an unfounded fear of street crime when the real problem is burglary.

Task force members should explain to citizens how they are vulnerable and what they can do to keep from becoming victims. The suggestions should

make sense for the particular neighborhood. For example, street crime is a problem in urban areas, but not auto-oriented suburban neighborhoods where burglary is more likely to be a problem.

Apathy is a factor, and it plagued each of the teams in one way or another. People won't show up for meetings. Many who do appear will say they don't have the time or the experience to be of any help. Some who do offer to help never follow through. The temptation is to keep "hitting them over the head" with the crime resistance pitch, but that approach is counterproductive. The Birmingham team found that the best way to arouse community participation was through leaders in each neighborhood. These leaders were far more effective in encouraging their neighbors than the police.

Wilmington staged a Crime Resistance Week in late June 1976 to revive community interest in the subject. There were handouts in banks and other establishments, merchandise discounts for senior citizens, films and book displays at the libraries, transportation to and from neighborhoods, volunteer booths, newspaper and radio-television features, sermons on Sunday, a news conference, and a proclamation from the mayor.

About 400 elderly citizens attended a crime resistance rally held for them in downtown Wilmington.

What about getting the crime resistance message out through the media?

Because a main thrust of crime resistance is to change public attitudes, working with the media is part of the crime resistance effort. The task can be approached in two ways: Making news, and providing crime resistance information through public service announcements.

As public opinion polls continue to demonstrate, crime is a subject of deep concern throughout the country. So is taxation. Thus, a self-help, community-based, low-budget approach to fighting crime is important news. If it doesn't look like just another short-term "program," news organizations will treat the effort responsibly. Interviews and press conferences are important at first, as a way to let people know that the crime resistance unit is "open for business." There are also stages during the operation of the project—such as the launching of a new tactic—that will merit coverage.

Members of the Birmingham team appeared on the NBC television network "Tomorrow" show to explain the work being done in their community, while a member of the De Kalb County task force conducted a crime resistance quiz for young people on the nationally televised children's program, "Wonderama." The Birmingham and Wilmington teams used network news programs to discuss the nature and work of their projects.

Equally important is a well-planned public service announcement campaign consisting of frequent crime resistance tips. Media cooperation in the pilot communities was generally excellent, and that should be the case in most other cities. The Norfolk team found a bonanza in one television station that was willing to produce, at no cost to the project, a series of dramatized spots. The first spot produced, a 30-second announcement dealing with rape, was of such good quality that it was being considered for national distribution.

Radio spots also can be effective in getting the message across. In addition to its own announcements, the Norfolk task force gained the cooperation of an areawide broadcasters' association to produce and air crime safety messages regularly.

Crime resistance planners believe that useful crime resistance information can be a popular fixture in daily newspapers and/or in daily news broadcasts. The planners reason that if the public is as concerned about crime as the polls indicate, then citizens should be receptive to crime resistance information. The information should be specific and timely about what is going on in individual districts within communities and about what citizens can do to avoid becoming victims of these specific crimes. If viewers or readers find this kind of information helpful, the media may take more than a passing interest in using it.

Another important element of a media effort is to sustain public interest. Initial publicity is fine, but it can be overdone. To aid in sustaining the program, some publicity should be saved for later. When the community groups start showing some progress, it is a helpful approach to see that they, rather than the police department, get the recognition.

What about other communication channels?

There are many other ways to gain people's attention, including shopping bag leaflets, bookmarks, newspaper advertisements, and even postal cancellation stamps. There are church pulpits, community center bulletin boards, public utility newsletters, crime resistance information booths staffed by volunteers, and the internal information networks of business establishments, unions, factories, military installations, and government. The Birmingham team even sought the use of an advertising blimp during the Alabama-Auburn football game. The De Kalb County task force, working with the county traffic engineers, developed crime resistance street signs and had them installed at major intersections.

Should a police department first select one target as the four pilot projects have done?

Not necessarily, but it wouldn't be a bad idea at first. A crime resistance strategy should evolve in stages, rather than impact all at once. It should take aim at some well-defined targets and hit them, giving the unit the impetus, knowledge, and public support for expansion into other fields. Initially, each of the four pilot programs addressed itself to a specific target. However, after data analysis and program development and implementation, each task force was able to address other targets by picking up and implementing tactics and techniques developed in the other cities.

Will a crime resistance effort lower a department's reported crime rate?

Ultimately that is the goal. But be prepared, at first, for normal increases, a fact that should be made clear to the public. A police chief and the crime resistance team should not raise the expectations of anyone, least of all themselves, about the initial impact of crime resistance until they see how the citizens are responding.

"[O]ne of the functions of crime resistance is . . . to encourage the responsible reporting of crimes . . ."

Because one of the functions of crime resistance is, of course, to encourage the responsible reporting of crimes, a "statistical crime wave" may also occur in the first year or so. It will result, if the program succeeds, in arousing citizens' interest in a crime problem so that they will report crimes when they might not have done so previously.

Should there be short-term results from a crime resistance effort?

Although long-term results are much more likely, there may be some limited short-term benefits. If both the incidence of crime and the vulnerabilities of the victims in certain areas are accurately pinpointed, and public awareness and citizen action follow, there may be a reduction of targeted crimes in those areas.

Crime does have a way of moving from a crime resistant area to one that is not; but as crime resistance spreads to more areas, the overall crime rate should decline.

Over the long term, there should be definite improvements. If there is any validity to the assumption that safety precautions work against crime just as they do against accidents and disease, then crime resistance can have a significant long-term impact.

What about potential side effects?

The organization of a neighborhood around a single issue, such as burglary or the protection of the elderly against street crimes, can spill over into many other areas. Some possibilities are better relations with the patrol officers and an improved sense of community among citizens.

There could also be side benefits for the criminal justice system. Birmingham's Chief Parsons says, "As you make people more aware of the extent of crime, not only do they get interested in safeguarding their homes, they sit on juries and see it is their time to act; they are concerned about bonding procedures, the records of judges and their sentencing practices, and about the Bar Association; they start asking in-depth questions about how come there are so many criminals out on the street, and what can we do about it."

(FBI)

CRIME PREVENTION FUNDS— *The Silent Majority Can Fight Crime*

By

WARREN C. HYDE

**City Manager
Edina, Minn.**

and

WAYNE W. BENNETT*

**Chief of Police
Boulder City, Nev.**

In recent years, with the alarming increase in crime in our Nation, society has learned that conditions must change if our communities are to regain a sense of security. Today, citizens are oftentimes extremely fearful due to rising crime and thus are actively seeking ways to bring a halt to this disturbing trend. Many programs have been initiated in our communities to fight crime, especially "high fear" crimes such as murder, rape, robbery, burglary, and aggravated assault. One effort in this regard has involved the establishment of a crime prevention fund supported by financial donations from citizens and businesses.

Meeting a Need

Edina, Minn., is a suburb of Minneapolis and has an estimated population of 49,000 persons. The need for a crime prevention fund became painfully clear to Edina citizens when a resident was badly beaten in his home by two burglars during daylight hours. He died a few days later from

complications developing from the beating. The Edina Police Department worked extremely hard on the case, but was unable to develop adequate information to solve it. No funds were available to post as a reward for valuable information or to pay for informants.

One Edina civic organization took a special interest in this case as the victim had been an active member. The problem was discussed with local officials, and it was learned that Edina and its police force had no legal right under Minnesota law to offer a reward or buy information from underworld informers. At that time, members of the club privately contributed hundreds of dollars in an effort to assist the police in obtaining necessary information. Unfortunately, in this case the funds came too late to do much good. Had such funds been available

immediately, they might have been instrumental in helping the police solve a serious crime of much community concern.

For well over a year, some members of this same civic organization worked to help establish a private fund for just such purposes. When established, it was designated "The Edina Crime Prevention Fund." In the spring of 1970, other civic organizations were approached for both financial and sponsorial support. The results of that effort were gratifying.

The organizations that were recruited as sponsors decided, in the fall of 1970, to embark on a fundraising drive among local residents. In October, the residents were notified by mail that a crime fund had been established. It then became necessary to set up a more formal organization to handle the collection, maintenance, and disbursement of funds, and as a result, the Edina Crime Prevention and Criminal Apprehension Fund was incorporated in Minnesota on December 31, 1970. This incorporation was valuable not only in fundraising ef-

*Chief Bennett formerly served as Director of Public Safety in Edina.



City Manager Warren C. Hyde

forts but also in reassuring citizens that all donations were being properly controlled.

A mail solicitation to all Edina residences took place in February 1971. With this request for donations went a clear description of the possible uses of funds collected. Two years later, the business community was solicited for funds by mail.

Crime Prevention Actions Funded

In mid-1971, a brochure concerning drug addiction and methods of deterring burglars was mailed to Edina residences as a community crime prevention measure; a month later the crime prevention fund sponsored local participation in the Operation Identification (OID) program. This primarily involved the purchase of inscribing tools for loan to citizens who used them for placing identifying numbers on valuable personal property.

Edina was the first community in Minnesota to become active in this identification type of program, and as of 1975, 70 percent of the city's residents were participating in it. A statewide system, the Governor's crime commission-sponsored Minnesota Crime Watch, adopted OID, which

had now spread to numerous communities in the State.

A major breakthrough for supporting contributions to the crime prevention fund occurred when the fund was recognized by the Internal Revenue Service as possessing a nonprofit status. As a result, the contributions, bequests, legacies, devises, transfers, or gifts of donors are deductible in connection with Federal income taxes and in some instances with other taxes. The fund was declared exempt from having to pay any Federal income taxes under section 501(c)(3) of the Internal Revenue Code.

Getting Results

The goal of the fund has been to have enough capital on hand to provide sufficient funds to cover the program's average expenses for a year. Because of widespread support, this goal has been regularly reached.

From 1971 to 1975, 300 crimes were cleared based in part on financial assistance rendered by The Edina Crime Prevention Fund. One of the fund's most noteworthy accomplishments related to the solution of a murder case. This case involved the fatal stabbing of a female schoolteacher in her apartment. A reward of up to

"A crime prevention fund is a practical, functional expression of a community's concern over the growing crime problems facing our Nation."

\$5,000 was offered, and as a result, information contributing to the identification and eventual conviction of a suspect was subsequently received. In another case, swift apprehension was effected in the bombing of an elementary school. Motivated by the prospect of reward, informants supplied information leading to identification of the suspects who, after being located, provided confessions. All within 24 hours



Chief Wayne W. Bennett

of the bombing. After an armed robbery of a local bank, individuals seeking a reward were instrumental in developing a suspect who was subsequently charged and arrested.

A survey taken of each suburb of the Minneapolis metropolitan area 2 years after the crime fund was started reflected that only in Edina were crime increases lower than the percentage of population increase. It is believed that this occurrence was partly the result of the establishment of the crime prevention fund and wide participation in the Operation Identification program.

The so-called silent majority can stand up and be counted in the fight against crime. In addition to being law-abiding themselves, raising their children to respect and obey the law, and supporting law enforcement efforts, citizens can also participate in crime prevention measures and other positive activities. Among the latter could be providing support to establishing and maintaining a crime prevention fund.

How is a crime prevention fund started in a community?

Starting a Fund

A local civic club with the capability to develop and implement such a pro-

gram is a good place to start such a fund. It is usually easier to launch such a program if a small fund for this purpose is initially set up by a few citizens and then expanded upon.

Any such program initiated should include provisions for the founding club to contact other civic organizations in the community in an effort to unite them in forming a citizens committee for crime prevention and criminal apprehension. Each organization contacted should be asked to permit its name to be used as a committee sponsor during fundraising efforts in the community.

Representatives of the sponsoring organizations, as well as leading citizens, should comprise the committee. For obvious reasons, all individual members should be anonymous.

Fund Uses

The function of this committee should be to support and publicize efforts to raise substantial funds to be used as follows:

(1) To offer and pay rewards in such amounts as may be deemed advisable for information leading to the apprehension, arrest, and conviction of any person or persons involved in crimes committed in the community.

(2) To meet a police department's operational needs for funds not available to it through regular funding.

(3) To keep citizens of the community informed on various methods which, if employed, will reduce their chance of becoming a crime victim.

(4) To exchange information of value with groups in other communities who have adopted or are preparing to adopt similar programs.

(5) To help other communities

in need of crime-fighting support which for various sound reasons is unavailable to them.

Adequate Control Necessary

Formal procedures, of course, should be duly established as pertains to accepting, controlling, and disbursing of all funds. Funds collected and all expenditures should be regularly monitored and audited by responsible persons not directly connected with the fund and its activity. This is quite necessary since any mismanagement or questionable activity in the handling of such a fund can produce severe repercussions in the areas of community trust and support.

In Edina, when a member of the police department believes that the

"The goal of the fund has been to have enough capital on hand to provide sufficient funds to cover the program's average expenses for a year."

expenditure of crime fund money will secure valid, useable information, he directs a formal request through regular channels to the director of public safety, who can authorize disbursement of funds in limited amounts. If payment of a reward to someone is deemed appropriate, based on assistance provided leading to solution of a crime, the director can approve an amount up to \$500. If a larger sum is needed, approval of members of the executive committee is necessary. The director maintains the financial records, subject to the supervision of the executive committee, and makes frequent reports.

Confidential Contact Procedures

An individual desiring to provide confidential information in connection with the crime prevention fund can establish contact in various discreet

ways. The following are two possible means:

(1) *Use of post office box number.* Information can be mailed in a plain envelope to a publicized box number. The sender need only identify himself by giving any 6-digit number he chooses as his identity. (This same box number may also be used to receive contributions to the fund.)

(2) *Use of telephone.* Any person can, anonymously or otherwise, call a publicized telephone number staffed by fund-associated personnel 24 hours a day. The caller is asked to leave his message along with his identity or a preselected 6-digit number of his choosing. Upon receipt of the information, arrangements should be made so that the informant may be confidentially recontacted, either by a fund representative or on the basis of a recall by the informant.

If a serious crime is solved based on valuable information provided by writer or caller identified only by 6-digit number, he can arrange to receive a reward by calling the crime prevention fund line or police department and furnishing the same number.

Conclusion

A crime prevention fund is not a panacea for the prevention or solution of all crimes, but it is a practical step toward helping combat lawlessness while simultaneously bringing the police and responsible citizens into a closer relationship of mutual benefit. A crime prevention fund is a practical, functional expression of a community's concern over the growing crime problems facing our Nation. Through such a fund, the silent majority can play an active and meaningful role in fighting crime.

FBI

The HONORABLE GRIFFIN B. BELL

72d Attorney General of the United States

On January 26, 1977, the Honorable Griffin B. Bell was sworn in as the 72d Attorney General of the United States. Mr. Bell succeeds the Honorable Edward H. Levi, who held this position from February 1975 until January 20, 1977.

At the time of his nomination, Mr. Bell was a partner in the private practice of law with a firm in Atlanta, Ga. Earlier, he had served as U.S. Circuit Judge, Court of Appeals, Fifth Judicial Circuit, from October 1961 until March 1976.



Mr. Bell was born in Americus, Ga., on October 31, 1918. He received his LL.B. degree cum laude from Mercer University Law School in Macon, Ga., and has been recognized with honorary degrees from Mercer University and Morris Brown College, also located in Georgia. In addition, Mr. Bell has been honored with the Order of the Coif from Vanderbilt University Law School.

From 1941 until 1946, Mr. Bell served with the U.S. Army, attaining the rank of major. He was admitted to the Georgia bar in 1947, and the following year began his practice of law in the State of Georgia.

The new Attorney General has practiced law with private firms in Savannah and Rome, Ga., as well as in Atlanta. He held the honorary position of Chief of Staff to a former governor of Georgia from January 1959 until October 1961, at which time he was appointed to the Court of Appeals.

From 1965 to 1966, Mr. Bell served as Chairman of the Atlanta Commission on Crime and Juvenile Delinquency, and during 1968 through 1970 on the Committee on Innovation and Development of the Federal Judicial Center in Washington, D.C. In addition, he recently served as Chairman of the American Bar Association Division of Judicial Administration. His memberships have also included the American Law Institute, the Commission on Standards of Judicial Administration, the Board of Directors of the Federal Judicial Center, and the Visiting Committee of the Vanderbilt Law School. He is also a trustee of Mercer University and The Institute for Continuing Legal Education in Georgia.

Mr. Bell is married to the former Mary Foy Powell. They have a son, Griffin, Jr., who is an attorney in Savannah, Ga.

THE MILWAUKEE POLICE DEPARTMENT ACADEMY

By
**DEP. INSP. LEONARD W.
ZIOLKOWSKI**

**Director
Police Academy and
Special Services
Milwaukee, Wis.**

In 1926, the Milwaukee Police Department's annual report stated that the department "conducts a school of training which all members are required to attend. . . . Members are required to attend the school once a week, and examinations are given at intervals to determine their efficiency."

Today, 50 years later, the Milwaukee Police Department is still committed to the philosophy of continuous training for the maintenance of a well-ordered and efficient department. Toward this end, all police personnel are offered mandatory inservice training on an annual basis.

Naturally, the Milwaukee Police Department Academy has greatly broadened its programs since 1926. However, the basic purpose of police training has not been altered; i.e., police officers must understand the practical facts of life and be able to enforce the law and serve the public in a real and sometimes harsh world.

On August 29, 1972, a tremendous opportunity to improve training became available when the city of Milwaukee purchased an 8-year-old high school for \$3 million and made it available for training fire and police personnel. The school was a professionally designed and constructed building with spacious corridors and an efficient arrangement of facilities. It gave the department a unique opportunity to create a special facility for the training of police officers. On September 1, 1972, 3 days after the purchase, the academy began moving from its old, cramped quarters into the former high school.

Basic Design of the Academy

In order to fulfill the mission of training and provide practical learning exercises, the school was divided into five basic areas: (1) classroom, (2) physical training, (3) firearms, (4) mock crime scenes, (5) study.



Moreover, these areas were also designed so that most of them could serve other purposes as well.

The former school's main office complex is now the police academy office, while classrooms nearby were remodeled to provide offices for the Milwaukee Fire Department's Bureau of Instruction and Training.

The former arts and crafts room was transformed into a spacious television studio, control room sound booth, and office. The equipment includes four cameras, a Telemedia film and slide chain, a control console, two video tape recorders, a cassette re-

corder, and full-lighting capability. The control room is capable of sending a video signal to any room in the building via a closed house antenna system. The center's third-floor location isolates it from the busy areas of the building as well as from the mechanical equipment. Television has been a useful tool in recruit and inservice training programs. This media also offered the academy a means of presenting specialized material, and by video taping instruction, officers are able to make up missed sessions.

The third floor also provides space for a conference room, a tiered lecture

room (with seating for 78 persons), an equipment demonstration room, a photography darkroom, copy and preview room, and first aid classrooms. The equipment demonstration room (former physics laboratory) will seat 30 students at hard-surfaced tables with individual cabinets. This room provides recruits and officers taking inservice instruction an area where they can personally handle equipment and learn how to use it.

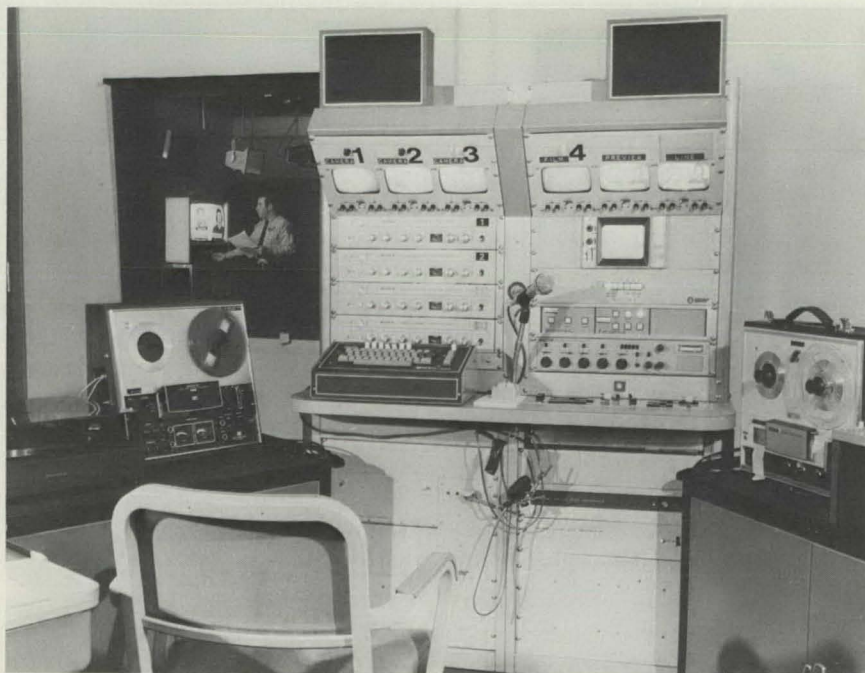
"Television has been a useful tool in recruit and inservice training programs."

The first aid classrooms, also located on the third floor, are equipped to provide instruction well beyond advanced first aid. Car seats bolted onto frames to simulate vehicles, are designed to demonstrate the use of spine boards and to permit the practice of extrication methods. Discarded mannequins are used to illustrate the various types of injuries, fractures, burns, and vulnerable areas of the body. These aids provide the student with a better, more realistic understanding of what he may be confronted with in his daily duties.

The second floor of the building is equipped with an attractive library where officers can study, do research, or prepare for promotional examinations.

This floor also provides recruit and inservice classroom space. This area, previously consisting of classrooms used for typing and journalism instruction, was found to be too small for our purposes and had to be enlarged. Consequently, two classrooms with a central projection booth and





Television control console with record changer, tape deck, camera control units, and video recorder equipment.

complete apartment complex. It was formerly the high school's home economics room which contained six complete kitchen units. One unit was kept intact while the remainder of the large room was remodeled into a living room, bedroom, and bath. The walls separating the rooms are built with 4- by 7-foot removable panels which are set on a track on the floor and hooked together at the sides and top. The movable sections allow an instructor the option of arranging any type of wall surface. This makes it possible to reconstruct an actual crime scene for court preparation, investigative purposes, or instruction.

Wide doorways to these rooms permit the easy access of TV cameras on tripods. This arrangement also makes it much easier for groups of students to view the scenes. The complete bathroom is built on a movable platform to allow rearrangement of room areas. This crime scene complex is used for class discussion, instruction relating to collection and preservation of evidence, and at times, small conferences.

The business crime scene area, which is adjacent to the apartment

film library (situated so that it could serve both rooms) were constructed. One room seats a maximum of 45 students while the larger inservice room seats 80. The instructor is able to control the room's lighting and all audiovideo teaching systems without moving from the front of the classroom. Additionally, each classroom is carpeted and colorfully furnished to create an agreeable learning environment.

istic environment. Also, classes on tavern regulations are given in this setting so that various aspects of liquor laws and tavern licensing can be more dramatically explained.

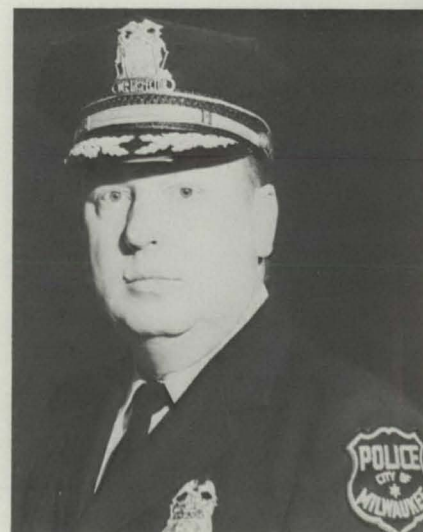
The second crime scene room is a

Specialized Training Facilities

Since a great deal of police investigative work and responses for service involve taverns, the police academy has its own model barroom, named "Copper's Corner." The bar is complete to the smallest possible detail with a 15-foot L-shaped bar, back bar, pool table, bar stools, jukebox, 6 tables, and 24 chairs. Holdups, murders, and a wide variety of other incidents are staged in this area so that officers can be trained in a real-



Chief Harold A. Breier



Dep. Insp. Leonard W. Ziolkowski

complex; includes a mock drycleaning establishment, a drugstore, and a business office, since businesses of these types are frequently crime targets, particularly in relation to robberies, burglaries, and thefts.

Off the main entrance on the first floor is what was previously the school's chapel. With a few simple changes, this area was converted into a most impressive mock courtroom.

The first-floor cafeteria of the school was also transformed into a large lecture hall and classroom. With a seating capacity of up to 350 persons, it is normally used for special seminars and inservice instruction. The room has its own sound system, tape recorders, movie projectors, and video tape equipment which can be used to record lectures for later review. It is an ideal area for instruction on roll-call procedures and as an assembly point for large groups of people.

The Milwaukee Police Department has one of the few remaining police bands in the country, and it too is quartered in the new academy which has a complete band practice room, a smaller ensemble room, individual practice rooms, a band office, and ample storage space.

A "Little Theatre" can seat 132 people and is reserved for special seminars, addresses, and graduation exercises. It features a stage equipped with a variety of different lighting effects and remote control slide film operation.

A first aid room, across the corridor from the gymnasium and adjacent to the theater, is situated on the first floor. The gymnasium, when not used for sporting activities, can be converted into an auditorium, seating 700 to 1,000 persons.

The first-floor office complex contains a central communications center designed to perform a variety of functions. This system permits two-way communication with all rooms in the building and can also be used to simul-



Crime scene room—apartment kitchen.

taneously broadcast to every area of the building, both inside and outside.

The basement is yet another area which was remodeled to accommodate training activities. In this regard, one section of the basement was partitioned to form a 33- by 50-foot carpeted exercise room which can be used at any time of the day or night. This room is ideally situated across the corridor from the shower and locker room and has direct access to the gym.

A new recruit locker room (separate from the shower room) was constructed and provides locker accommodations for 99 persons. Moreover, hall lockers on the first floor are available to other personnel upon request.

Design and Operation of Firearms Range

The 15-position firearms range incorporates many new concepts of

range design and operation. The rangemaster has complete control of lighting, the target transport system, target operations, and the communications system. With these capabilities, he can simulate almost any type of lighting condition, and targets can be

"The 15-position firearms range incorporates many new concepts of range design and operation."

automatically made to edge and face at a variety of times and sequences. Each shooting stall has a right and left barricade, a movable countertop, individual controls for local option, and an additional light to assist some shooters. An electric eye warns the rangemaster whenever someone walks forward of the firing line. When the range is in use, each shooter is equipped with a headset that provides



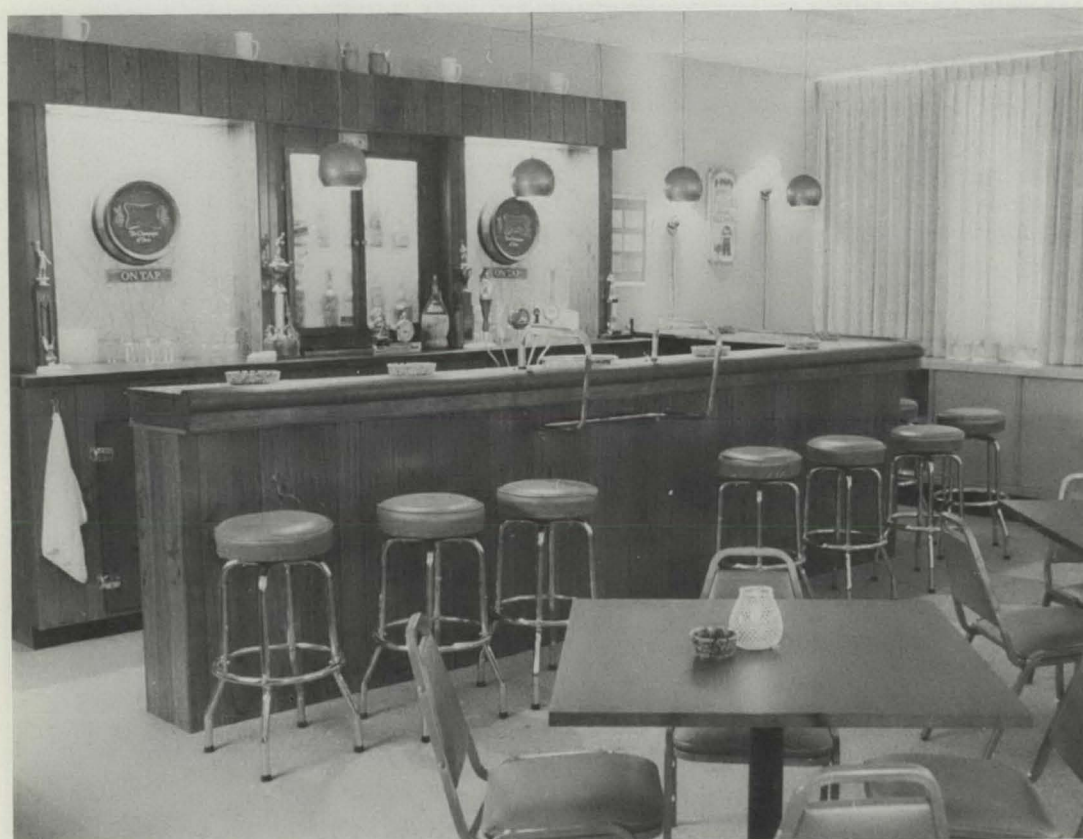
Street scene.

ear protection and allows him to communicate with the rangemaster.

The range is also equipped with a running-man target which moves

across the bay at the 75-foot range. Its speed and direction can be regulated by the coach. The target will transmit a signal when a hit occurs

by sounding an audible horn, and it will also record the number of hits on a special counter. The bullet trap is of the escalator type which deener-



Crime scene room—tavern.

gizes the bullet in a drum at the top of the trap. The air exchange system is very effective, allowing all 15 positions to be used while keeping the lead content in the air at an acceptable level. After an officer has completed firing, he leaves the line and

"The most elaborate training device which has been constructed to date is a 37- by 115-foot street scene."

enters a cleanup room where he is required to clean his weapon and have it checked prior to leaving the range.

Practical Training Areas and Equipment

The development of realistic crime scenes and the creation of onsite problems is further carried out in two

other basement areas. The first area is a 15- by 30-foot mock outdoor scene. In this section, potted trees, flowers, shrubs, and plants of all types are set in plaster and buried in 9 cubic yards of dirt. This fenced-in area utilizes a curved rear corner for dioramic purposes, which adds considerably to its realism. A series of lighting changes are used to highlight the victim and the evidence. Although fluorescent tubes and floodlights are for general illumination, during class discussion black light and individual spots are used.

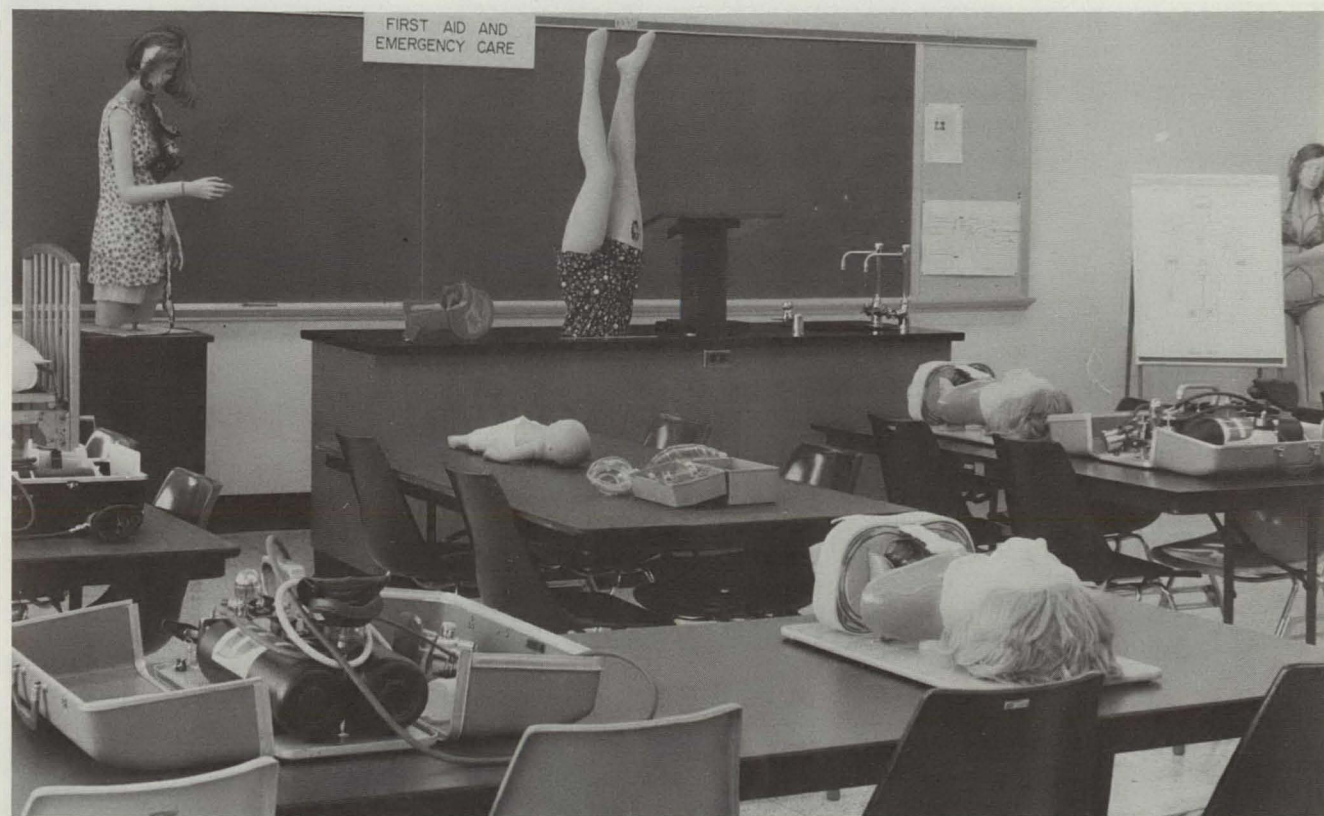
The most elaborate training device which has been constructed to date is a 37- by 115-foot street scene. Represented on the street are buildings on both sides, two distinct intersections, trees, fences, street signs, curbing, sidewalks, and parking meters. On one side of the street is a ranch-type home, a tavern, and a cafe. On

the other side is a grocery store, an insurance company office, and a drug-store. At the far end of the street is an intersection with a gas service station. By means of a control center, housed in a telephone booth at the

"Since a great deal of police investigative work and responses for service involve taverns, the police academy has its own model barroom. . . ."

head of the street, the instructor can control the lighting in each building separately, activate burglar alarms, or trigger target transports, causing images to move into any one of six different windows. When the target is in place, a light illuminates it, and after a preset time, the target automatically returns to its original position. In a "shoot, don't shoot" exer-

Emergency medical services classroom.





Firearms range—rangemaster and master control console.

cise, the officer will be equipped with a modified police revolver that projects a beam of light. The targets are dotted with photo-electric cells which activate an appropriate alarm when hit.

The street is also equipped with traffic signals that can be operated manually or automatically. All the lights can be dimmed or brightened to any desired level. The instructor has the capabilities to activate a slide program or movie projector from the control booth. Images such as explosions or accidents can be projected on the wall at the street intersections, at which time an officer would be expected to make an appropriate response. In addition, this space is

equipped with a sound system so that taped street noises such as those of vehicles, pedestrians, and sirens can be played during an exercise. A pub-

"All of the facilities of the Milwaukee Police Department Academy were designed with the idea that realism is the key to providing meaningful training."

lic address system enables the instructor to talk to all of the students throughout the area. Two vehicles (one a compact and the other a small

foreign-make vehicle) complete the street scene. This street is used for patrol and observation exercises, tactical problems, "shoot, don't shoot" training, accident investigation, crime scenes, and crime prevention instruction to citizens.

All of the facilities of the Milwaukee Police Department Academy were designed with the idea that realism is the key to providing meaningful training. We believe that the more realistic the training settings and situations can be made the better we can prepare our officers to effectively function on the street. We feel that our new academy accomplishes this goal to a noteworthy degree.

(FBI)

Preparing to Inaugurate Constructive Change:

107th FBI National Academy Session Graduates

The 107th Session of the FBI National Academy officially closed with graduation exercises held December 16, 1976, at the Academy's training complex in Quantico, Va. Completing the 11-week advance training course were 250 law enforcement officers representing all 50 States, the District of Columbia, the Virgin Islands, and 9 foreign countries. Gathered to observe this special event were many friends and relatives of the graduating officers along with distinguished guests.

Attendees of the FBI National Academy, which was established in 1935, are provided advanced training in such vital areas of law enforcement study as police management, ethics, legal matters, urban police problems, and behavioral sciences.

Following a musical selection by the U.S. Marine Band, the proceedings were called to order by Assistant to the Director-Deputy Associate Director John J. McDermott. The invocation was delivered by Comdr. John W. McElroy, Chaplain Corps, U.S. Navy.

Lt. Regis R. Raffensberger of the Baltimore, Md., Police Department

was introduced as class spokesman, having been elected by his peers. In his remarks, Lt. Raffensberger told the members of the 107th Session that they were now standing at the crossroads of their respective careers. "For many," he said, "the trip to this cross-

road began years ago. For all, the final leg began 11 weeks ago."

Lt. Raffensberger went on to say that the 250 members arrived at Quantico "possessing two common thoughts: pride and apprehension. First, pride at being selected by our

Lt. Regis R. Raffensberger of the Baltimore, Md., Police Department is shown addressing the graduating class of the 107th Session of the FBI National Academy.



Chief Edward M. Davis of the Los Angeles, Calif., Police Department, President of the International Association of Chiefs of Police, delivered the principal address.



respective agencies to attend the National Academy, and pride at meeting the high standards established by the Federal Bureau of Investigation for such attendance. Secondly, apprehension, the feeling of or perhaps fear of not measuring up to the high traditions of the National Academy." He continued, "Not only is this facility the finest training complex for law enforcement personnel in the world, but our instructors and the entire staff represent the epitome of professionalism."

In closing, Lt. Raffensberger pledged to Director Kelley the officers' of the 107th Session rededication "to knowledge, courage and integrity, the motto of the National Academy, which we have, through this graduation, made our personal goals."

Following Lt. Raffensberger's remarks, Mr. McDermott introduced FBI Director Clarence M. Kelley, who congratulated the members upon completion of their courses.

The Director discussed the importance of change as we begin our third century as a Nation, and the ability

to give it proper direction. "We in the profession of law enforcement need to work for *positive* change," stressed Mr. Kelley. "We must do more than merely keep up to date. We must school ourselves to *anticipate* change. We must be prepared to *inaugurate* *constructive* change."

The Director further emphasized that if he had one thought to leave with each graduate, it would be, "Don't fear innovation. Don't be afraid of change." He encouraged the class to incorporate the ideas that they gained at the Academy into future programs at their respective departments. "All of you, at one time or another, have encountered lack of understanding, lack of opportunity, and—most compelling of all—lack of money," Director Kelley stated. "Nevertheless, change can be achieved if the will to make changes is strong enough." He clarified his point further by using the FBI's new Crime Resistance Program as an example, stating that, "If it proves to be as successful as we think it will be, then the value of one innovative idea will have been

demonstrated beyond question."

Following his comments, Mr. Kelley introduced the principal speaker, President of the International Association of Chiefs of Police, Chief Edward M. Davis of the Los Angeles, Calif., Police Department, who discussed the relationship of morality, society, and the legal justice system. Chief Davis suggested, "There is a relationship between basic morality and the law even beyond the proscription of 'Thou shall not steal.' From the dawn of recorded history, secular man has had periods when he felt greatly encumbered by the word of God and the notion of personal morality." According to Chief Davis, we live today in such a period, and although "we are still a nation that engraves on our coins the phrase, 'In God We Trust,' our crime rate, as evidenced by huge losses in property and incalculable human suffering, indicates that as a nation we are not in reality trusting in Him."

Escalating crime in America, Chief Davis stated, can be attributed to a number of factors including inattention to the plight of the victim in our society. He called upon the aid of an enlightened and responsible public to revitalize the criminal justice system. "While the officer has assumed certain duties for the public, he has not relieved the public of its original responsibility to assist him and see that the law is enforced."

He continued, "In order to properly prevent crime, we have to generate the sort of character in human beings that would dissuade them from crime." Our attention should therefore be directed to the erosion of the basic family structure and the new morality that "says that you can 'do your own thing' without concern about guilt or responsibility. I would submit to you," counseled Chief Davis, "that freedom without responsibility is no freedom at all."

"We must gather together all of this



Pictured with FBI Director Clarence M. Kelley are the section leaders of the 107th Session. Shown, left to right, are: Deputy Chief Victor Emory Jones, Riverside, Calif., Police Department; Lt. Regis R. Raffensberger, Baltimore, Md., Police Department; Supt. Charles Rupert Ormerod, Avon and Somerset Constabulary, London, England; Director Kelley; Insp. Kenneth M. Cable, Los Angeles County, Calif., Sheriff's Department; and Capt. Thomas Joseph Long, Burlington, N.C., Police Department.

diffused power around us and rebuild the family and provide the types of positive incentives that might help us restore some of the pride and integrity and courage America once had," he stated. "Each of us has a responsibility to be armed with the knowledge so that we may bring about a moral rearmament and a genuine sense of reverence for the law."

And in conclusion, Chief Davis implored, "We must recapture our

former greatness as a nation and free ourselves from this threat of criminal destruction. This can only be achieved through moral ascendancy. Also, it becomes your responsibility and my responsibility to try and generate support for bringing about a rededication to the moral principle with the hope that we can be a proud, brave and lawful nation, capable of achieving heights of greatness."

After his remarks, Insp. James V.

Cotter, supervisor of the National Academy program, presented the class to Director Kelley. Diplomas were then awarded to the graduates by Mr. McDermott, who also expressed appreciation to M. Sgt. Thomas Barlow and the U.S. Marine Band for their musical contribution to the program.

A benediction by Comdr. McElroy and the rendering of the National Anthem by the Marine Band concluded the program.

The Fourth Amendment Exclusionary Rule and the United States Supreme Court

By

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INTRODUCTION

In recent years, the Supreme Court of the United States has set forth a number of rules governing a wide spectrum of police conduct (e.g., arrests, searches, confessions, lineups, etc.). These so-called limitations on permissible police conduct have been held to be binding on both State and Federal law enforcement officers. In order to secure police compliance with many of these rules which are based on the 4th, 5th, 6th, and 14th amendments to the United States Constitution and on the supervisory powers of the Federal courts, the concept of exclusion has evolved as a judicially created means of effectuat-

ing those rights. This concept of exclusion with origins traced to the 19th century¹ is unique to the American system and essentially means that evidence acquired by the Government through unconstitutional or other illegal means should not be used by the Government in a criminal case.

It is the object of this article to focus on the fourth amendment exclusionary rule and some recent Supreme Court opinions discussing its proper scope and application. Although this rule has been for over half a century the subject of substantial controversy, it still remains a most significant factor in the success-

ful prosecution of a criminal case and therefore of paramount importance to all law enforcement officers.

HISTORY AND DEVELOPMENT OF THE FOURTH AMENDMENT EXCLUSIONARY RULE

Prior to 1914, there existed no barrier to the introduction in criminal trials of evidence obtained in violation of the fourth amendment. The general view of the Nation's courts was that all material and relevant evidence should be admissible in criminal trials without regard to the manner by which it was obtained. The evolution of the judicially created fourth

amendment exclusionary rule began in that year with the case of *Weeks v. United States*² and culminated in 1961 with the case of *Mapp v. Ohio*,³ where it was ruled that the exclusionary rule was applicable in both State and Federal trials as the required remedy for violations of the fourth amendment.⁴

Although there are some judicially recognized exceptions to the Government's use at trial of illegally seized evidence (e.g., "purged taint" doctrine,⁵ principle of harmless error,⁶ objecting party must have proper standing,⁷ and use of illegally seized evidence for impeachment purposes⁸), the rule essentially prohibits the introduction by the Government in a criminal trial of any evidence acquired or derived through governmental conduct violative of the fourth amendment. This so-called derivative evidence or "fruit of the poisonous tree" concept evolved out of the general notion that the Government should not benefit in any way from its illegal activities.⁹ Accordingly, the exclusionary rule generally extends to all evidence "tainted" by the unconstitutional search, including evidence subsequently obtained through use of information acquired during that unlawful search.

"... the rule is a judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect, rather than a personal constitutional right of the party aggrieved."

Cases prior to *Mapp* reflect the difficulty the courts have had in wholeheartedly endorsing this concept of exclusion. For example, in the 1949 case of *Wolf v. Colorado*,¹⁰ Mr. Justice Frankfurter wrote:

"Indeed, the exclusion of evidence is a remedy which directly

serves only to protect those upon whose person or premises something incriminating has been found. We cannot, therefore, regard it as a departure from basic standards to remand such persons, together with those who emerge scatheless from a search, to the remedies of private action and such protection as the internal discipline of the police, under the eyes of an alert public opinion, may afford."¹¹

Thus, as recently as 1949, a majority of the U.S. Supreme Court expressed the belief that police activity violative of the fourth amendment could be curbed by other means such as an alert public opinion and civil law suits.

However, 12 years later, the *Mapp* court in overruling the *Wolf* decision acknowledged the inadequacy of those other means of affording protection to the rights implicit in the fourth amendment,¹² and ruled that the exclusionary rule is an essential part of that amendment and therefore the required remedy for its transgressions in both State and Federal trials. The Court was apparently cognizant of the fact criminals might go free as a result of the application of the rule, but viewed the rule as a necessary cost for a society which regards highly individual rights and freedoms. In this context, one court observed:

"... the police must obey the law while enforcing the law; ... in the end life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals as from the actual criminals themselves."¹³

RATIONALE FOR THE EXCLUSION REMEDY

The two justifications most frequently advanced by the courts supporting the need for the fourth amendment exclusionary rule are: (1) The

imperative of judicial integrity, and (2) deterrence of future unlawful police conduct.

With respect to the "imperative of judicial integrity" rationale, it is argued that exclusion of illegally seized evidence is required so as to prevent contamination of the judicial process.¹⁴ It is reasoned that when a court allows illegally obtained evidence to be used as a means of obtaining criminal convictions, the court is participating in and promoting lawless police activity. Recently, however, the Supreme Court has indicated that while courts must ever be concerned with preserving the integrity of the judicial process, such a concern has limited force as a justification for the exclusion of highly probative evidence which is often the clearest proof of

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.

guilt with a very high content of reliability.¹⁵ One writer expressed his doubt over the validity of this judicial integrity rationale as follows:

"[I]t is difficult to accept the proposition that the exclusion of improperly obtained evidence is necessary for 'judicial integrity' when no such rule is observed in other common law jurisdictions such as England and Canada, whose courts are otherwise regarded as models of judicial decorum and fairness."¹⁶

With regard to the other afore-

mentioned justification, deterrence of future unlawful police conduct, courts have reasoned that exclusion is the only sanction or remedy that will effectively compel respect for, and secure police compliance with, the rights guaranteed by the fourth amendment.¹⁷

"The rule is calculated to prevent, not to repair. Its purpose is to deter—to compel respect for the constitutional guaranty in the only effectively available way—by removing the incentive to disregard it."¹⁸

Essentially the courts have reasoned that on balance it is preferable to protect the constitution and deter unlawful police conduct by the exclusion remedy than to make certain all guilty persons are convicted.

Notably, recent decisions of the Supreme Court indicate an apparent judicial restructuring of the theoretical underpinnings of the fourth amendment exclusionary rule *with the emergence of deterrence as the primary justification*.¹⁹

WHERE SHOULD THE RULE APPLY?

RECENT SUPREME COURT DECISIONS

The U.S. Supreme Court recently decided four cases involving the proper scope and application of the fourth amendment exclusionary rule. The court was confronted in each instance with the difficult and fundamental question of deciding whether the concept of exclusion should be extended in a particular factual context, i.e.: (1) Grand jury proceedings, (2) retroactive application, (3) civil proceedings, and (4) collateral attack of a State conviction by use of Federal habeas corpus. The following discussion of those cases and the Court's analysis of the justifications and proper scope for the fourth amendment exclusionary rule may prove

useful in understanding the rule and its likely application in future cases.

Grand Jury Proceedings

In the case of *United States v. Calandra*,²⁰ which one writer has characterized as the watershed in recent exclusionary rule development,²¹ the Supreme Court was asked to decide whether the rule should be extended to grand jury proceedings. Factually, the case involved evidence seized by the Federal Bureau of Investigation from Calandra's place of business pursuant to the execution of a search warrant. That evidence was subsequently suppressed by a Federal district court which ruled the search warrant and search to be violative of the fourth amendment. A special grand jury then subpoenaed Calandra and attempted to question him about some of this evidence discovered during that prior unlawful search. Lower courts concluded that the exclusionary rule may be invoked by a grand jury witness (Calandra in this case) to bar any questioning by the grand jury based on any evidence obtained or derived through an unlawful search.

In reversing the lower courts' ruling, the U.S. Supreme Court refused to extend the exclusionary rule to grand jury proceedings. The court concluded that "... the rule is a judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect, *rather than a personal constitutional right of the party aggrieved*."²² Accordingly, as with any remedial device, application of the rule should be restricted to those areas where its primary remedial objective (i.e., deterrence of police misconduct) is most efficaciously served.²³

The *Calandra* court observed that the balancing process implicit in this approach requires a weighing of the potential injury to the historic role

and functions of the grand jury against the potential deterrent benefits of the rule as applied in the context of the grand jury.²⁴ The court then determined that extension of the rule to grand jury proceedings would seriously impede, delay, and disrupt the effective discharge of the grand jury's duties. Balanced against these costs, the court found that such an extension would provide only a speculative and undoubtedly minimal advance in the deterrence of police misconduct.²⁵

Retroactive Application

In the case of *United States v. James Robert Peltier*,²⁶ the Supreme Court was asked to decide whether the policies underlying the rule (i.e., judicial integrity and deterrence of fourth amendment violations) require its retroactive application. The facts in *Peltier* involve a U.S. Border Patrol search of Peltier's automobile and seizure of marihuana. The officers had conducted their search in reliance upon a validly enacted statute, which had been supported by long-standing administrative regulations and continuous judicial approval. Peltier was later convicted of possession of the previously seized marihuana, and while his case was on appeal, the U.S. Supreme Court decided the case of *Almeida-Sanchez v. United States*.²⁷ That decision essentially modified the prior regulations and permissible searching procedures of the Border Patrol which had been relied upon by the officers in *Peltier*, and in effect rendered the search of Peltier's automobile unlawful after the fact.

The issue of retroactivity in the context of the exclusionary rule which was ultimately before the Supreme Court in *Peltier* involved the question of whether concededly relevant evidence should be excluded in order to enforce the fourth amendment where that evidence does not relate to the integrity of the factfinding process.

In concluding that only prospective application is required, the *Peltier* court ruled that the imperative of judicial integrity is not offended where evidence has been seized by law enforcement officers in good faith compliance with the then prevailing constitutional norms, even if subsequent decisions rule that search unlawful under the fourth amendment.²⁸ The court determined that judicial integrity is not offended in those circumstances because the court is not made an accomplice in the willful disobedience of the constitution by the police.²⁹

A similar analysis was utilized by the *Peltier* court in deciding whether the deterrence rationale undergirding the exclusionary rule would be furthered by retroactive application. The court reasoned that if the primary purpose of the fourth amendment exclusionary rule is to deter unlawful police conduct, then evidence obtained from a search should be suppressed only if it can be demonstrated that the law enforcement officer had knowledge, or may properly be charged with knowledge, that the search was violative of the fourth amendment.³⁰ Accordingly, the court concluded that nothing in the fourth amendment, or in the exclusionary rule fashioned for its implementation, requires that evidence seized in good faith as in *Peltier* be suppressed, even if it is assumed that *Peltier's* fourth amendment rights had been violated.³¹ Thus, the interrelation between retroactivity and the exclusionary rule was recognized by the Court in *Peltier* as follows:

"[W]e simply decline to extend the court-made exclusionary rule to cases in which its deterrent purpose would not be served."³²

Civil Proceedings

In the case of *United States v. Janis*,³³ the Supreme Court was faced with the issue of the appropriateness

of an extension of the fourth amendment exclusionary rule to a civil proceeding. In that case, Los Angeles police had seized, pursuant to search warrants, evidence and cash allegedly connected with illegal bookmaking activity. Janis and another were then arrested, the arrest being based substantially on evidence uncovered during the prior search, but those charges were later dismissed when a court ruled the search warrant defective and the evidence seized pursuant to its execution inadmissible.

However, as a result of information and evidence furnished to the U.S. Internal Revenue Service (IRS) by the Los Angeles police following the aforementioned search and arrest of Janis, the IRS made a civil tax assessment against Janis for unpaid wagering taxes and exercised a partial levy upon the cash seized during the search. Janis subsequently filed a civil suit to recover this cash, and the lower courts ruled that substantially all the evidence utilized by the IRS in making its civil assessment was illegally obtained, and as such, the assessment was invalid. On appeal, the Supreme Court reversed the ruling of the lower courts.

Mr. Justice Blackmun writing for the majority noted that in the complex and turbulent history of the rule, the Supreme Court had never applied it to exclude evidence from a strictly civil proceeding, Federal or State.³⁴ The *Janis* court, however, did not decide whether the rule should be extended to a State civil proceeding based on evidence illegally acquired by State officers (an intrasovereign violation), but rather ruled that the judicially created exclusionary rule should not be extended to prohibit the use in the civil proceeding of one sovereign (here the Federal Government) of evidence seized by a criminal law enforcement agent of another sovereign (here the State government), since the likelihood of deter-

ring law enforcement misconduct through such an extension was not sufficient to outweigh the societal costs.³⁵ The court concluded that the State law enforcement officials were already sufficiently deterred or "punished" by the exclusion of the evidence in both State and Federal criminal trials, and that any additional marginal deterrence provided by its extension to the civil proceeding of another sovereign did not outweigh the high cost of excluding concededly relevant and reliable evidence from that civil proceeding.³⁶

Collateral Attack—Federal Habeas Corpus

In the case of *Stone v. Powell*,³⁷ the defendant was convicted of murder in State court over his objection that evidence introduced by the State at his trial was obtained through an illegal search and seizure. After exhausting his appeal rights within the State, Powell filed a petition for a writ of Federal habeas corpus in the Federal district court contending that his State conviction was based in part on evidence obtained by the State in violation of his fourth amendment rights. The question ultimately before the U.S. Supreme Court was whether State prisoners who have been afforded the opportunity for a full and fair consideration of their reliance upon the exclusionary rule with respect to seized evidence in the State courts and on direct appeal may subsequently invoke those fourth amendment claims again on Federal habeas corpus review.

In ruling against Powell's right to collaterally review in Federal court his State conviction on fourth amendment grounds, the court essentially weighed the utility of the exclusionary rule against the costs of extending it to such collateral review, and found the costs outweighed the utility.³⁸ The court identified the follow-

ing costs of applying the exclusionary rule:

(1) The focus of the trial, and the attention of the participants therein, is diverted from the ultimate question of guilt or innocence that should be the central concern in a criminal proceeding (i.e., it deflects the truthfinding process and often frees the guilty).

(2) The evidence excluded is typically reliable and extremely probative.

(3) The concept of proportionality is often offended. "The disparity in particular cases between the error committed by the police officer and the windfall afforded a guilty defendant by application of the rule is contrary to the idea of proportionality that is essential to the concept of justice." This in turn may generate disrespect for the law and the administration of justice.³⁹

Despite the above costs and an acknowledged lack of empirical data to support the deterrence function of the fourth amendment exclusionary rule,⁴⁰ the Supreme Court in *Stone* nevertheless upheld the implementation of exclusion at trial and on direct appeal, but refused to extend it to collateral review via Federal habeas corpus. The court concluded that any marginal deterrent benefit would be outweighed by the previously mentioned costs to other values vital to a rational system of criminal justice.⁴¹

CONCLUSION

It has been said that the law does not require that a defendant receive a perfect trial, only a fair one.⁴² In a similar sense, it seems unrealistic to expect law enforcement officers, who are subject to the vagaries of human nature and pressures associated with

ferreting out crime, to make no errors whatsoever. Therefore, before police error is penalized, it seems imperative that one consider whether the sanction is fair to the policemen, the aggrieved individual, and society in general. In other words, is the sanction fair, and does it serve a valid and useful purpose?

"... where law enforcement officers are acting in good faith, the potential deterrent effect of exclusion is significantly reduced."


Recently, the U.S. Supreme Court has observed that where law enforcement officers are acting in good faith, the potential deterrent effect of exclusion is significantly reduced⁴³ (i.e., the sanction may not be serving a valid and useful purpose):

"The deterrent purpose of the exclusionary rule necessarily assumes that the police have engaged in willful, or at the very least negligent, conduct which has deprived the defendant of some right. By refusing to admit evidence gained as a result of such conduct, the courts hope to instill in those particular investigating officers, or in their future counterparts, a greater degree of care toward the rights of an accused. Where the official action was pursued in complete good faith, however, the deterrence rationale loses much of its force."⁴⁴

An analysis of recent Supreme Court decisions indicates that future court action may modify the exclusionary rule so as to permit the use of evidence seized in violation of the fourth amendment if the Government can demonstrate that the evidence was seized by an officer in complete good faith accompanied by a reasonable belief in the validity of his con-

duct. Those decisions also reveal that the policies underlying the rule (i.e., deterrence and judicial integrity) are neither absolute nor all-encompassing, but rather must be weighed and balanced against a competing and equally compelling policy, namely the need for an effective determination of truth at trial. Accordingly, the Court has limited access to Federal courts to collaterally attack a State conviction on fourth amendment grounds apparently embracing the view that fourth amendment violations are different in kind from denials of fifth or sixth amendment rights in that claims of illegal searches and seizures do not impugn the integrity of the factfinding process or challenge evidence as inherently unreliable.

"Law enforcement officers should clearly understand that the fourth amendment exclusionary rule is still intact and will operate to exclude illegally seized evidence at the trial and on direct appeal, notwithstanding the good faith of the officer involved."

Law enforcement officers should clearly understand that the fourth amendment exclusionary rule is still intact and will operate to exclude illegally seized evidence at the trial and on direct appeal, notwithstanding the good faith of the officer involved. It is therefore essential for all law enforcement professionals to receive updated legal training and to carry out their many responsibilities with the knowledge and care required to avoid violating a citizen's constitutional rights. Ultimately, the future of the exclusionary rule may depend in large measure on the ability of the law enforcement profession to demonstrate to the courts its willingness and ability to legally and effectively discharge its sworn obligations. 

FOOTNOTES

¹ See, *Boyd v. United States*, 116 U.S. 616 (1886).

² 232 U.S. 383 (1914). See Comment, "Admissibility of Illegally Seized Evidence—the Federal Exclusionary Rule—A Historical Analysis," 38 U. Det. L.J. 635 (1961).

³ 367 U.S. 643 (1961).

⁴ U.S. Const. amend. IV provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

⁵ See, *Wong Sun v. United States*, 371 U.S. 471 (1963).

⁶ See, *Chapman v. California*, 386 U.S. 18 (1967).

⁷ See, *Alderman v. United States*, 394 U.S. 165 (1969).

⁸ See, *Walder v. United States*, 347 U.S. 62 (1954).

⁹ See, *Silverthorne Lumber Co. v. United States*, 251 U.S. 385 (1920).

¹⁰ 338 U.S. 25 (1949).

¹¹ Id. at 30–31. See also, *People v. Defore*, 150 N.E. 585, 587 (1926), where Justice Cardozo summarizes his opposition to the exclusionary rule as follows: "The criminal is to go free because the constable has blundered."

¹² It should be noted that prior to *Mapp*, many States notwithstanding the *Wolf* decision had adopted the exclusionary principle through their own legislative or judicial decisions. See, *Mapp v. Ohio*, 367 U.S. 651 (1961). For example, in *People v. Cahan*, 282 P. 2d 905 (1955), a California court felt compelled to adopt the exclusionary principle because other remedies had completely failed to secure compliance with the constitutional provisions.

¹³ *Spano v. New York*, 360 U.S. 315, 320–21 (1959).

¹⁴ See, *Elkins v. United States*, 364 U.S. 206, 222 (1960).

¹⁵ See, *Stone v. Powell*, 49 L. Ed. 2d 1067, 1083 (1976). See also, Monaghan, "Forward: Constitutional Common Law," 89 Harv. L. Rev. 1, 5–6 and n. 33 (1975).

¹⁶ See, Oaks, "Studying the Exclusionary Rule in Search and Seizure," 37 U. Chi. L. Rev. 665, 669 (1970).

¹⁷ See, e.g., *Elkins v. United States*, 364 U.S. 206 (1960).

¹⁸ Id. at 217.

¹⁹ See, Monaghan, note 15 *supra*.

²⁰ 414 U.S. 330 (1974).

²¹ See, Monaghan, note 15 *supra*.

²² See, *Calandra*, *supra* note 20 at 348 (emphasis added).

²³ Id.

²⁴ Id. at 349.

²⁵ Id. at 351–52.

²⁶ 45 L. Ed. 2d 374 (1975).

²⁷ 413 U.S. 266 (1973).

²⁸ See, *Peltier*, *supra* note 26 at 380–81.

²⁹ Id.

³⁰ Id. at 384.

³¹ Id.

³² Id. at 382, citing with approval, *Desist v. United States*, 394 U.S. 248, 254 note 24 (1969).

³³ 49 L. Ed. 2d 1046 (1976).

³⁴ Id. at 1057; The exclusionary rule has been applied by the Supreme Court in a proceeding for forfeiture of an article used in violation of a criminal law, but the Court relied on the fact that forfeiture is clearly a penalty for a criminal offense, i.e., quasi-criminal. See, *One 1958 Plymouth Sedan v. Pennsylvania*, 380 U.S. 693 (1965).

³⁵ Id. at 1061.

³⁶ Id. at 1057.

³⁷ 49 L. Ed. 2d 1067 (1976).

³⁸ Id. at 1088.

³⁹ Id. at 1085–86.

⁴⁰ Id.

⁴¹ Id. at 1088.

⁴² See, *Michigan v. Tucker*, 417 U.S. 433, 446 (1974).

⁴³ Id. at 447.

⁴⁴ Id.

27 Years for "Top Ten"

In March 1950, the FBI initiated an extensive project to enlist public support in the apprehension of fugitives. This program, known as the "Ten Most Wanted Fugitives" list, was designed to publicize a wide variety of fugitives for a multiplicity of serious criminal acts.

The Top Ten list is composed of wanted individuals who have been charged with violating a Federal law that is within FBI jurisdiction. Additions to the Top Ten are fugitives who have participated in violent criminal activities and are considered a danger to society.

Since the inception of this program 27 years ago, 347 fugi-

External Affairs

tives have been placed on the Ten Most Wanted Fugitives list, 6 of whom have been women. Of these 347 individuals, 322 have been apprehended; 13 were replaced because process against them had been dismissed; and 2 were removed because they no longer met criteria for inclusion. On the average, a fugitive remained a "Top Tenner" for 156 days, although time on the list ranged from approximately 14 years to 0 days (some fugitives were captured just after placement on the list).

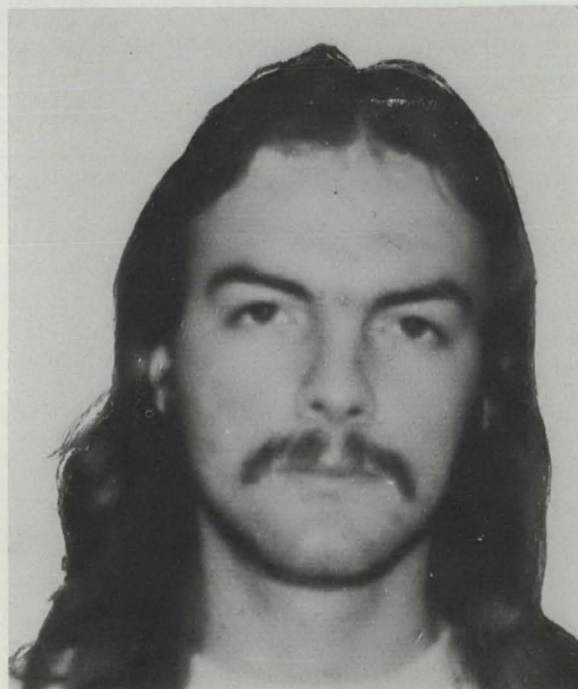
Nearly two-thirds of the apprehensions (190) were effectuated by Special Agents of the FBI. Local law enforcement officers were responsible for 77 apprehensions, and 41 were arrested through the combined efforts of Federal and local authorities. Thirteen of those carried on the list surrendered, and 1 committed suicide.

More of these selected fugitives were located in 1968 than in any other year of the program's 27-year existence. During this 12-month period, 33 Top Ten individuals were taken into custody.

A great deal of the success of the Ten Most Wanted Fugitives program can be attributed to citizen and news media cooperation. The nationwide publicity afforded this program by the country's newspapers, magazines, and radio and television stations has led to the capture of 60 fugitives, and approximately a third (104) of those apprehended have been caught as a result of information received from observant citizens.

During the past 27 years, the Ten Most Wanted Fugitives program has been a striking example of the value of publicity and cooperation in locating badly wanted fugitives from justice.

WANTED BY THE FBI



Photograph taken 1975.

GARY DOUGLAS JESTER, also known as Gary Wayne Jester, Larry Klein

Bank Robbery

Gary Douglas Jester is presently being sought by the Federal Bureau of Investigation for bank robbery.

The Crime

From May 1974 through April 1976, Jester and several other persons, acting independently or together, were allegedly responsible for 19 bank robberies throughout Indiana, Georgia, North Carolina, South Carolina, and Alabama. Federal warrants were issued on May 18,

1976, and June 24, 1976, at Savannah, Ga., and on July 8, 1976, at Raleigh, N.C., charging Jester with bank robbery.

Description

Age-----26, born November 13, 1950, Indianapolis, Ind.
Height-----6 feet.
Weight-----165 pounds.
Build-----Slender.
Hair-----Brown.
Eyes-----Brown.
Complexion----Fair.
Race-----White.
Nationality----American.
Occupation----Construction worker.

Social Security
No. used-----312-50-7231.
FBI No. -----923,691 N3.
Fingerprint Classification:
17 L 1 R IOO 16 Ref: R
M 1 R IOO T
NCIC Classification:
17541115161452112614

Caution

Jester is allegedly a user of narcotics. He is reported to possess handguns and has stated he will resist arrest. He may have suicidal tendencies and 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.



Left index fingerprint.

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DIRECTOR
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WASHINGTON, D.C. 20535

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(City)	(State)	(Zip Code)

UCL

LAW ENFORCEMENT OFFICERS KILLED

During 1976, 110 local, county, State, and Federal law enforcement officers were killed due to criminal actions in the United States, Puerto Rico, and abroad. The number of slayings decreased from the 1975 total of 129.

Regionally, 57 officers were killed in the Southern States, 24 in the North Central States, 14 in the Northeastern States, 10 in the Western States, 4 in Puerto Rico, and 1 Federal officer at Bogota, Columbia.

Of the 110 officers slain, 93 were killed by firearms. Handguns were used in 65 of the slayings, and in 13 of these incidents, assailants killed the officers with their own service weapons. Assailants obtained seven of the victim officers' service weapons by taking them from the officers' holsters. In four instances, the officers lost control of their weapons during struggles; one officer dropped his firearm, which his attacker retrieved; and one was disarmed after being stabbed.

Twenty-five officers were slain while attempting arrests for crimes other than robbery or burglary matters. Nine of the 25 lost their lives in arrests for narcotics-related crimes. Nineteen were killed while handling disturbance calls, 15 in connection with robbery matters, 13 in unprovoked or premeditated ambush-type attacks, 11 while investigating suspicious persons, 10 while making traffic stops, 9 in connection with burglary matters, 4 while confronting mentally deranged persons, and 4 while handling prisoners.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

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THIRD CLASS

INTERESTING PATTERN



The pattern shown above presents no classification problem. It is classified as a double loop-type whorl with an inner tracing. The interesting aspect of this pattern is the unusual position of the two looping formations.