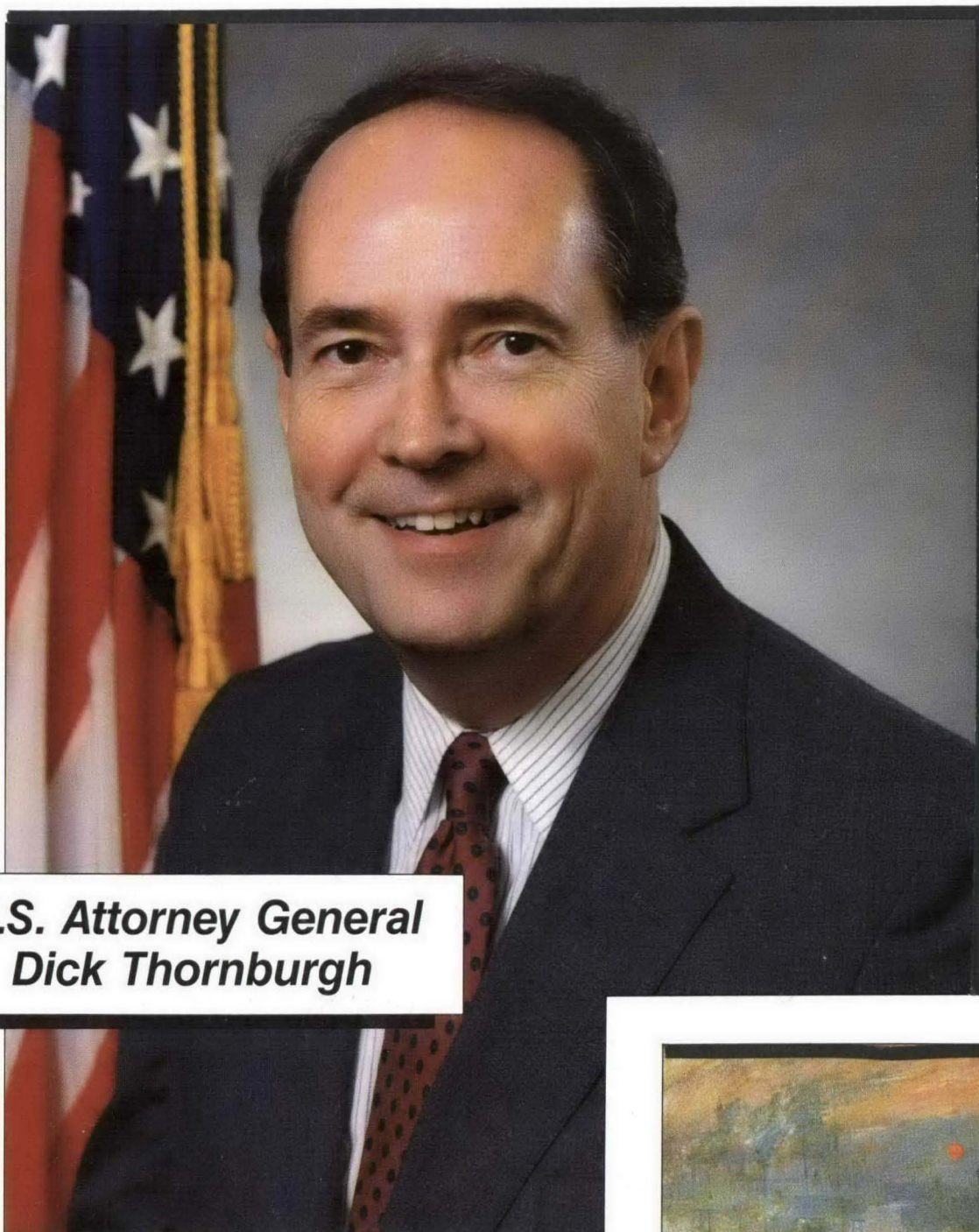




March 1989

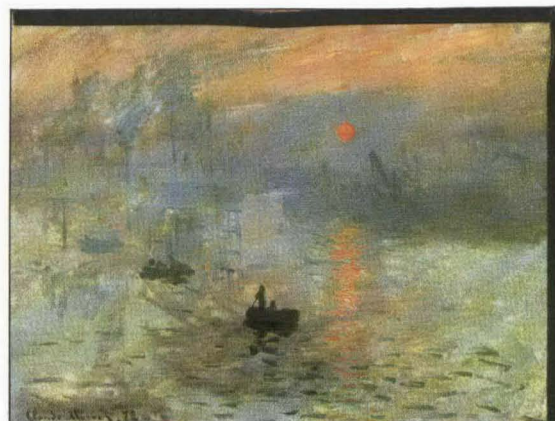
FBI

Law Enforcement Bulletin



***U.S. Attorney General
Dick Thornburgh***

***Major Art Theft
See Inside Back Cover***



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FBI

Law Enforcement Bulletin

United States Department of Justice
Federal Bureau of Investigation
Washington, DC 20535

William S. Sessions, Director

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The Cover: The Honorable Dick Thornburgh is the 76th Attorney General of the United States (See page 1). Claude Monet's *Impression: Sunrise* has been stolen (See inside back cover).

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U.S. Attorney General Dick Thornburgh

The Honorable Dick Thornburgh became the 76th Attorney General of the United States, following unanimous confirmation by the Senate.

Mr. Thornburgh, born in Pittsburgh, PA, graduated with an engineering degree from Yale University and earned a law degree from the University of Pittsburgh. He has been awarded honorary degrees by 23 other colleges and universities.

Mr. Thornburgh has served two consecutive terms as Governor of Pennsylvania, being first elected in 1978. Prior to becoming governor, Mr. Thornburgh served as U.S. Attorney for Western Pennsylvania from 1969-1975, prosecuting a number of drug traffickers, major organized crime figures, and corrupt public officials. During his service as U.S. attorney, Mr. Thornburgh received a Special Medallion Award from the Federal Drug Enforcement Administration for "significant personal efforts to help eliminate drug abuse."

Mr. Thornburgh was an elected delegate to Pennsylvania's historic Constitutional Convention from 1967-1968, where he con-

centrated on efforts to reform the judicial system and strengthen local government. During the Ford Administration, Mr. Thornburgh served as Assistant Attorney General of the United States in charge of the Criminal Division of the Department of Justice.

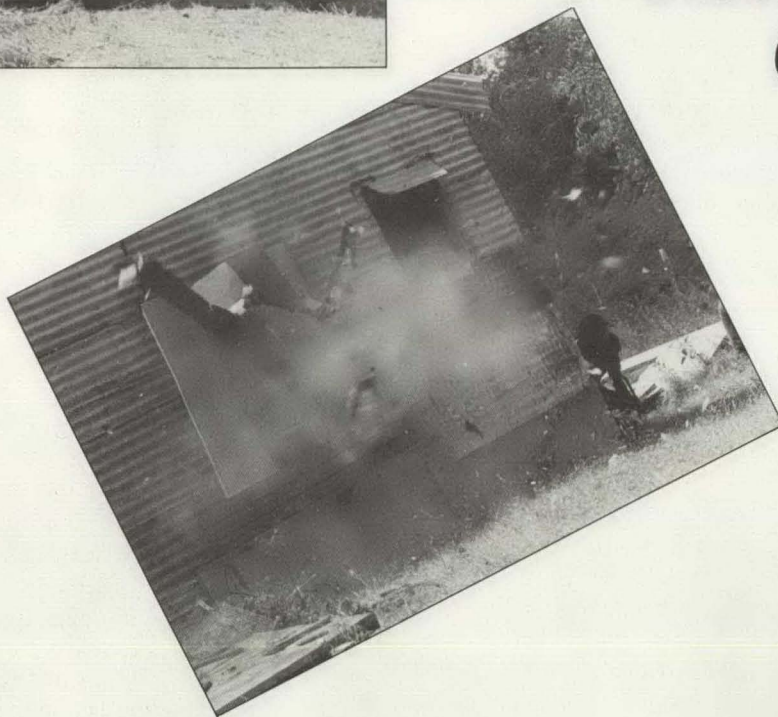
The Attorney General has served on the boards of directors of several corporations and is a member of the National Academy of Public Administration and the Council on Foreign Relations. By appointment of former President Reagan, Mr. Thornburgh also serves as Chairman of the National Drug Policy Board and as a member of the Advisory Commission on Intergovernmental Relations.

The Attorney General is married to Ginny Judson Thornburgh and has four sons and two grandchildren. As parents of a retarded son, the Thornburghs have taken a special interest in the needs of persons with disabilities, and along with their son, Peter, were named "Family of the Year" by the Pennsylvania Association for Retarded Citizens in 1985.

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Assignment and Coordination of Tactical Units



By

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and

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Over the past several decades, concern has been expressed about police capabilities for responding to violent criminal activity and terrorism. The national increase in violent crime and expanded terrorist incidents internationally have caused citizens and police professionals to question the state of readiness in some police departments. While some analysts have criticized the development of tactical units at the local level due to cost, limited number of assignments, and/or amount of specialization required, others argue that these units are essential for providing a municipal readiness to respond to local crises and violent conflicts.

Leonard and More, in *Police Organization and Management*, for instance, argue that "even in the most efficiently organized and managed police departments, occasions constantly arise requiring special operational planning and execution."¹ Although somewhat rare in small cities, these types of situations are quite numerous in large urban centers. Similarly, in an article published in the *FBI Law Enforcement Bulletin*, Boyd noted:

"Justification for [tactical] teams is found in the daily

encounters that occur in this country between law enforcement personnel and suspects fleeing from crime, mentally disturbed individuals, and those involved in domestic and neighborhood disputes. 'Routine' incidents such as these account for far more gun battles and police officer injuries and deaths than the more newsworthy conflicts between police and militant or terrorist groups."²

Given these views regarding the use and justification of tactical units and a variety of questions about the organization and assignment of tactical units in Federal, State, and local law enforcement agencies, the Criminal Justice Research and Training Center sought to survey police agencies to determine the current level of tactical unit development and the types of assignments routinely handled by these units. This survey, completed in 1987, provides a range of useful information about police tactical units and their operations.

Survey and Respondent Profile

The survey included a 10-page questionnaire covering a





Dr. Stevens



Dr. MacKenna

variety of subjects related to tactical unit development and operation, which was mailed to tactical unit commanders in all U.S. cities with a population of at least 50,000. A total of 456 questionnaires was sent to this sample and 186 valid responses were received, representing a 41-percent rate of return.

In the survey instrument, the term "tactical unit" was defined to mean "a formal police unit organized to respond to hostage taking, barricading, riots, bombings, or other terroristic incidents." Since the 1960's, when these units began appearing in police agencies, a variety of names have been used to differentiate their function from that of the uniformed division, patrol units, or other police components. Table 1 represents the results of a survey question asking respondents to state what the departmental unit is called. These data suggest that the terms "tactical unit" or "SWAT"

unit are the more popular names in this survey population.

The population of municipalities responding to the survey included 46 percent in the range of 50,000 to 99,999, 34 percent from 100,000 to 249,999, and 17 percent in the population category over 250,000. Officer strength in responding cities likewise varied, with 17 percent of responding departments having less than 100 officers, 41 percent in the range of 100 to 199 officers, and 40 percent having 200 or more officers.

Survey results reflected various locational placement of tactical units within departments, suggesting that some operate close to the top of the organizational hierarchy while others are lower in the command structure. In most small departments (those with less than 100 officers), the tactical unit commander was listed as reporting directly to the chief of police; in larger departments, tactical unit commanders report through intermediate management levels.

Table 1

FORMAL TITLE OF TACTICAL UNIT

Tactical Unit.....	22%
SWAT	20
Emergency Response Unit.....	15
Special Operations.....	7
Other title	28
No such unit.....	9

Tactical Unit Assignments

Table 2 indicates the suggested list of possible assignments for tactical units. A variety of daily police duties and activities were included in the survey instrument to assess the degree to which these emergency response units are used in routine police operations. For instance, traffic accident investigation, homicide investigation, general surveillance, and routine call handling were checked at a low rate by respondents. Generally, tactical units are not used to handle "routine calls" for service, but are dispatched to unusual or special situations.

On the other hand, it is interesting to note that "routine patrol activities" was listed by 36 percent of respondents as an activity in which tactical units are "often used" or "sometimes used," possibly indicating the multiple assignment of tactical unit personnel in small departments. For instance, in some agencies, the tactical unit is used as an extra patrol component, or members of regular patrol units may have secondary assignments as officers on the tactical unit.

As indicated in these statistics, the most frequently noted types of activities in which tactical units are "often used" include hostage situations, dignitary and public official protection, violent demonstrations, and situations involving some terroristic threat. Controlling special events, dealing with specific threats against police officers, and handling demonstrations and public rallies were found to be frequent assignments when the "sometimes used" and "often used" categories are combined.

A number of departments indicated a variety of possible assignments in response to the "other" category. These uses included high-risk warrant service calls, drugs raids, crimes involving use of firearms, felony arrests, mass arrests, and training of officers in special programs. Support for the direct involvement in drug raids was listed quite often as a special assignment in the

"other" category. This function has become an important assignment for special development units and will undoubtedly expand given the current national drug crisis. Many departments have instituted special, full-time drug squads which are similar or identical to tactical units in selection of officers, training, deployment approaches, and other organizational characteristics.

Table 2

ASSIGNMENT OF TACTICAL UNITS

	Often used	Sometimes used	Never used
Homicide report investigation	1%	10%	80%
Major traffic accidents	2	7	83
Multiple homicide report investigation	2	11	78
Investigation of routine criminal cases	3	11	77
Surveillance for general intelligence	5	19	66
Robbery-in-progress calls	5	34	52
Bomb threats	8	23	60
Surveillance of routine criminal activity	9	24	58
Patrolling of labor union/picket lines	9	29	53
Patrolling of public rallies	9	32	50
Peaceful demonstrations	10	40	41
Threats against police officers	11	38	39
Emergencies caused by extreme weather	12	22	58
Handling natural disaster problems	12	23	55
Actual bombing incidents	13	23	54
Directed patrol of high-crime areas	15	24	52
Controlling special events	16	41	34
Threats against public officials	18	47	24
Surveillance of suspected terrorists	19	27	42
Routine patrol activities	26	10	55
Counterterrorist target assessment	39	25	25
Demonstrations accompanied by violence	41	33	17
Dignitary protection	44	36	9
Barricading without hostages	74	16	2
Hostage situations	78	12	2
Other	9	6	2

Information Collection and Assessment

The methods used by tactical units to gather information for planning and operations are presented in table 3. Most all methods presented as alternatives in the survey were selected as being used at high rates except "infiltration of police officers into extremist groups." All other methods were either "sometimes used" or "often used" by over one-half of the responding departments. The use of paid informants was, however, listed as "never used" by a very high proportion of departments.

The "other" information collection category included in the questionnaire revealed answers ranging from use of formal departmental units, such as the crime analysis and research and planning units, to victims, friends, and

neighbors of persons under surveillance as sources of information. One department listed "aerial and ground scouting" as a technique sometimes used.

Intergovernmental Coordination

Since many violent criminal events, and probably all political

***"...occasions
constantly arise
requiring special
operational planning
and execution."***

terrorist activities, are multi-jurisdictional in scope, it is important that tactical units have pre-arranged communication links and strong support from neighboring tactical units and/or police agencies with other levels of govern-

ment.³ Good police planning would dictate that support arrangements be made before an event takes place and that coordination and information sharing be ongoing as an incident unfolds. Table 4 provides some indication of the means reported by tactical units to maintain contact with other local police units, relevant State organizations, and Federal agencies.

From these data, it appears that the more informal approach of telephone calls and specially scheduled meetings represent the primary means used by tactical units to maintain contact with appropriate units in other departments. While all communication methods were checked by some departments, the use of "regularly scheduled liaison meetings" and "computer network exchange" were identified by a lower percentage of departments.

Table 3

METHODS USED IN INFORMATION-GATHERING ACTIVITIES

	Often used	Sometimes used	Never used
Internal contacts with patrol officers and detectives	57%	31%	7%
Exchange of intelligence information with other local law enforcement agencies.....	46	44	4
Internal departmental records and computerized files	41	39	13
Computerized information from other law enforcement agencies	34	51	9
Surveillance activities	31	50	11
Reports from Federal and State police organizations.....	26	61	5
Computerized information from other governmental and private organizations.....	24	51	18
Use of unpaid informants.....	18	50	25
Use of paid informants	11	41	40
Infiltration of police officers into extremist groups	1	16	76

Table 4

TACTICAL UNIT COORDINATION WITH OTHER LAW ENFORCEMENT AGENCIES

	Local Police	State Police	Federal Agencies
Telephone calls on an as-needed basis	83%	69%	67%
Special meetings on an as-needed basis	77	57	58
Exchange of intelligence information bulletins	63	46	38
Computer network information exchange	50	43	30
Regularly scheduled liaison meetings	33	13	9
Other	13	11	10

A second general conclusion that can be drawn from table 4 is that local tactical teams engage in more extensive coordination with other local police units than with State and Federal agencies. The figures suggest that local police maintain contact most often with other local police units, as opposed to State or Federal agencies. This may result primarily from the types of problems faced by local tactical units. Interestingly, the departmental percentages for contact with State and Federal agencies are almost identical for all times. This might suggest more concern with locally oriented violent criminal activities as opposed to international matters, which would of necessity involve Federal and possibly State agencies.

The variety of "other" means for coordination listed by respondents included joint or inter-agency training sessions, joint exercises and seminars, yearly training sessions, State association meetings, involvement of personnel from other departments, multi-

county hostage committees, regional SWAT associations, and mutual aid and mutual assistance agreements. A number of these activities were identified by several departments.

Barriers to Internal Coordination and Cooperation

While coordination with other units of government is important, internal coordination of the tactical

To determine those measures currently used by tactical unit commanders to maintain strong internal support, a general question regarding barriers to good coordination and cooperation was included in the survey.

One major barrier cited by numerous team commanders was the issue of control at an incident scene. To illustrate, the following comments were provided by re-

"... it is important that tactical units have pre-arranged communication links and strong support from neighboring tactical units...."

team with other units and divisions within the department, and solicitation of cooperation from such units, is vital to the success of an operation when disaster strikes. Effective cooperation can rarely be dictated; therefore, team commanders must constantly use their personal skills informally to promote the joint interests of the department and the tactical unit.

spondents commenting on this problem:

"One thing needed is a basic education of personnel as to what the team is and that it is available to assist other units rather than take over from them. Other units and officers are sometimes of the opinion that a tactical unit is out to make all the major arrests and

is therefore a threat to their own capabilities.”

“Other department supervisors are unaware of the capabilities of our tact unit and are unwilling to give up their authority.”

A lack of understanding was noted by numerous departments as a primary problem in tactical unit development and use. Survey respondents noted in this regard:

“Lack of knowledge on the part of other commanders and officers on the mission of the tactical operations unit poses problems.”

“Failure of other units to understand our mission. We do not want their arrests — only to help them and conduct our business so that district officers do not get needlessly injured.”

Poor communication was listed by several departments as a barrier to effective operation, with one department noting that “a lack of communication between upper level supervisors in coordinating tactical unit activities with other departmental activities” is a major

“One major barrier cited ... was the issue of control at an incident scene.”

problem. Another noted that “good communication among different units and a good understanding of all concerned in the need for the special unit” is required.

Jealousy on the part of patrol officers and other supervisors was mentioned quite frequently as a source of friction between patrol units and tactical unit personnel. Respondents provided the following comments in this regard:

“Jealousy and envy on the part of non-tactical members. Tactical members not sharing their training and knowledge with non-tactical members and attitude of being better than non-tactical members.”

“Jealousy brought on by the perception by others that tactical is an elite unit and handles only the “good” or “fun” calls. In reality, tactical work is at different times boring, hard work, very hazardous, and frustrating.”

Coordination and Cooperation Barriers

- Issue of control at an incident scene
- Lack of understanding in tactical unit development and use
- Poor communication
- Jealousy of patrol officers and other supervisors
- Poor attitude of supervisors
- Lack of a comprehensive departmental policy addressing tactical unit management and operation



A poor attitude on the part of supervisors was cited as often creating unnecessary problems and hindering tactical unit operations. One respondent stated, "Supervisors who have a negative attitude toward the unit and its function are a problem." Another noted a "lack of agreement on the need for such a special unit by upper level supervisors and a commitment to support such a unit."

The lack of a comprehensive departmental policy addressing various aspects of tactical unit management and operation was also criticized by some respondents. One unit commander took the position that "failure to provide consistent policy direction from the Chief's office on the use of unit capabilities" and the "failure to adopt proposed policies and SOP's [standard operating procedures] or to come up with alternatives for unit operation" had created unnecessary difficulties. Others stated that their departments needed consistent written policy on the authority of tactical unit commanders and reporting structure, use of tactical

—"Members of our team have been selected from each unit and still carry out their normal duty assignments. Tactical operation is separated from this normal duty function and is not full time. This provides a good communication link with other units within the department."

—"Getting other units to utilize the team in medium risk situations would at least give our team a chance to do more operations together. This would increase our ability to handle high risk operations."

—"There must be written policy development which allows for tactical unit control of inner perimeters at tactical situations, while allowing for normal general command authority of service and shift commanders."

—"Unified command is needed with some cross training for mutual understanding; mock scene training with all units involved and complete debriefing of all actual incidents."

—"A basic education of all personnel as to what the team

Conclusion

While the debate will undoubtedly continue in the United States regarding the need, structure, and operational use of tactical units in local police service, it seems that a high percentage of departments have chosen to establish tactical teams and have created a range of duties and assignments appropriate for their use. Varied organizational placement and operational assignment of tactical personnel provide a wealth of experiences for departments wishing to create tactical units. The information presented here will hopefully assist interested police executives in charting directions which might avoid some of the pitfalls encountered by other departments.

Although tactical units are expensive to create, train, and operate, sufficient serious and violent criminal events occur in cities to justify their existence, at least on a limited basis. Numerous models, ranging from part-time and cross-trained tactical unit officers to full-time intensively trained officers, are available for adoption by local law enforcement agencies. One of these models is certainly feasible for all police agencies that have sufficient criminal events warranting their creation.

FBI

"... internal coordination of the tactical team with other units and divisions within the department ... is vital...."

units, and operational procedures when the tactical unit is mobilized in support of patrol units.

Some suggested solutions to the variety of problems and difficulties currently experienced by tactical units included the following:

is and that it is available to assist other units rather than take over from them."

These basic comments provide examples of the wide range of suggestions that might enhance tactical unit services to the department and the community.

Footnotes

¹V.A. Leonard and Harry W. More, Jr., *Police Organization and Management*, 6th ed. (Mineola, NY: The Foundation Press, 1982), pp. 426-451.

²Gerald W. Boyd, "Special Weapons and Tactics Teams: A Systems Approach," *FBI Law Enforcement Bulletin*, vol. 46, No. 9, September 1977, pp. 21-26.

³Steven L. Pomerantz, "The FBI and Terrorism," *FBI Law Enforcement Bulletin*, vol. 56, No. 10, October 1987, pp. 14-17.



Senior Citizen Assault Prevention Unit

By
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DET. DENNIS M. MARLOCK

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Even though the elderly in our society are less likely than the young to fall victim to crime, the offenses to which older persons tend to succumb are relatively serious in nature.¹ When purse snatchings and strong-arm robberies occur, the consequences for older victims are usually far more severe than for their younger counterparts. And, the inability of the elderly to rebound from the physical and financial effects of victimization make the psychological impact of crime more profound.

It is not surprising, therefore, that law enforcement in recent years has responded to a demand for police service to this age

group. Several agencies have formed special units designed to deal more effectively with the crime-related problems of older people. Police personnel assigned to these units add a new dimension to police work. Not only have they developed expertise in investigating crimes against senior citizens, but they have also sensitized their agencies to the police service needs of the elderly in their communities.

Establishing the Unit

In 1980, the Milwaukee Police Department created the Senior Citizen Assault Prevention Unit. Initially, five detectives were assigned to work full-time

conducting followup investigations on all larcenies involving elderly victims. Since then, the "Gray Squad," as it came to be called, has grown in size and responsibilities. The unit now investigates all serious crimes against seniors, not just assaults, and its work involves deterrence and crime prevention activities, as well as community relations.

During the past 8 years, officers assigned to the Gray Squad developed a multifaceted approach to the problem of reducing criminal victimization of senior citizens. This approach aims to: 1) Identify and apprehend offenders of the elderly, 2) deter would-be offenders of the elderly, 3) lessen the exposure of the elderly to criminal victimization, and 4) promote the elderly's cooperation and favorable relations with the police.

Apprehension Efforts

Each day, copies of all offense reports, as well as all interoffice memoranda involving elderly victims, are forwarded to the Gray Squad. Each report or communication is reviewed by at least one detective or uniformed officer assigned to the unit. Followup investigations by the unit depend on one or more of the following criteria:

- 1) A request for assistance is made to the Criminal Investigation Bureau (CIB) by the original investigating officer;
- 2) Gray Squad personnel or their CIB superiors determine after reviewing reports that the victim or complainant is in need of the unit's specialized services;² and/or
- 3) An older victim is known to have been a victim of a

similar offense in the past. In the course of a followup investigation, Gray Squad personnel work with detectives and uniformed officers from other units and districts.

Because their focus is on the elderly crime victim rather than on any specific crime category, Gray Squad investigators encounter a wide array of cases, ranging from such street crimes as robbery, purse snatching, or pocket picking to domestic abuse cases, to consumer fraud and confidence games, to nursing home and healthcare rip-offs. Also, they find themselves dealing with suspects who differ from one another in terms of socioeconomic charac-

high rates of crime against the elderly. High-crime area saturation and distributing patrol resources according to an ongoing data-based needs assessment allow deployment at those times and places where a visible police presence is likely to have its greatest deterrent effect.

The assigned patrol activities of the Gray Squad bear an important relationship to the overall mission of the unit. By being able to respond quickly to crimes in progress, as well as other calls for assistance, patrol officers hope to reduce the amount of elderly victimization occurring in a given area. Even if intensive patrol activity does not reduce the crime rate, it reduces citizen fear of

"... their focus is on the elderly crime victim rather than on any specific crime category...."

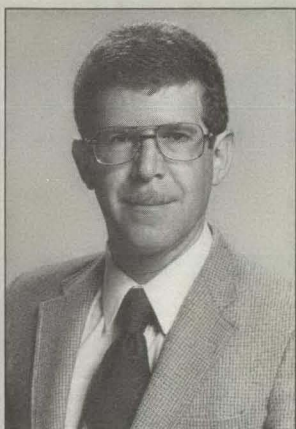
teristics, educational background, and criminal motivation. Regardless, the detective must be sensitive and compassionate when dealing with the victim. The extent of physical injuries and the victim's emotional state must always be taken into consideration.

Deterrence Activities

From the 35 or so offense reports received daily, data are collected and categorized to determine, through comparison and analysis, patterns and trends of elderly victimization. This information is related to demographic data which indicate where high concentrations of the elderly reside. Based on what is learned, the unit's uniformed contingent is sent to those locations showing

crime and increases citizen satisfaction with the police.

The fear-reduction factor may be more important than initially realized. As one researcher observed,³ the elderly's perceived vulnerability to crime causes many to restrict their lifestyles in order to reduce their exposure to possible victimization. This withdrawal from community involvement occurs to such a degree that for many, the satisfaction derived from social interaction has almost completely disappeared from their lives. The resulting isolation may even increase their risk of victimization.⁴ While recognizing the importance of alerting seniors to the real dangers of crime, Gray Squad officers go to great lengths to dispel unfounded fears. They are all too aware that crime pre-



Dr. Zevitz



Detective Marlock

vention, if not done properly, may have unintended consequences, such as heightened anxiety, imagined threats, and preoccupation with possible victimization.

Crime Prevention Work

Many criminal incidents involving older victims can be avoided through heightened awareness. Every detective in the Gray Squad devotes at least 10 hours per month speaking to groups of senior citizens on how to avoid becoming a crime victim.

Through seminars held at various sites throughout the community, Gray Squad personnel inform senior citizens about precautionary measures that may reduce criminal opportunity and the risk of being victimized. These target-hardening methods range from assisting the elderly in burglar proofing their homes to making older persons aware of how to reduce vulnerability to pocket pickers and purse snatchers. Public awareness lectures are presented to senior citizen groups who are frequent targets of consumer fraud and confidence games. At these sessions, lecturers describe typical fraudulent schemes and instruct seniors in the various "come-ons" associated with these crimes.

Community Relations

The Gray Squad works hard at fostering favorable police relations with the city's elderly community by focusing on the problems and special security needs. From the very inception of the unit, much work has gone into improving the lines of communi-

cation between Milwaukee's elderly population and the criminal justice system. As a result, the senior community and the police remain well informed about each other's problems.

Some indication of improved relations can be seen in the greater willingness of senior citizens to report incidents to the police. Even though victimization surveys indicate only about one-half of the offenses against the elderly are reported,⁵ Milwaukee seniors are reporting crimes at an increasing rate. In 1982, there were 1,090 personal larceny, robbery, and battery offenses reported to the Milwaukee Police Department. By 1986, the figure for these crimes had risen to 2,132, despite a reduction in the city's overall crime rate.

Not only are elderly crime victims more likely now to call the police, but they seem more willing to work in other ways with the police in the detection, apprehension, and prosecution of their victimizers. Prior to the formation of the Gray Squad, the elderly in Milwaukee were the most likely age group to drop charges or not press charges against their suspected offenders.

Part of the problem was the criminal justice system's insensitivity to the concerns of older people. To counter this situation, Gray Squad personnel sought ways to alleviate the anxiety often experienced by elderly crime victims. By providing pertinent information about the court process and patiently explaining what is expected of them, the unit has suc-

"There are no easy solutions to the problem of crime against the elderly."



ceeded in achieving a higher level of cooperation from larger numbers of elderly crime victims and witnesses.

The Gray Squad's efforts at improving police relations with the city's senior population also include instructing other police officers how to better respond to the needs of the elderly. Inservice training to other detectives within the Criminal Investigation Bureau and recruit training at the police academy cover not only the special problems encountered by police in dealing with elderly victims and witnesses but also instruction on the various methods of operation used by offenders who prey upon the elderly.

Improved skills in working with the elderly will ultimately translate into increased efficiency

and effectiveness in responding to crimes against this age group. Interviewing and communication techniques that have proved effective with older persons are stressed. Officers are taught to be alert for any barriers caused by old age which might hinder effective communication. They are also instructed on the various social service agencies in the community which help older persons locate housing, food, transportation, medical care, and peer group support.

Conclusion

There are no easy solutions to the problem of crime against the elderly. As older persons become a larger proportion of the population, law enforcement officers will be increasingly called upon to ren-

der assistance to this segment of society. Committing a relatively small amount of agency resources in order to significantly improve the quality of police service to senior citizens is consistent with modern police practice. It is a sign of the accelerating professionalization of the field. **FBI**

Footnotes

¹U. S. Department of Justice, Bureau of Justice Statistics, Special Report, Elderly Victims, NCJ 107676 (Washington, DC: U.S. Government Printing Office, 1987).

²Owing to an overabundance of cases involving the city's elderly, the unit has found it necessary to limit its followup investigations to only those offenses where the elderly victim was actually confronted by the offender (contact offenses), i.e., robbery, purse snatchings, etc., and those offenses clearly committed against the victims because of their age, i.e., confidence crimes, frauds, etc.

³D. Jones, *Elderly Victimization: A Survey Report* (Ottawa, Ontario: Royal Canadian Mounted Police Prevention Center, 1980).

⁴M. Sengstock and J. Liang, responses of the elderly to criminal victimization, paper presented at the annual meeting of the American Society of Criminology, Philadelphia, PA, November 1979.

⁵U.S. Department of Justice, Criminal Victimization in the United States, 1985, National Crime Survey, NCJ104273 (Washington, DC: U.S. Government Printing Office, 1987).

The Bulletin Reports

3 NEW ABA PROJECTS

The American Bar Association's Section of Criminal Justice has launched three new projects, which will focus on Federal habeas corpus review of death penalty cases, the search warrant process, and the probation response to child sex abuse offenders.

Habeas Corpus

An 18-month study will explore the special problems associated with Federal habeas corpus review of State court criminal convictions involving the death penalty. A joint State/Federal task force composed of judges, lawyers (both defense and prosecution), and court administrators will look at ways to make the review process "more rational," assuming the continued existence of Federal court jurisdiction to review such cases. The final report will include recommendations to State and Federal courts, legislatures, and executive branch officials concerning the death penalty review process.

Search Warrant Process

Another project will develop guidelines to help magistrates and judges in reviewing and ruling on search warrant applications. A six-person task force will develop the guidelines and commentary.

Child Sexual Abuse Offenders

The third project is an examination of the probation response to child sexual abuse offenders. The objectives are to examine compliance with the conditions of probation, examine the rate of recidivism among child abusers on probation, and develop cost-efficient suggestions for improving the monitoring of child sexual abuse offenders by probation departments.

For more information, contact the ABA Criminal Justice Section, 1800 M Street, NW, Washington, DC 20036, (202) 331-2260.

"PERSPECTIVES ON POLICING"

This is a publication of the National Institute of Justice and the Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University. The publication focuses on a series of reports developed with some of the leading figures in American policing. The police chiefs, mayors, scholars, and others invited to the meetings held at Harvard University focus on the use and promise of such strategies as community-based and problem-oriented policing. Two recent topics covered are "The Evolving Strategy of Policing" and "Debating the Evolution of American Policing."

For additional information, or copies of these reports, contact the National Criminal Justice Reference Service, (800) 851-3420, Maryland and Metropolitan Washington, DC, callers (301) 251-5500.

NEW CRIMINAL JUSTICE DIRECTORY

The Criminal Justice Statistics Association (CJSA) has compiled a comprehensive State-by-State directory of criminal justice information. "The Directory of Criminal Justice Issues in the States, Vol. V" summarizes the

criminal justice programs and policy research conducted by 48 State statistical analysis centers in 1987. Over 400 different projects are listed on such issues as drug abuse, missing children, overcrowding, population projections,

recidivism, victims, etc.; 37 subject areas are listed in the index.

To purchase the directory, or to make inquiries, contact CJSA, Suite 606, 444 N. Capitol Street, NW, Washington, DC 20001, or call (202) 624-8560.

Book Review

"PROBATION AND PAROLE 1987"

This is a report of the Bureau of Justice Statistics (BJS) that covers individuals in custody of Federal, State, and local authorities from 1983 to 1987. It contains information on probation, incarceration, and parole populations by State and by geographic region, including data on probation and parole population totals, percentage change in those totals from 1986 to 1987, and the number of probationers and parolees per 100,000 adult residents for both populations.

The report also lists the total correctional populations and percentage of the Nation's adult population that total represents (probation, parole, jail, and prison) for each year from 1983 to 1987. The number of prisoners released from prison from 1977 through 1987, the type of release granted, and the percentage of the total for each type or release for each year during that 10-year period are also included.

For more information or a copy of the report, contact the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850, Maryland and Metropolitan Washington, DC, callers (301) 251-5500 or toll free (800) 732-3277.

The Bulletin Reports, a compendium of criminal justice studies, reports, and project findings, is edited by Kathy Sulewski. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 7659, J. Edgar Hoover Building, 10th & Penn. Ave., NW, Washington, DC 20535.

Sexual Homicide: Patterns and Motives, by Robert K. Ressler, Ann W. Burgess, and John E. Douglas, Lexington Books, 125 Spring St., Lexington, MA 02173, 234 pp. \$32.95

The preface to this work sums up the volume: "This book is about sexual killers—many of whom have repeated their murderous acts multiple times." *Sexual Homicide* examines the characteristics of this group and society's responses to the group, particularly law enforcement investigators, forensic pathologists, mental health clinicians, surviving victims and their families, and the legal profession. This book is an outgrowth of the research of the FBI's National Center for the Analysis of Violent Crime by authors who began this program.

The book begins with an overview of the study of murder, broken down into various views of murder—journalistic, psychological, sociological, legal, and most important, law enforcement's view. Then this work goes into the formative events of murder, particularly the role of fantasy, and precrime factors, such as planning and victim selection.

The act of murder, disposing of the body, the relationship between postcrime behavior and the method of killing, apprehension, and legal aspects are covered, along with a chapter on the National Center for the Analysis of Violent Crime's research program. Crime profiling is covered in detail, including the criminal profile-generating process from crime scene characteristics and the role of forensic pathology.

The contribution of the police artist and the role of skeletal remains are included. This book concludes with the victim's family and its response to trauma, along with lessons learned for responses to sexual violence. Overall, this book offers an enlightening and practical, yet academically sound, view from the law enforcement investigator's viewpoint—a powerful tool for identifying and apprehending sexual killers.

Thomas J. Deakin, J.D.
Criminal Justice Professor
American University

Public Speaking From A Prepared Text

By
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Consider yourself in any of the following scenarios:

- You are the ranking officer on duty, and one of the officers in your department has just been involved in a gun battle. Several people have been shot, including your officer; the facts are beginning to come in; the families have been notified; and both the press and the public are clamoring for information.
- The spread of AIDS has greatly increased in your community, and your department has decided to revise several of its internal policies on the handling of evidence and prisoners. Because a recent local case has stirred much controversy and received much publicity, certain special interest groups within the community are awaiting the announcement of your policy changes with sharpened knives.
- You have just taken over command of a department. With less than 1 week on the job, you are asked to speak to a very prominent group in the town. You don't feel qualified to speak yet, but the speech will give you an opportunity to meet the leaders of the town, and you feel an obligation to help out the requestor.

What will you do in each of these situations where you will be speaking under pressure?

Police officers, especially administrators and department heads, are frequently asked to respond to demands such as these.

Whether the pressure comes from a developing personnel situation or from a well-meaning civic group that believes it has a right to hear what's being done to address an important policy issue, that pressure forces police officials to speak publicly, accurately, and well. But how can you cope with these demands?

You can approach the problem in several ways. First, you can simply refuse and not make a personal appearance. Eventually, however, both you and the department will suffer. You'll be viewed as antisocial, aloof, or worse yet,

“... the prepared-text speech [is] a solution to the police executive who needs to speak when the accuracy, timeliness, or comprehensive of the message are critical factors.”

uncaring. Second, you can “wing-it”—get a few of the facts, jot them down on a card, and walk into the fray. Chances are good, however, that you'll make more than your share of factual errors and appear uninformed. If your delivery is particularly good, it will help but not overcome any major gaffes that might live on in print. Third, you can get all the facts in detail; then you can intensely study those facts, organize them, and rehearse your delivery several times to ensure both your grasp of technical knowledge and good delivery techniques.

This last method is by far the best alternative, but few people have the time needed to prepare for it. So, then, what can you do—short of being unprepared or taking untold hours of preparation time? The answer is simple—read from a prepared text. When accuracy, time, or technical proficiency are called for, a prepared draft, used well, will guarantee both a good presentation at the event and an effective message for the record. Used by presidents, corporate and government leaders, and professionals in every walk of life, prepared-text speeches or manuscript speeches (as they are also called) have proven their worth on countless occasions.

This article will focus on the prepared-text speech as a solution to the police executive who needs to speak when the accuracy, timeliness, or comprehensiveness of the message are critical factors. Specifically, the article will cover how a good manuscript should be assembled and how it should be delivered.

ARRANGING A GOOD MANUSCRIPT

The physical appearance of the manuscript is most important to the speaker. A speech which is poorly formatted and indecipherable throws roadblocks in front of the speaker and can lead to disaster. We've all been embarrassed to watch speakers stumble over hard-to-follow texts. Fortunately, there are some ways to overcome these pitfalls.

Use Orator Print

Some electronic typewriters come equipped with a special ball or type font that is larger than

standard typewriter capitals. The extra size makes the words easier to read and makes for shorter, more manageable eye sweeps across the page. You absorb the material quicker, with less eye strain, and you can give the audience more eye contact since your eyes aren't riveted on tiny print. In the absence of an over-

draft on a screen in front of you. These also use very wide margins to keep eye fixations short and focused more on the center of the page.

Write Short Sentences

Short sentences are easier for you to read and easier for the audience to comprehend. How-

you need to locate a break in text.

What can you do? As a general guideline, use three to five sentences in a paragraph. Fewer sentences may produce an underdeveloped paragraph; more sentences, an overly complex one. Each paragraph, where possible, should begin with a sentence that summarizes the entire paragraph—a topic sentence that will cue the audience to what they will be told.

“... a prepared draft, used well, will guarantee both a good presentation at the event and an effective message for the record.”

sized font, you might consider using copying machines that have built-in enlargers. Even though enlarged copies tend to be more grainy, it's a reasonable trade off.

Triple Space The Draft

Triple spacing the draft allows the eye to track the words more readily. You can also easily insert last minute details and corrections, and you are less likely to lose your place, or worse yet, skip a line or two as you read. With ample space between lines, you can effortlessly keep a finger or eye on your lines as a quick reference point.

Use Ample Margins

When writing drafts, use at least 1-inch margins to shorten the length of the line. Long lines make eye sweeps more difficult, thus forcing you to look more at the draft and less at the audience—a habit that often alienates an audience.

Teleprompters—an effective, yet extremely expensive, alternative to text reading—project your

ever, this does not mean all sentences have to be, “See Spot run.” Varying sentence length also helps to retain the audience's attention. But by keeping sentences short, you'll win in the long run.

Use Eye Breaks

Even if your sentences are short and to the point, use breaks in the text to allow you to look at the audience. Periods at the end of the sentence offer a natural stopping point. Commas within the draft provide a breather; dashes (—) let you pause even more than a comma; and a paragraph practically gives you a license to look up and around.

Keep Paragraphs Short

The end of a paragraph offers an eye rest for the speaker, and thus, an opportunity to make visual contact which, no matter how brief, will endear you to the audience. To determine if you have enough paragraphs, scan each page; if you don't have at least a single paragraph per page,

Add Parenthetical Help in Brackets

It's one thing to write a speech in the quiet of your office or home, but quite another to deliver that speech under bright lights with hundreds of people watching you. Adrenalin flow may cause you to miss the opportunities to pause at the right time. Without realizing it, you may simply barrel along like a sprinter heading for the finish line.

Parenthetical directions placed in brackets can help break this impulse and many others. Use brackets liberally to give yourself stage directions—[pause], [smile], [look up at ceiling]. Each direction can help you punctuate your reading of the text with powerful non-verbal communication. Also, use parenthetical notes to show the phonetic spelling of names, terms, or words if you are not certain how they are pronounced.

Document What You Say

It's easy to toss out a fact, a quote, even tell a story in a speech to illustrate or illuminate a point you are making—but beware. Unless you have the proof to substantiate statements made, you may have to recant when faced with questions by your staff, your

boss, or the media. To stave off the embarrassment of defending, or worse, retracting information, include footnotes (written) appended to the text. Even though it may entail more work for you or your staff, written documentation greatly reduces the chances of fac-

tual error. To support your information even further, ask an expert in the area to proof the facts of the speech. Stress to the expert that you're not asking for editing, just for confirmation. That way you should get the draft back quickly and without annoying changes in style.

DELIVERING A MANUSCRIPT SPEECH

How you deliver your speech can be as important as *what* you're saying. The speaker's credibility relies very heavily on performance—and that means practice and use of nonverbals as you read the

Allow ample margin

OPENING COMMENTS:
-COMMENT ON PREVIOUS SPEAKER - MISS SMITH
-MENTION DISCUSSION WITH DR. SMITH TODAY

Leave space

Use personal introduction by adding notes

Use orator print

Triple space draft

Score your text

IMAGINE //

Add parenthetical help in brackets

Write short sentences

Keep your message clear

(This paragraph Give the audience a preview)

I WANT TO TELL YOU HOW TO RECOGNIZE DRUG ABUSE IF YOU SEE IT AND THEN WHAT STEPS YOU SHOULD TAKE. THIRD, AND FINALLY, I WANT TO OFFER SOME CONCRETE WAYS TO ANSWER THE QUESTION: "YEAH, BUT WHAT CAN I, ONE PERSON, DO ABOUT SUCH A NATIONAL PROBLEM?"

text. Following simple guidelines before and during the speech will make your task much easier.

Before the Speech—

Conduct Extensive Audience Analysis

Actually, this should be done before you ever write a speech, but you should always review the audience analysis as you prepare your delivery. How old are its members? What's their level of education? Is it comprised of all men, or are there women present? The list goes on and on. What's important is that you have them personally in mind as you speak so your language and nonverbals are directed to them. To illustrate—when speaking at a hunting lodge you might be able to cross two fingers in front of you to indicate having something clearly in the crosshairs of your sights; a church group would react differently.

Rehearse Out Loud

Someone once said that genius is 10 percent inspiration and 90 percent perspiration—how true! Some rehearsal will help build your confidence to use your draft. Of course, if you can't rehearse, you have the draft as a backup, and that's the comfort of having a full text in front of you. But when you do rehearse, don't make the mistake of reading silently to yourself—you must hear how a speech sounds. So, embarrassment aside, read it out loud. If you can, go to the very room where you'll be speaking and practice there. That's best because you will be able to hear it just as the audience will—like a dress rehearsal.

Regardless of where you practice, tape record your re-

marks. Put the tape away for a day or two, then listen to it. You'll be absolutely amazed at how objective you can be when you're not listening to the words come from your own mouth but from a tape recorder. In fact, many good public speaking courses now use video feedback as the major self-evaluation teaching component of the course.

Don't Staple Your Draft, Clip It

Clip your draft together with a paper clip; don't staple it. Why? Because then you won't be tempted to flip each page distractingly in front of the audience.

We've all had the unpleasant experience of watching speakers

“How you deliver your speech can be as important as what you're saying.”

flip their pages, methodically fold them under, and even crease the fold before resuming. Such mannerisms are as unconscious as they are amateurish. To avoid the habit, carry your speech to the lectern clipped together, unclip it, and then start speaking. When you get near the bottom of the page, subtly slide the page to the left of your speech, read the last words on this page, and proceed without break to the first ones on the next page. Experienced speakers will often look up at the audience when they shift the page, which covers the movement and makes it much smoother. One caution: Be sure to

number your pages and *always* check to ensure they're in the right sequence before you stand up to speak. There have been many embarrassed speakers who have read halfway down a page, to a confused audience, only to discover the page was out of order.

Carry Your Speech To The Podium

Some people like to plant their speeches in the podium before the speech. While that shows you're thinking ahead, there is a definite down side to it. Sometimes podiums get exchanged at the last minute due to microphone malfunctions or lighting difficulties. More commonly, someone may inadvertently move or, worse yet, remove your comments from the podium. Remember: You're not the only one who is nervous. Thus, when you arrive at the podium, you reach for the speech, find it missing, and panic.

Sometimes, such as at an informal but scheduled press conference, there is no podium on which to rest your text. In such situations, to help you handle the manuscript more easily, place the pages in individual plastic document folders found at any stationery store. They'll stiffen the page and reduce the page tremble as your nerves quite naturally take over, causing your hands to shake. If document folders aren't immediately available, place your draft on a book or a piece of stiff cardboard. Either will stop the paper from shaking.

Add Notes Before You Speak

Good speakers listen to the audience and to conversations and comments that are made while

they are waiting to speak. Allow a place, usually in the introduction, to jot down some notes which will add the sparkle of the locale and the event. You might say, for instance, "As George just mentioned, we've all got to do our part..." or "As I was eating that terrific pie we had for dessert, I thought of..." This not only gives your speech a touch of the moment but it ties it into the entire event—the banquet, awards ceremony, panel discussion—in an engagingly personal way.

During the Speech—

Use A Personal Introduction

The introduction of any speech is the honeymoon period in the speaker-audience marriage. It's a chance for both of you to get to know each other. To make it a successful marriage, you must personalize your speech: Use jokes, short stories, quotes, reflections on the occasion, but whatever you do, keep your eyes on the audience. Draw from those notes you made during lunch; tell the audience why you're happy to be there, why this group is so special to you, why you love their city so much. Few people ever tire of personal, heartfelt comments or compliments.

Give The Audience A Preview

As a speaker who wants your audience to understand your speech, you must first tell the audience what you're going to tell them—up front, in the introduction. This lets the audience know, in the first minutes, what you plan to talk about. Audiences make up their minds in the first several minutes whether they like the speaker—thus, whether they'll

bother to listen. You might say, for example, at the end of your introduction: "Crime in our country is under control—that's my message today. Specifically, I'll first discuss the crime trends over the past 3 years; second, mention our major crime problems; then, finally talk about how we're combatting those crimes and what our results are." With this preview of coming attractions, the audience is prepared to listen and understand. You've cued them—a courtesy they'll not forget.

Keep Your Message And Ideas Clear

Just as you gave the audience a preview in the introduction so

"Eye contact is the most important nonverbal gesture you have at your command as a public speaker."

that they could follow, you must also give clear guidance in the text so you won't lose them along the way. To do this, use transition words like "first," "second" (as you used in the introduction). To show you've got more to add, use words like "further," "also," "and." Use "on the other hand," "however," "but" to show you're changing directions. In short, signal the audience before you make a turn so they'll stay on course with you.

Score Your Text

Just like a symphony conductor, you've got to mark special

directions on the draft. To do this, you use certain standard markings. First, use underlinings to remind you to emphasize certain words. One, two, or three strokes under a word indicates an *increasing* level of emphasis—three being a word that will be given extreme emphasis. Second, breaks or diagonal lines can be inserted in the text to slow you down—to add a dramatic pause at precisely the right time. For example, "We must all do what is right/ what is fair// what is American." Third, inflection marks will remind you where to raise or lower your voice at the right time, again for dramatic emphasis. To have inflection marks stand out, you may want to use a colored pencil or pen. Finally, give yourself stage directions. For example, if you get to a particularly funny part of the speech, you may want to pause so the audience has time to laugh; therefore, write the word "pause" in parenthesis into the text, or you'll forget and deny the audience the opportunity to laugh as you blast past the punch line and into the next thought.

Use Lots of Gestures

Keep at least one hand free to gesture—though, as always, two hands are better than one. Gestures help the audience *see* the point you're making. Scientific research indicates that we all have two brains in one—a right and a left brain. The left brain understands words—the side your spoken words will appeal to. But the right brain understands nonverbal gestures—so pictures or gestures are understood by it. If you use gestures during your speech, the audience will get a double dose of

your message. Just remember, the larger the audience, the larger, more sweeping your gestures should be.

Employ Sweeping Eye Contact

Eye contact is the most important nonverbal gesture you have at your command as a public speaker. However, when you read a text, eye contact is a problem. How do you maintain eye contact but still effectively read a text? You must, as mentioned before, use lots of rapport building eye contact in your introduction and conclusion. Second, you must use every opportunity to look up at the audience as you deliver the text. Pauses, paragraph breaks, and the like help. When you look up, don't stare at one spot—use eye sweeps—short looks over large segments of the audience. To help you evenly distribute your looks, divide the audience into thirds. Each time you look up, gaze at a different third. Start from one side of the room and work systematically across. Then just reverse the process. Audiences understand and expect that you will use full-text speeches, but if you show them you've made some attempt at eye contact, they'll like you and listen to what you have to say.

Don't Rush

Many speakers believe they must rush through a speech because they may have taken too long in the introduction. Don't let that intimidate or rush you. A speaker who rattles off a speech to make up time often appears to be uncaring, mechanical, and worse yet, disinterested in what's being said. As a text reader, you must put as much passion into the text as an actor would put into a script.

If you don't get fired up, the audience never will. Slow down and concentrate on delivery. If you're running out of time, cut off one whole part of the speech—the least interesting—or summarize an entire section in a sentence or two. Consider eliminating the conclusion. These are some options to rapid-fire delivery.

Review With A Conclusion

The conclusion is the last time your audience will get to understand your message. So, repeat it. Memory experts conclude that people must hear things three to five times in order to remember them. The conclusion is the third and last chance for them to hear your ideas. They heard them first in the introduction, second in the body of the speech, and now in the conclusion, for the last time.

Your conclusion should be memorable—a restatement of your theme and/or major points—and it should have a memorable ending. Use an appropriate quote, a story, a reference back to the introduction, or the like. Finally, your conclusion should be delivered extemporaneously, with as few notes as possible. Thus, you end as you began, with very personal eye contact and delivery.

A FINAL NOTE

After you finish your speech and after you finish this article, remember that a prepared text is only *one* kind of a speech. Use it when you need it—when time, accuracy, or technical proficiency are critical. It's a time-tested method to solve these and other dilemmas—one that *in time* may be of great value to you.

FBI

SPEECH CHECKLIST

This sample checklist was prepared so you won't forget the key elements in using prepared text.

HOW TO PUT TEXT TOGETHER

- ☐ Use Orator Print
- ☐ Triple Space Draft
- ☐ Use Ample Margins
- ☐ Write Short Sentences
- ☐ Sprinkle Text with Eye Breaks
- ☐ Keep Paragraphs Short
- ☐ Add Parenthetical Help in Brackets
- ☐ Document what you Say

HOW TO DELIVER

• Before the Speech

- ☐ Conduct Audience Analysis
- ☐ Rehearse out loud
- ☐ Don't Staple your Draft, Paperclip it
- ☐ Carry your Speech to Podium
- ☐ Add Notes

• During the Speech

- ☐ Use a Personal Introduction
- ☐ Give the Audience a Preview
- ☐ Keep your Message and Ideas Clear
- ☐ Score your Text
- ☐ Use a lot of Gestures
- ☐ Employ Sweeping Eye Contact
- ☐ Don't Rush
- ☐ Review with a Conclusion

FBI Announces New DNA Policy

The FBI Laboratory is now prepared to accept physical evidence for deoxyribonucleic acid (DNA) testing.

Because the FBI Laboratory is presently the only police crime laboratory in the United States with this capability, a significant increase in case submissions is anticipated. In order for the Laboratory to be responsive to this increase, considering its limited resources, a selective case acceptance policy has been established to handle these requests effectively.

Policy for Submitting Evidence

In general, this policy states that the FBI Laboratory will accept evidence for DNA analysis from current, violent personal crimes where appropriate standards for comparison are available. Specifically, DNA analysis on State and local cases will be limited to homicide, sexual assault, and serious aggravated assault cases in which a suspect has been identified. In certain cases, evidence will be accepted by the FBI Laboratory for DNA analysis even though a suspect has not been identified. These exceptions include serial homicide/rape cases and sexual assaults on young children. A known blood sample from the victim and suspect is required for comparison purposes.

Requests for DNA Analysis

Requests for DNA analysis on previously adjudicated cases should not be submitted to the FBI Laboratory but should be referred by the investigating agency to one of the private DNA testing laboratories. Names and addresses of these laboratories can be provided upon request.

It is the policy of the FBI Laboratory that no examinations will be conducted on

evidence which has been previously examined by another expert. However, the Laboratory will accept evidence samples for DNA analysis, even though another crime laboratory may have conducted traditional serological tests on the evidence items if that crime laboratory does not have the capability to perform the DNA tests and if the submitted samples are determined to be of a quality and condition conducive to DNA analysis. The local crime laboratory should contact the DNA Analysis Unit of the FBI Laboratory prior to submitting this type of evidence.

Law enforcement agencies requesting DNA analysis are encouraged to submit evidence to their local crime laboratory for traditional serological testing prior to submitting samples to the FBI Laboratory for DNA testing.

Packaging and Shipment of DNA Evidence

Body fluid-stained evidence, submitted to the FBI Laboratory for serological and/or DNA analysis, should be completely air dried before packaging and submitted promptly. Blood samples from the suspect and victim should be collected by medical personnel in two vacutainer tubes, one containing EDTA for DNA analysis and the other containing no preservative for serological analysis. These blood samples should be submitted to the Laboratory without delay. In the event there will be a delay in submission of the dried stain evidence to the Laboratory, it should be kept frozen. Questions regarding the collection, preservation, and submission of evidence to the FBI Laboratory for DNA analysis should be directed to the Laboratory's DNA Analysis Unit, telephone (202) 324-5436. **FBI**

Municipal Liability For Inadequate Training and Supervision

Divergent Views

By

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In 1961, the U.S. Supreme Court ruled in the case of *Monroe v. Pape*¹ that State and local police officers could be sued in their individual capacities in Federal court for damages pursuant to 42 U.S.C. §1983 (hereinafter §1983).² To succeed in a §1983 action, the Court held that the plaintiff must prove that an officer, acting under color of State law, deprived him/her of a constitutional right. However, the Court in *Monroe* refused to extend this same liability to municipalities under §1983.

In 1978, the Court, in *Monell v. New York City Department of Social Services*,³ ruled for the first time that a municipal corporation⁴ may be held liable under §1983 when it implements or executes a formal policy statement, ordinance, regulation, or decision officially adopted and promulgated by its officers which results in a constitutional deprivation.⁵ Moreover, the Court held that a municipality may also be liable for constitutional deprivations which are

caused by governmental "custom," even though such custom has not received formal approval through the city's official decisionmaking channels.⁶

The Court in *Monell* made it clear that municipal liability was predicated solely upon the unconstitutional conduct of the municipality, eschewing the idea that liability could be visited upon a city on a respondeat superior theory. This theory imposes liability upon an employer for the wrongful actions of an employee, regardless of absence of fault by the employer.

This article will examine the divergent views of the Supreme Court Justices and Federal courts with respect to the proper standard for municipal liability and the kind of proof required before liability can be found. Additionally, suggestions will be made to assist police departments in their efforts to minimize exposure to this potentially devastating form of liability.

Divergent Views of Liability Standard—Supreme Court Decisions

Plaintiffs attempting to sue a municipality under §1983 for injuries caused by unconstitutional conduct of police officers are required by *Monell* to establish that their injuries were caused by either a municipal policy or custom. If plaintiffs are unable to point to an official policy which is unconstitutional on its face, they must then establish that the department adopted a custom of inadequate training or supervision. However, exactly what level of proof is necessary to establish this custom of inadequate training and supervision is a matter of considerable dispute among the Justices of the Supreme Court. Some Justices would permit a finding of a custom based on a single incident of unconstitutional conduct; others would require a more demanding showing of a deliberate indifference to a past pattern of unconstitutional conduct. This diver-

gence is clearly illustrated by the differing opinions offered in the case of *City of Oklahoma City v. Tuttle*.⁷

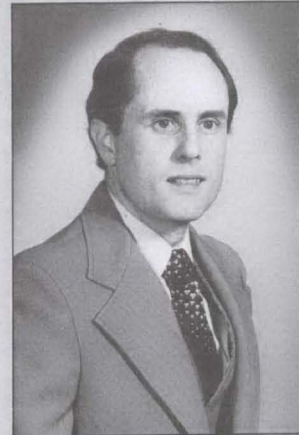
In *Tuttle*, a rookie police officer, responding to an anonymous report of an armed robbery in progress, proceeded to a local bar. There, the officer observed Tuttle, who matched the description of the alleged robber as furnished by the anonymous caller. After learning that no robbery had occurred, the officer approached Tuttle and grabbed him. Tuttle broke away, ignored a command to halt, and ran outside, where he was seen kneeling with his hand in his boot. When Tuttle ignored a second command to halt and began to rise, the officer shot and killed him. Following the shooting, when a toy gun was found in Tuttle's boot, the officer admitted he never saw a weapon, real or otherwise, in Tuttle's possession.

Tuttle's wife sued the officer and the city in Federal court, alleging deprivation of constitutional rights in violation of §1983. At trial, an expert witness testifying on behalf of the plaintiff concluded that based on the officer's actions during the incident and his own review of the department's training practices, the officer's training was grossly inadequate. No evidence was produced showing that this officer or any other officer had ever been involved in past similar incidents.

Prior to deliberation, the jury received an instruction that permitted them to find a custom of inadequate training based upon a single, unusually excessive use of force. The jury found for the officer, but returned a verdict against the city for \$1,500,000. The jury's verdict was affirmed by

Special Agent Callahan

“
**Plaintiffs ... are
required ... to establish
that their injuries were
caused by either a
municipal policy or
custom.**”



the U.S. Court of Appeals for the 10th Circuit. A divided Supreme Court reversed the lower courts' findings of liability, but the Justices advanced divergent views on the proper standard for municipal liability based on a custom of inadequate training or supervision.

A "Pattern of Past Conduct" Standard

Justice Rehnquist, writing the plurality opinion,⁸ concluded that the trial court's instruction to the jury permitted a finding based solely upon a respondeat superior theory,⁹ which was expressly forbidden by the Court's holding in *Monell*. Since the instruction permitted imposition of liability based solely on proof that the city employed a nonpolicy maker who violated the Constitution, the court of appeals' decision was reversed.

In the remainder of his opinion, Justice Rehnquist provided insight into his view of whether, and under what circumstances, claims of inadequate training will give rise to municipal liability. Specifically, Justice Rehnquist's

view appears to be that liability should not exist when the only proof offered is a single, unconstitutional act of a subordinate police officer. Rather, in order to prove that a custom of inadequate training caused an injury, the plaintiff will likely be required to establish a history or pattern of similar past incidents which went unaddressed or unremedied by policy-making personnel. Furthermore, the standard of liability in Justice Rehnquist's view approaches deliberate and conscious choice and proof of "gross negligence" is not sufficient.

The "Single Incident" Standard

Justice Brennan's concurring opinion focused on two types of evidence presented at trial—proof that a single subordinate officer shot and killed the deceased in an alleged unconstitutional manner and the testimony of an expert witness who introduced "direct evidence" of the city's inadequate training policies. This direct evidence included expert testimony that the department provided only

24 minutes of instruction on how to answer robbery-in-progress calls and that statistically, robbery-in-progress calls are extremely dangerous. Also, evidence was offered that the officer himself believed he was inadequately trained. Nevertheless, Justice Brennan agreed with Justice Rehnquist that the case must be reversed because the jury's instruction was improper. However, he rejected Justice Rehnquist's view that proof of a pattern of past similar instances of misconduct must be established before a city can be held liable based on a custom of inadequate training.

Justice Brennan appears ready to accept the idea that municipal liability may be established by proof of one incident of unconstitutional conduct by a subordinate employee when that evidence is coupled with direct evidence of inadequate training. While Justice Rehnquist expressed doubt about whether the standard of municipal liability should be "gross negli-

A "Deliberate Indifference" Standard

In the aftermath of *Tuttle*, Justice O'Connor had an opportunity to make her views known when the Supreme Court denied review in the case of *Kibbe v. City of Springfield*.¹⁰ In *Kibbe*, a suspect, reportedly armed with a knife, abducted a woman and fled in his car. Police officers in pursuit attempted two unsuccessful roadblocks before the suspect was shot and killed by a motorcycle officer riding abreast of the getaway car. The victim was rescued uninjured.

Kibbe, the administratrix of the suspect's estate, filed suit against the officer and the city in Federal court under §1983. At trial, the jury was instructed to return a verdict against the city if they found the city "grossly negligent" in failing to train its officers properly. A verdict was returned against the city in the amount of \$50,000. On appeal, the city for

a pattern of police misconduct before they can be sued under §1983. The court found that Kibbe had presented sufficient "direct evidence" of inadequate training, which included:

- 1) Testimony from two officers that they did not receive training on how to arrest suspects fleeing in vehicles who ignored orders to stop.
- 2) The court observed that officers received no training as to what reasonable alternative should be considered prior to shooting.
- 3) The officers who fired were in conflict with a department rule prohibiting discharge of weapons when innocent persons are at risk. The jury could have inferred that no shooting would have occurred if police had been properly trained not to shoot when hostages are at risk or the incident occurs in a heavily populated area.

The Supreme Court granted review of *Kibbe*, but later dismissed the writ of certiorari as improvidently granted.¹¹ One issue that the Court contemplated resolving in *Kibbe* was whether the standard of municipal liability for inadequate training should be gross negligence or some higher standard. The Court dismissed *Kibbe* because it determined that the city did not timely object to the gross negligence jury instruction at trial.

Justice O'Connor, joined by three Justices,¹² filed a dissenting opinion and objected to the dismissal. More importantly, Justice O'Connor provided her viewpoint on the correct standard of municipal liability for a custom of inadequate training. She explained that inadequate police training may serve as a basis for §1983 liability

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... municipal liability [is] predicated
solely upon the unconstitutional conduct of
the municipality....”

gence" in training or supervision, Justice Brennan remained silent on that point. Justice Brennan's silence could be construed as tacit agreement with the lower courts' finding in *Tuttle* that "gross negligence" is the proper standard by which municipal policy makers should be judged. It should be noted that courts are in general agreement that simple negligence in training or supervision is never sufficient to establish liability under §1983.

the first time challenged the jury instruction regarding "gross negligence" and argued instead for a high standard of "deliberate indifference," which would require proof of a pattern of past similar misconduct to establish a custom.

The U.S. Court of Appeals for the First Circuit rejected the city's argument and ruled that gross negligence is a viable standard for municipal liability. The court also noted that citizens of a municipality do not have to endure

only where the failure to train amounts to a reckless disregard for, or deliberate indifference to, the rights of persons within the city's domain.

Justice O'Connor criticized the direct evidence of failure to train which the court of appeals relied upon. She labeled it speculative and insufficient to support a jury finding that the city adopted a policy of inadequate training by deliberate indifference to the constitutional rights of the suspect. Justice O'Connor would therefore reverse the lower court's finding of municipal liability.

In *Tuttle*, Justice Rehnquist adopted a liability standard that required proof of a pattern of past similar misconduct to establish §1983 liability against a city for a custom of inadequate training. Justice O'Connor's "deliberate indifference" standard is closely aligned to Justice Rehnquist's standard requiring a "pattern of past misconduct." Both standards pose formidable proof burdens on plaintiffs. Under either standard, a plaintiff would be required to prove a past pattern of similar bad acts which department policy makers failed to remedy, thereby displaying deliberate indifference to the problem, and by acquiescing to the problem, adopting a custom of inadequate training.

Lower Court Determinations of Liability Based on a Custom of Inadequate Training or Supervision

In light of the divergent views on the Supreme Court, it is not surprising that Federal appellate courts also disagree over the appropriate standard of municipal liability for a custom of inadequate police training or supervision and the amount and nature of proof

required to support a verdict. Some Federal appellate courts appearing to follow the views of Justices Rehnquist and O'Connor require a pattern of past misconduct and a standard of deliberate indifference.¹³ One case which illustrates this point involved claims of inadequate police supervision.

In *Harris v. City of Pagedale*,¹⁴ a city police officer stopped Harris for allegedly running a red light. The officer hand-

ference to, or tacit authorization of, the misconduct by city policy makers by failure to take remedial action following notice of a pattern of misconduct by subordinates. Second, the court reviewed the evidence presented which included testimony by the plaintiff and another woman that they were sexually assaulted by the officer in question. Moreover, city officials and residents testified that similar accusations had been made against

“... simple negligence in training or supervision is never sufficient to establish liability under §1983.”

cuffed Harris and took her to the station, where he sexually fondled her. He subsequently took Harris to a nearby cemetery, where he repeatedly raped and sodomized her. Harris sued the officer and the city under §1983, alleging that the city had adopted a custom of failure to receive, investigate, and act upon citizen complaints of physical and sexual misconduct against city police officers. Harris presented evidence at trial of prior incidents of sexual misconduct by the officer involved and other city officers. Additionally, Harris presented evidence that city policy makers were aware of these complaints and failed to remedy a known and continuing pattern of unconstitutional police misconduct. The jury returned a verdict against the officer and the city for \$200,000.

The Eighth Circuit Court of Appeals affirmed the jury verdict, setting forth its view of the standard of municipal liability. First, the court ruled that the plaintiff must demonstrate deliberate indif-

ference to, or tacit authorization of, the misconduct by city policy makers by failure to take remedial action following notice of a pattern of misconduct by subordinates. Second, the court reviewed the evidence presented which included testimony by the plaintiff and another woman that they were sexually assaulted by the officer in question. Moreover, city officials and residents testified that similar accusations had been made against that officer and others by many other victims. Finally, several city officials admitted they were aware of these complaints, had received complaints themselves, and had notified other officials about them. In ruling against the city, the court observed that "there was a pattern of sexual misconduct by City police officers ... City officials in positions of authority and responsibility were notified ... but ... repeatedly failed to take any remedial action."¹⁵

The court thus concluded that the city's actions, or lack thereof, amounted to deliberate indifference. Having found that Harris successfully established that her injuries resulted from a custom of inadequate supervision, the court of appeals upheld the lower court's finding of liability against the city.

In contrast, the U.S. Court of Appeals for the Sixth Circuit recently decided a case which would apparently fall within Justice Brennan's view that municipal policy makers may be held liable

for a custom of inadequate training or supervision based on a single incident which results in a constitutional injury. That custom can be established by proof of an unconstitutional act, plus direct evidence of inadequate training.

In the case of *Harris v. Cmich*,¹⁶ a police officer stopped Mrs. Harris for speeding and subsequently arrested her after she became uncontrollably upset and uncooperative. Mrs. Harris had to be carried into the police wagon because she could not or would not walk on her own. Upon arrival

The Sixth Circuit Court of Appeals reversed that verdict because of an improper jury instruction regarding Harris' claim of injury through participation of supervisory personnel. The court, however, approved the evidence produced at trial regarding inadequate training and would have affirmed the verdict, but for the improper jury instruction.

In reaching that result, the court observed that an appropriate standard for municipal liability is gross negligence. The court examined the evidence produced re-

improper jury instruction, the case was remanded for a new trial.

The U.S. Supreme Court has agreed to review this decision of the sixth circuit and will have an opportunity to provide more definitive guidance as to the proper standard for determining municipal liability under §1983 for a custom of inadequate training or supervision and the amount and type of proof necessary to meet that standard.

When courts are confronted with particularly egregious allegations of police misconduct that extend beyond an isolated incident, they are likely to find liability based on a custom of inadequate training or supervision, irrespective of the divergent views on the Supreme Court. For example, the Fourth Circuit Court of Appeals permits recovery under two theories of liability. First, it allows suit against a municipality by determining it adopted a custom of inadequate training of police officers in the absence of evidence of past instances of abuse. Alternatively, when past evidence of abuse does exist, the plaintiff may allege the municipality adopted a custom of inadequate supervision. Both theories were successfully advanced by the plaintiff in *Spell v. McDaniel*.¹⁷

Spell was arrested for possession of a controlled substance and driving under the influence. At trial, it was alleged that the arresting officer brutally assaulted Spell by kneeling him in the groin, which resulted in the surgical removal of a testicle and irreversible sterility. Spell sued the officer and the city under §1983. With respect to the city, Spell alleged that a custom of inadequate training and supervision caused his injuries.

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... divergent views ... exist regarding the proper standard for assessing municipal liability for a custom of inadequate training or supervision.”
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at the station, Mrs. Harris was discovered lying on the floor of the wagon. A police captain asked Mrs. Harris if she needed medical help, but she did not respond and no medical help was rendered. During booking, Mrs. Harris slumped to the floor three times and was left there for 10 minutes to avoid further falls. She was incarcerated between 30 to 40 minutes before being released on bail, whereupon she was taken to the hospital by her family. The diagnosis was gross stress reaction, anxiety, and depression. Mrs. Harris received psychiatric therapy for over a year.

Harris sued the city under §1983 for depriving her of a constitutional right to medical care. She argued alternatively that inadequate training or direct participation of supervisory personnel caused her injuries. The jury awarded \$200,000 to Mrs. Harris.

garding inadequate training. In addition to testimony regarding the actual incident, plaintiff introduced a police department regulation which stated that jail officials shall take an inmate to the hospital when the inmate cannot explain his or her condition or complains of illness. The former police chief testified that shift commanders have sole discretion based upon personal observation to decide whether to send an inmate to the hospital. The city offered no evidence that shift commanders received medical training, other than minimal first aid training, to help them decide whether inmates should be brought to the hospital. The court found this evidence sufficient to support a jury verdict that a custom of inadequate training caused plaintiff's injury. However, because the jury could have found against the city based on the

The jury returned a joint verdict of \$900,000 against all defendants.

The fourth circuit affirmed the verdict and observed that two theories of municipal liability have emerged when no municipal policy can be found which is per se unconstitutional. The first located fault in deficient police training programs, which cause constitutional violations by untrained or mistrained officers. The second located fault in the failure of police managers to correct a widespread pattern of unconstitutional conduct by subordinates. The court stated that in appropriate circumstances, either theory may be invoked.

Regarding the custom of inadequate training theory, the court required proof that with respect to a particular training deficiency, department policy makers acted with deliberate indifference to the constitutional rights of citizens. The court explained that this standard of liability requires proof that there was a "reasonable probability" that the training deficiency would cause constitutional injury. If reasonable probability can be established, municipal liability can result from a single incident caused by a custom of inadequate training.

With regard to the second theory of liability, the court observed that proof of a custom of inadequate supervision must include evidence of a history of widespread comparable abuse. Municipal liability would then depend upon proof of actual or constructive knowledge of the problem and deliberate indifference to correcting it.

The court examined the evidence in *Spell* and concluded that the plaintiff should prevail on both theories of liability. The court first

examined evidence offered to prove that a custom of inadequate training caused plaintiff's injury. It observed that one officer testified that police were trained to knee, strike, or grab the arrestee's testicles to help subdue him. Another officer testified he had seen recruits trained in the technique of kneeling persons in the groin and he also received such training. A third officer testified that the police chief attempted to project a tough guy image in training recruits and condoned the use of excessive force. The arresting officer himself testified that he had been trained to strike and grab the testicles to subdue a suspect. The court ruled that a custom of deficient training was established, constituting deliberate indifference.

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... police departments should carefully review training and supervisory procedures related to high-risk activities ... and citizen complaints against officers.
”

Next, the court examined proof that the custom of inadequate supervision existed which caused constitutional injury. The proof included testimony from several witnesses who were the victims of brutality by city officers. Complaints were filed with the department, but no corrective action was taken and no officer was disciplined. Moreover, several officers testified that they observed instances of excessive force by other officers. Two officers were prosecuted for physical assault by the local district attorney's office, and a former department legal adviser testified

that the chief advocated use of excessive force and rejected corrective measures when suggested. Department records corroborated the existence of brutality complaints which were dismissed after cursory investigation. Consequently, the court held that ample proof existed to establish a pattern of widespread past abuse which established a custom of inadequate supervision.

Suggestions to Minimize Liability

The previously discussed court decisions illustrate the divergent views that exist regarding the proper standard for assessing municipal liability for a custom of inadequate training or supervision. Regardless of what standard a particular court adopts, there are

some steps that can be taken to minimize exposure to potentially devastating liability.

Generally, police departments should carefully review training and supervisory procedures related to high-risk activities. More specifically, training practices which warrant careful scrutiny include firearms, use of deadly and non-lethal force, high-speed pursuit, constitutional criminal law and procedure, civil rights, and prisoner safety in detention facilities. Training practices and policies should be reviewed to insure that they are not per se unconstitutional. Moreover, no training pol-

icy or practice should fall below minimum State standards. Training practices and policies should be compared with those of other major local departments to insure that they are not clearly inferior. No officer should be permitted to avoid training in a high-risk area of potential liability. Strong consideration should be given to providing inservice training in the area of criminal law and procedure, because this area of the law is constantly changing.

With respect to firearms training, officers should train and qualify with the guns they carry on the street. Officers should not be permitted to carry weapons unless they have qualified with those particular weapons. Additionally, targets for qualification should be scored by a firearms instructor, and remedial training should be required for officers who do not qualify.

Supervisory policies relating to citizen complaints against officers and departmental disciplinary actions must be carefully reviewed. Strong consideration should be given to establishing specific procedures for receiving, reviewing, and investigating citizen complaints against officers. These procedures should require that all important information regarding the complaint, investigation, and recommendations of supervisors be in writing. Moreover, procedures should include prompt written notification to high-level department personnel regarding the results of the investigation. Department supervisors responsible for making disciplinary decisions should insure that all decisions are written and fully documented. If an officer becomes a serious disciplinary problem, dismissal from the force should be

considered as an option. Failure to discipline or dismiss officers who develop a "track record" of using excessive force could result in liability.

Departments should insure that hiring policies for new officers are carefully reviewed and evaluated. Serious consideration should be given to conducting background investigations and appropriate testing of potential applicants.

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... responsible
management is
the key to
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municipal liability.”

Departments that maintain detention facilities are especially vulnerable to liability because inmates often injure or kill themselves or others. A careful review of inmate safety procedures is recommended. In that regard, some departments have installed closed-circuit television to monitor each cell.

It is recognized that all these recommendations require monetary expenditures. However, the failure to follow reasonable training and supervisory practices could result in monetary liability which far exceeds those prophylactic expenditures. In the final analysis, responsible management is the key to reducing municipal liability.

FBI

Footnotes

- ¹365 U.S. 167 (1961).
- ²42 U.S.C. §1983 provides:
"Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State ... subjects ... any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights ... secured by the Constitution ... shall be liable to the party injured in an action at law...."
- ³436 U.S. 658 (1978) (hereinafter cited as *Monell*).
- For an analysis of the *Monell* decision, see, Daniel L. Schofield, "Law Enforcement and Government Liability," *FBI Law Enforcement Bulletin*, vol. 50, No. 1, January 1981, pp. 26-31.
- ⁴Municipal corporations include county, city, and town governments which exist within the State.
- ⁵*Monell*, *supra* note 3, at 690.
- ⁶*Monell*, *supra* note 3, at 694.
- ⁷471 U.S. 808 (1985).
- ⁸A plurality opinion is one in which more Justices join than in any concurring opinion (though not a majority of the Court) as distinguished from a majority opinion in which a larger number of the Justices on the panel join than not. See, *Black's Law Dictionary*, fifth ed.
- ⁹As explained earlier in this article, the concept of respondeat superior holds an employer responsible for the wrongful conduct of an employee, regardless of the absence of personal fault on the part of the employer.
- ¹⁰777 F.2d 801 (1st Cir. 1985).
- ¹¹*City of Springfield v. Kibbe*, 107 S.Ct. 1114 (1987).
- ¹²Chief Justice Rehnquist and Justices White and Powell joined Justice O'Connor.
- ¹³See e.g., *Fiacco v. City of Rensselaer*, 783 F.2d 319 (2d Cir. 1986); *Sarus v. Rotundo*, 831 F.2d 397 (2d Cir. 1987); *Colburn v. Upper Darby Township*, 838 F.2d 663 (3d Cir. 1988); *Wellington v. Daniels*, 717 F.2d 932 (4th Cir. 1983); *Languirand v. Hayden*, 717 F.2d 220 (5th Cir. 1983); *Palmer v. City of San Antonio, Texas*, 810 F.2d 514 (5th Cir. 1987) (proof of prior incidents required, but not clear on correct standard of liability), but see *Grandstaff v. City of Borger, Texas*, 767 F.2d 161 (5th Cir. 1985) (pattern of past similar acts not required. Policy and custom of dangerous recklessness can be inferred from multiple bad acts of several officers in one incident. The court also accepted a gross negligence standard of liability); *Kirkpatrick v. City of Los Angeles*, 803 F.2d 485 (9th Cir. 1986) (pattern of similar unconstitutional acts required); *Owens v. City of Atlanta*, 780 F.2d 1564 (11th Cir. 1986) (pattern required but correct standard of liability not set forth); *Brooks v. Scheib*, 813 F.2d 1191 (11th Cir. 1987) (pattern required and standard is tacit authorization or deliberate indifference. However, court noted that the en banc ruling of the 11th circuit in *Gilmere v. City of Atlanta*, 774 F.2d 1495 (11th Cir. 1985) did not decide whether gross negligence or some higher standard of liability was appropriate).
- ¹⁴821 F.2d 499 (8th Cir. 1987).
- ¹⁵*Id.* at 506.
- ¹⁶798 F.2d 1414 (6th Cir. 1986) (unpublished opinion), cert. granted sub nom. *City of Canton, Ohio v. Harris*, 108 S.Ct. 1105 (1988). For other cases which have apparently adopted Justice Brennan's view, see *Voutour v. Vitale*, 761 F.2d 812 (1st Cir. 1985); *Wierstak v. Heffernan*, 789 F.2d 968 (1st Cir. 1986); and *Kibbe v. City of Springfield*, 777 F.2d 801 (1st Cir. 1985), cert. dismissed, 107 S.Ct. 1114 (1987). See also, *Bergquist v. County of Cochise*, 806 F.2d 1364 (9th Cir. 1986) (standard is gross negligence).
- ¹⁷824 F.2d 1380 (4th Cir. 1987).

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.

WANTED BY THE FBI

Any person having information which might assist in locating these fugitives is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC 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.

Because of the time factor in printing the FBI Law Enforcement Bulletin, there is the possibility that these fugitives have already been apprehended. The nearest office of the FBI will have current information on the fugitives' status.



Photographs taken 1983

David Puilum Choi,

also known as David P. Choi, David Puilum Choi, Tsoi Pui Lam.

W; born 2-13-52 (not supported by birth records); Hong Kong, B.C.; 5'8"; 135 lbs; med bld; blk hair; brn eyes; med comp; occ-waiter; remarks: Choi is reportedly a flashy dresser and usually wears designer clothing. Wears prescription glasses. Wanted by FBI for INTERSTATE FLIGHT-MURDER

NCIC Classification:

POPIPOPIPI16PMPMPM

Fingerprint Classification:

16 O 32 W IOI

I 30 U OMM

I.O. 5045

Social Security Number Used: 559-06-1875

FBI No. 247 398 EA6

Caution

Choi is being sought in connection with a slaying in which the victim was stabbed to death. Choi should be considered armed and dangerous.



Right middle fingerprint



Photographs taken 1986

Paul David Crews,

also known as Paul D. Crews, Paul David Crews, Sr., "Butch." W; born 8-2-52; Union County, SC; 5'5"; 150 lbs; med bld; brn hair; blue eyes; med comp; occ-laborer, migrant worker; remarks: Known to frequent libraries as Crews reads a great deal. He is described as a woodsman who can live off the land; scars and marks: Scar on chest, scar on abdomen; Tattoos: "Casey" on right shoulder, "C" on left shoulder.

Wanted by FBI for INTERSTATE FLIGHT-MURDER; ROBBERY

NCIC Classification:

22P116CO161509131612

Fingerprint Classification:

22 L 25 W IOO 16

M 1 U IOO

I.O. 5038

Social Security Number Used: 245-94-8548

FBI No. 33 923 T3

Caution

Crews is being sought in connection with the brutal murder of a female victim wherein her throat had been slashed several times. Crews reportedly carries a sheathed hunting knife on his belt and should be considered armed and dangerous.



Right ring fingerprint



Photographs taken 1982

Melvin Edward Mays,

also known as Melvin Mays, Melvin E. Mays, "Maumee," "Maumie." B; born 9-7-57; Chicago, IL; 5'9"; 165 lbs; med bld; blk hair; brn eyes; dark comp; remarks: He may have a beard and mustache. He is missing several upper left front teeth and stutters when he speaks. Wanted by the FBI for INTERSTATE TRANSPORTATION OF EXPLOSIVES; CONSPIRACY; RECEIPT AND TRANSPORTATION OF EXPLOSIVES; INTERSTATE TRAVEL TO PROMOTE CRIMINAL ACTIVITY; POSSESSION OF UNREGISTERED FIREARMS

NCIC Classification:

1817091914DOAA08PMPI

Fingerprint Classification:

18 L 6 U OIO 14 Ref: 22

O 2 A IM 2

I.O. 5047

Social Security Number Used: 354-56-8017

FBI No. 5 830 AA4

Caution

Mays has been convicted of obstructing a police officer. He is being sought in connection with the purchase of an explosive device and is a known member of a violent street gang. Mays, who is known to possess automatic weapons, should be considered armed and dangerous and a drug user.



Right index fingerprint

From the Editor

As the Editor of the *FBI Law Enforcement Bulletin*, I cordially invite you to submit your manuscripts. The *Bulletin* is geared to law enforcement professionals. We at the *Bulletin* are looking to publish expository (how to) articles; descriptive articles on unique cases, operations, techniques, etc.; narrative accounts; point-of-view pieces (limited to 500 words); and research articles which have been excerpted and explained in layman's terms.

Because the *Bulletin's* space and the reader's time is limited, I strongly recommend that you follow the guidelines

A Call for Manuscripts

provided below. Second, I invite you to send a query letter outlining your ideas before you invest a lot of time. You should also review the previous year's index (found in the December issue) for a similar article which may have been published. Generally, articles on the same topic are not published within a 12-month period. Finally, I strongly recommend that you give your draft article to 2 or 3 colleagues for their reactions to help you with your early revisions. In a sense, colleagues can act as a test audience.

Stephen D. Gladis
Editor

FBI Law Enforcement Bulletin Author Guidelines

The *FBI Law Enforcement Bulletin* is an official publication of the Federal Bureau of Investigation and the Department of Justice.

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Frequency of publication: Monthly

Purpose: To provide a forum for the exchange of information to improve the law enforcement profession.

Audience: Members of the criminal justice profession, but primarily law enforcement managers.

MANUSCRIPT SPECIFICATIONS

Length: 1,000 to 3,000 words or 5 to 12 pages double-spaced.

Format: All manuscripts should be double-spaced and typed on 8½" by 11" white paper. All pages should be numbered and three copies should be submitted for review purposes. Where possible, floppy disks using WordPerfect or WriteOne should be submitted with a typed manuscript. References need only be used where the exact words are taken from another source or

where the idea or concept reported was first presented by the source named and is not widely known.

Writing Style and Grammar: The *Bulletin* follows the *Government Printing Office Style Manual* and/or *The Chicago Style Manual*.

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A photograph of the author should accompany the manuscript. Other suitable photos and illustrations which support the text and assist reader comprehension should also be furnished. Black and white glossy prints reproduce best. In addition, special effort should be made to obtain a high quality, black and white glossy or color photograph, vertical format, for possible use as a cover. Local newspapers and magazines are often excellent sources for such photos; however, permission to reprint is required from photographer or company. If such photos are available, please include the newspaper or magazine title and a photocopy of the photo with the manuscript.

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SUBMISSION

Authors may contact the Special Agent coordinator for police training at the nearest FBI field office for help in submitting articles, or manuscripts may be forwarded directly to:

Editor: *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation, J. Edgar Hoover Building, 10th and Pennsylvania Avenue, NW, Washington, DC, 20535.

Major Art Theft

Claude Monet's *Impression: Sunrise*, the painting which began the Impressionist art movement, was stolen in October 1985, in Paris along with eight other extremely valuable paintings. The International Foundation for Art Research (IFAR), New York City, NY, (212) 879-1780, should be contacted with any information regarding the theft. Refer to IFAR numbers 1161 through 1169. Inquiry can also be made to the National Stolen Art File, FBI Laboratory, Washington, DC, telephone (202) 324-4434.

Descriptions of the stolen paintings are as follows:

Claude Monet, *Impression: Sunrise*, 1872, oil on canvas, 48 × 63 cm

Claude Monet, *Portrait of Jean Monet*, 1880, oil on canvas, 47 × 38 cm

Claude Monet, *Camille Monet and Her Cousin on the Beach at Trouville*, not dated, oil on



Camille Monet and Her Cousin on the Beach at Trouville

canvas, 38 × 46 cm

Claude Monet, *Field of Tulips in Holland*, not dated, oil on canvas, 54 × 81 cm

Claude Monet, *Poly, Fisherman of Belle-Isle*, 1886, oil on canvas, 74 × 53 cm

Berthe Marie Pauline Morisot, *Young Girl at the Ball*, not



Young Girl at the Ball

dated, oil on canvas, 62 × 52 cm
Naruse, *Portrait of Monet*, not dated, oil on canvas, 32 × 18 cm
Pierre Auguste Renoir, *Bather*, not dated, oil on canvas, 54 × 39 cm

Pierre Auguste Renoir, *Portrait of Monet*, not dated, oil on canvas, 19 × 11 cm

U.S. Department of Justice
Federal Bureau of Investigation

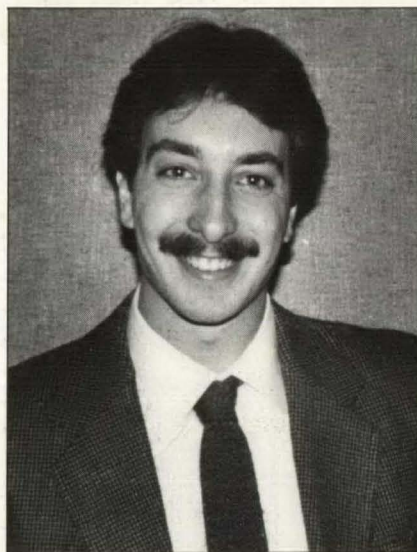
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The Bulletin Notes

On October 3, 1987, Officer Robert Porter of the Downers Grove, IL, Police Department was writing a traffic ticket when he, along with his partner, heard a car behind them skid out of control across a median. A traffic sign punctured the automobile's gas tank, causing gas to leak out onto the pavement and set the car on fire. Officer Porter ran to the burning car and pulled out the unconscious driver only moments before the car burst into flames. The *Bulletin* is pleased to recognize Officer Porter's courageous actions in a life-threatening situation.



Officer Porter