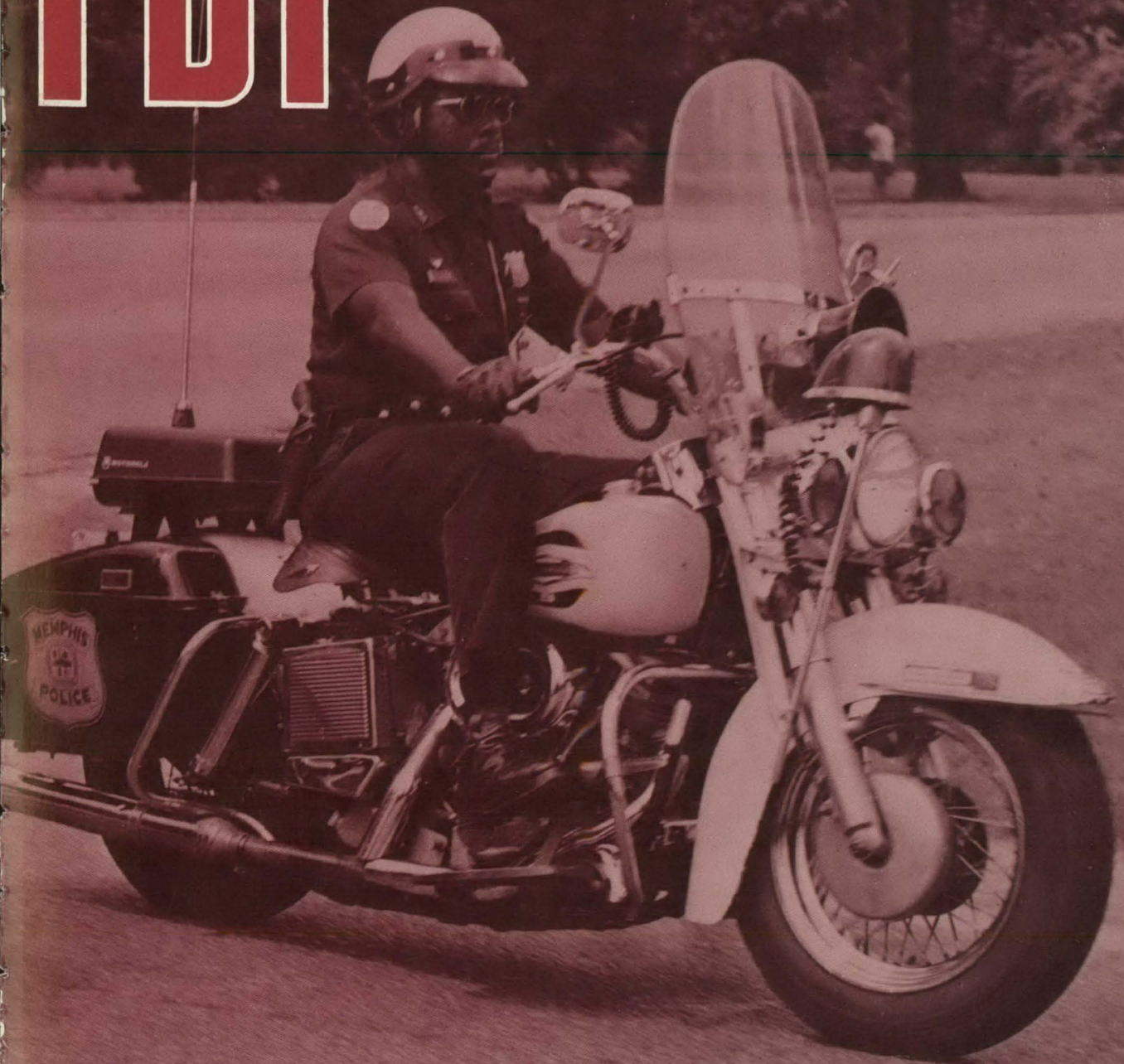


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Clarence M. Kelley, Director

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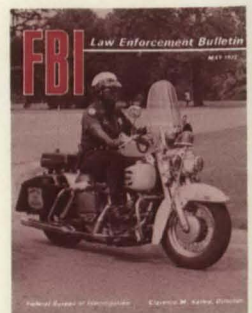
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THE COVER

The motorcycle patrolman provides law enforcement with an essential ingredient—mobility. Cover photograph courtesy Memphis, Tenn., Police Department.



Message from the Director . . .



OVER THE PAST DECADE, American women have achieved notable successes in obtaining social and economic equality in areas formerly dominated by men. Unfortunately, this trend toward sexual equality appears to have manifested itself also in the criminal arena. Increasingly, women are participating in crime.

Even the most perfunctory glance at recent newspaper accounts will underscore this disquieting national phenomenon. In Washington, D.C., it was reported last October that a 17-year-old girl had been charged with assault with intent to murder following the stabbing of two teenage sisters on a crowded suburban schoolbus. The story of two women believed to be responsible for three recent holdups of banking institutions was news in Los Angeles in December. In the same month, an account of the sentencing of two women, described as key participants in a scheme to embezzle more than \$90,000 from a union welfare fund, appeared in a New Orleans newspaper.

Arrest statistics for 1960-75 reveal a substantial rise in female involvement in criminal activity. The total arrest trend for this period indicates a 102-percent increase in arrests of females, more than four times the rate of increase in arrests of males. The number of women arrested for the offense of larceny-theft alone increased 465 percent during these 15 years.

There is ample evidence indicating that women are not only becoming more frequently involved in crime, but they are participating increasingly in crimes of a more serious nature. In the past, domestic misdemeanors, shoplifting, and prostitution comprised traditional modes of female criminality. This is no longer the case. In 1968, the first woman was added to the FBI's "Ten Most Wanted Fugitives" list—for, among other charges, kidnaping and extortion. By October 1970, four women were appearing on the list.

In growing numbers, women are committing murder, robbery, aggravated assault, larceny-theft, and motor vehicle theft. During 1975, 24 percent of reported arrests for these offenses involved females. When considering the violent crimes of murder, robbery, and aggravated assault, women accounted for 11 percent of the total number of persons arrested. Although men continue to be arrested in greater numbers for serious offenses, women are surpassing men in the rate of increase for almost every major crime.

While the current arrest rates for all women have reached significant levels, those relating to females under 18 years of age carry particularly disquieting implications. During the 1960-75 period, the number of female young offenders arrested for robbery increased 647 percent—almost twice the increase for male juveniles. Other categories showed greater contrasts: ar-

MESSAGE

rests for burglary rose 328 percent for girls as opposed to a 132-percent increase for boys; larceny-theft arrests were up 457 percent for girls, almost four times the increase for boys; and the motor vehicle theft arrest increase for girls was seven times that for boys.

Another disturbing trend is that of participation in terrorist activity by females. Female terrorists in the Weather Underground and the Symbionese Liberation Army, for example, have demonstrated a capacity for violence equal to or surpassing males in these groups.

Three decades ago August Vollmer, the noted police administrator, propounded the thesis that the causes of crime are many and that concerted, coordinated action by all agencies will reduce crime. This is the job, coordinated action, facing not only every law enforcement administrator but the entire criminal justice system in connection with the female offender. Now is the time to identify the conditions generating increased female participation in criminal endeavors. And now is the time to formulate a program that will effectively restrain its continuing escalation.

MAY 1, 1977


CLARENCE M. KELLEY
Director

The Handicapped— The Key Is Understanding

By

S. SGT. LAUREN F. W. McKIEL

Royal Canadian Mounted Police
Toronto, Ontario, Canada



A misunderstanding of behavior can cause fears, myths, hatred, and prejudice. When a misunderstanding occurs regarding the behavior of a mentally retarded or handicapped person, a police officer is often the first person called upon to resolve the mat-

"When a misunderstanding occurs regarding the behavior of a mentally retarded or handicapped person, a police officer is often the first person called upon to resolve the matter."

ing outside the home, it is important that police be better prepared to recognize them and to provide them with effective service.

Police Education

Countless hours of police instruction are carried on daily throughout the world. Unfortunately, there are few

specific courses designed to instruct police officers in the recognition and handling of mentally retarded and handicapped persons. Various police departments, however, have given attention to training in this area, and there are helpful training references and aids available.

For the past 16 years, the West Palm Beach, Fla., Police Academy has given 2 hours of instruction, as part of its 280-hour basic recruit classes, in recognizing and handling the mentally retarded. On September 1, 1971, the State of Florida became the world's first governmental body to make training in the recognition and handling of the mentally retarded mandatory during basic police education.¹ This course covers definitions, causes and

ter. Since the mentally retarded and handicapped are participating, more and more, in the routines of daily liv-

recognition of retardation, false conclusions, sources of trouble, handling retarded persons, and the difference between retardation and mental illness, and concludes with an informal meeting between a group of mentally retarded persons and the police recruits for tours and general discussion.

A valuable reference in the teaching of this subject is the training key entitled "Mental Retardation" issued by the International Association of Chiefs of Police (IACP).²

There is no legislation in Canada requiring the training of police officers in the recognition and handling of mentally retarded and handicapped persons.

In September 1975, following a 2-year study, the National Institute on Mental Retardation (NIMR) published a 65-page training manual for instructors of police.³ The project, funded in part by a grant from the Federal Department of Health and Welfare, included the production of a 15-minute color/sound motion picture entitled "The Key Is Understanding."⁴

The course has been taught by NIMR staff and volunteer police instructors to instructors of police at several police academies in Canada. In addition, the course has been included in the program of instruction for basic recruit training of all police personnel in the Province of Ontario. As a result of this instruction, numerous other police departments across Canada have adopted all or part of the manual and the film in their recruit and inservice police training.

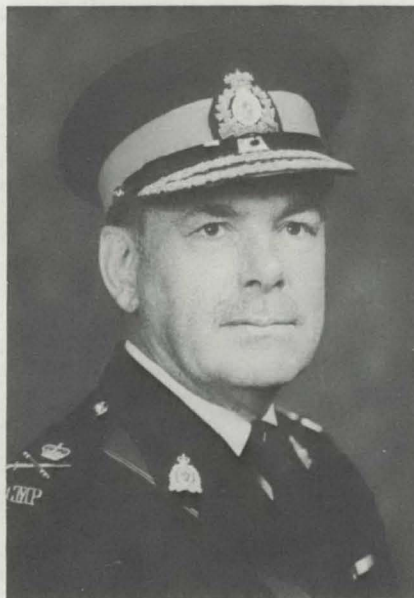
"Police training in this area has never before been more necessary or timely."

Police training in this area has never before been more necessary or

timely. Public attitudes are rapidly changing with a positive approach to development of the full potential of the mentally retarded and handicapped in education, work, and social and recreational fields, with the same basic rights and privileges as other citizens. For the police officer, knowledge and understanding of the mentally retarded and handicapped are vital if he is to provide the best service possible.

Definitions

What do we mean when we refer to a mentally retarded or handicapped person?



Commissioner Maurice J. Nadon

A simplified version of the definition of a mentally retarded person suggested by the American Association on Mental Deficiency (AAMD) states that he is someone who has difficulties in learning and social adaptation.

Delegates at the National Conference of the Physically Disabled described a physically disabled person

as a human being who, through disease, illness, congenital conditions, or traumatic experience, is impaired in functioning in one or more areas of daily living. This functional impairment causes undue dependency on one or more other human beings and/or mechanical devices.

Participants at the Seminar on Law Enforcement and Mentally Retarded and Handicapped Persons found during their studies that the mentally retarded, physically disabled, visually impaired (blind), and hearing impaired (deaf) faced common problems in society.⁵

It is interesting to note that the police participants at that seminar did not consider these handicapped persons an obvious problem in society as they dealt with them, but did feel a course of instruction would be an asset to their staff in providing communities with effective police service.

No Special Treatment

No special treatment is solicited or expected by, or on behalf of, mentally retarded or handicapped people. They, like the police themselves, want to be treated with respect, courtesy, and consideration since their needs are the same—to be loved, to feel worthwhile, to be important to someone, and to have a sense of human dignity.

Society's View

Handicapped people have been stereotyped in a number of different ways over the years, and these labels often times continue to persist in the minds of the general public today. At various times, the handicapped person has been viewed, for example, as a menace, an object of dread (when the common dread disease leprosy declined in Europe, the large institutions that housed lepers were used to lodge

disabled people; and the dread was transferred to the new tenants), an object of ridicule, an object of pity or charity, a "Child of God" (a divine reminder to man of his sins, but someone who is himself incapable of sin and therefore not responsible for his own actions), and a child forever.

Fortunately, today's society in general is replacing the old degrading stereotypes with a more positive view. Handicapped people are increasingly seen as *citizens*, entitled to full protection, rights, and privileges under the law, to the same opportunities and benefits as other people.

Changing Trends in Services

Improved services for handicapped people by parents and guardians and social, governmental, and public agencies have increased their participation in the routines of daily living and have helped them gain acceptance in society, where they live, work, and spend leisure time.

Minimizing differences in personal appearance has been one way of creating greater acceptance. Fashionable clothing and hairstyling, cosmetic surgery, and good dental work have all contributed. Orthopedic appliances, invisible hearing aids, more natural-looking artificial limbs, power-driven wheelchairs, and numerous other devices have helped overcome handicaps.

However, public attitudes must continue to change to create greater acceptance of handicapped people. The police are often called to handle complaints from an ignorant and fearful public which believes that a handicapped person is a threat to community safety. Society must learn to stress a handicapped person's positive qualities, rather than his limitations. The use of outdated terms, such as "retardate," "Mongoloid," or "spastic," focuses on the disability rather than the *person*. Show respect to handi-

capped people by addressing them as Miss, Ms., Mrs., or Mr. Do not use a patronizing attitude or treat them as if they were not present when talking to a third person.

Community services for handicapped people are now considered a basic right. Large, isolated facilities or "institutions" housing thousands of handicapped people are being phased down and replaced by houses,

"Community services for handicapped people are now considered a basic right."

apartments, or smaller group-homes. Today, more handicapped people work alongside nonhandicapped people in most fields, contributing their share toward the economy and gaining their own financial independence.

As these trends continue, handicapped people will increasingly come in contact with the police. They will require help and protection. Occasionally, they will break the law, and the police officer will be required to act. By being better informed about handicapped people, their needs, and available community services and resources, the police officer will be better able to serve both the interests of the handicapped and the requirements of the law.

Mental Retardation

A person of any race, religion, economic class, or cultural background can be retarded. Most causes have to do with environment rather than heredity, and recent medical research has now made it possible to prevent specific forms of mental retardation.

In addition to hereditary causes, infection, poisoning, and injury are some of the factors that can result in retardation not only before birth but also from birth through adolescence.

Head injuries, beatings, and lack of oxygen from delayed resuscitation can also cause retardation.

Children who begin life with "normal" intelligence but who are severely neglected may show deterioration in their intelligence. Retarded children who are involved at an early age in stimulating programs can reach the "average" intelligence level. Recent studies show that intelligence levels are often not inherited and are definitely not permanent.⁶

Myths

Unfortunately, there are still myths about the mentally retarded which are believed by many people. Among these myths are the following:

You Can Tell by Looks and Behavior. Some retarded people have noticeable handicaps or unusual features, while others appear perfectly normal. Appearance is no definite indication of the degree of retardation.

They Do Not React Emotionally. Like all people, the retarded are subject to emotional moods and some are very sensitive to emotional cues, such as harsh tones of voice and facial expressions.

Criminal Tendencies. Criminal acts when committed by handicapped people are usually the result of sudden anger, frustration, or simplicity. They are frequently "used" by experienced criminals, and not being as quick witted, are easily caught. Statistics show the incidence of crime among retarded persons to be no higher than that among the general population.

Mental Retardation and Mental Illness

Mental retardation and mental illness are two separate and distinct conditions.

Mental illness may occur at any time, is often temporary and reversi-

ble, and is primarily an emotional disturbance best treated by psychiatrists and associated facilities. Mentally ill persons may move between normal and irrational behavior. They may be erratic and violent.

Mental retardation is a continuing condition where a person has difficulties in learning and in social adaptation. It is generally the concern of educators and psychologists. Violent behavior is not ordinarily associated with retardation, except in the same situations as for nonretarded persons, such as when self-preservation is threatened.

A person may be mentally retarded and mentally ill at the same time, just as a person may be mentally retarded and also have other handicaps, such as cerebral palsy or blindness.

Physical Disabilities

A physical disability can be a condition from birth. Lack of oxygen or injury to the developing brain of the fetus can cause such disabilities as cerebral palsy. Disease, such as polio, arthritis, and multiple sclerosis, can also cause physical disabilities. An injury to the brain or spinal cord can result in paralysis of the legs, arms, or any part of the body.

Degrees of Retardation and Disabilities

There are four general levels of retardation: Mild, moderate, severe, and profound. These levels reflect the degree of difficulty a person has in learning and social adaptation. Approximately 90 percent of retarded persons are in the mild range. All retarded persons, regardless of the degree of retardation, can learn.

Physical disabilities occur in varying degrees of severity and noticeability. Severely disabled people need attention to their basic needs and have limited mobility on their own.

People with minor disabilities will not be noticeably handicapped. Those people moderately affected will be most noticed in police work. They can get around on their own, with little help, but their degree of disability is sufficient to be noticeable.

Some Related Problems

Mentally retarded or physically disabled persons may face a variety of problems which can affect their interaction with others and with their environment. The following are some of the related problems which the police officer should be aware of when dealing with them.

Judgment Difficulties

A mentally retarded person may not foresee the results of his actions, and those actions may be inappropriate for the particular situation. Retarded people may react in an overly friendly manner. Our culture tends to discourage expression of warmth to total strangers.

Handicapped persons do get lost. The patience and understanding of the police officer will help them on the way again.

Short Attention Span

A mentally retarded person may not be able to concentrate on a specific task for long and may be easily distracted by events around him. He may not be able to follow a conversation, unless it is in simple, everyday language.

Abstract Thinking

Complex ideas or expressions may be difficult for a mentally retarded person to grasp, and difficulties may be experienced in orienting himself to his surroundings, particularly if they happen to be unfamiliar and removed from his everyday experience.

Mobility

While physically disabled persons who have average mobility can maneuver themselves from place to place without danger to themselves or others, a person with restricted mobility may require a device such as a wheelchair to enable him to maneuver.



Stairs, escalators, and revolving doors will present problems. More serious restrictions may confine the person to one place, or require a companion to assist in moving from place to place.

Agility

Many physically disabled persons have an average degree of mobility but are *slower* in maneuvering.

Major Social Problems

New Social Experiences

The difficulties that retarded people experience with everyday social situations, such as riding a bus or eating in a restaurant, can be the result of their inexperience, not their retardation. Practice will enable them to handle such situations properly.

Usually, it is not the police who have problems with retarded or handicapped people. These people have difficulties similar to those mentioned, and the police will then become involved. If the police officer understands some of the problems beforehand, he may possibly be able to prevent them or effectively deal with them.

"Passing" As Normal

Being sensitive about the labels which people apply to them, many retarded persons try desperately to hide the fact of their retardation from themselves and others. Many people have been hurt by their experiences in institutions and try to conceal this history or else explain they were sent away because of nerves, alcoholism, criminal offenses, or the spitefulness of the community.⁷

Retarded people who have had difficulties in society or conflicts with the law may prefer to go to jail, rather than be placed in an institution or su-

pervised by a community service agency. For this reason, the police officer may encounter a resistance and lack of cooperation from the retarded person he is trying to help.

Architectural Barriers

Public telephones are often out of reach for someone who is in a wheelchair or is dwarfed. Because of difficulties entering buses and subways, many disabled people depend on taxicabs for transportation, yet getting a taxi can be a very frustrating experience if the person has a noticeable physical impairment.

Discriminatory Attitudes

Generally, handicapped people find a lack of public understanding of their disability. This often extends to discriminatory practices. Physically disabled people are usually well adjusted to their limitations and are able to compensate for their impairments.

Areas of Contact Between the Police and Handicapped Persons

Police may have contact with handicapped persons in the same variety of situations as they would with the rest of the population: If a handicapped person is lost, confused, or in need of assistance; if he is a victim

"Like the rest of the population, retarded people can be offenders."

of a crime; if his unusual behavior attracts public notice; or if he is a suspected offender.

Providing Assistance to Disabled People

It is often a problem for the police officer to know when and how to pro-

vide a disabled person with assistance. Often, people disabled by cerebral palsy and polio *appear* in need of help but are perfectly capable of managing without assistance.

It is unlikely disabled people will need help with their normal activities, such as walking along streets or entering a building. However, the police officer may want to offer assistance to a person having difficulty with barriers, such as curbs or revolving doors, and in cases of accident, where a person has tripped or fallen, assistance will likely be appreciated. The police officer can always offer help. If a person assures you he does not need assistance, withdraw the offer and observe his progress.

Some Recommended Steps With Retarded Offenders

Like the rest of the population, retarded people can be offenders. Because the police officer is usually first to mediate between the retarded offender and the public, his is a critical position.

Since most retarded offenders are in the mildly or moderately retarded range, the law usually does not exclude them from culpability as it does for some adjudged as "feeble-minded" or "insane." New approaches to the retarded offender in the criminal justice system have been suggested. One approach is "diversion," which recognizes that some of the people involved in the criminal process should not be there. Alternative community-based ways of dealing with their offenses should be explored. If the problem is to be referred back to the community, it is imperative that the resources be there to help the person and the police.

When dealing with the retarded offender, identify the condition as soon as possible. Protect the rights of the person and the admissibility of evi-

dence by making certain the person really *understands* the situation, and call in a family member, social worker, retardation service counselor, or paralegal or legal counselor.

Consider if some form of diversion is appropriate, particularly where there is no threat to the public or property. Make full use of appropriate community resources, and maintain good working relationships with community services for retarded people.

Make the opportunity to introduce your department to some of the retarded citizens in your community through a meaningful police-community relations project. Knowing, and communicating with, retarded people in the community, including any who have had previous conflicts with the law, will let them know they can turn to the police for help.

Blindness

If a person sees at 20 feet or less, after all correction has been made, what the fully sighted person sees at 200 feet, he is considered blind. If he has a very limited field of vision, he is also considered blind.

The majority of blind persons see a little. As a group, they work in numerous careers, and considerable numbers are students taking courses at universities and community colleges. They participate in many sports.

The blind do not have a sixth sense, and no compensating factor takes over when a person loses his sight. They use the words "look," "see," "read" all the time—it's the easiest way to say it. It does not mean the person actually saw.

Oftentimes, blind persons take courses in adjustment to blindness, learning new skills for freedom of movement to function well in a restaurant, at a dance, or wherever people gather. They learn to interpret

sounds they hear and contacts they make through the other senses as meaningful messages instead of casual actions. For example, on the street and at intersections, the sounds of passing cars serve as a guide. The white cane, once the symbol of blindness, becomes a practical tool in the hands of a trained user.

Assisting the Blind

In the course of his duties, the police officer may be summoned to handle situations involving persons who are totally or partially blind. Many blind persons carry a white cane or use a guide dog, but some depend on their remaining vision.

Do's and Don'ts

The guide dog should not be patted; this may distract him from his important duties as a guide.

When you meet a blind person, identify yourself. If you know the blind person by name, refer to him by it, then repeat your own name. Contrary to popular belief, all blind people do not readily recognize voices.

Offer to help. It is a simple gesture, and assistance in finding a phone booth, flagging a taxi, or locating proper entrance to a building is always appreciated. Never propel a blind person ahead of you; it is both dangerous and frightening. When giving a blind person assistance in movement, always let the blind person take your arm since he follows the movements of your body and can distinguish upward/downward movement, corners, turns, etc.

When you leave the presence of a blind or partially sighted person, tell him you are going, so he knows he is on his own again.

Encourage sighted people to keep sidewalks clear of parked cars, open car doors, bicycles, and toys to pre-

vent serious bumps or falls by blind persons.

You can assume that all blind people and partially sighted people have normal intelligence.

Deafness

Most communities have a number of citizens who are severely or profoundly deaf. There is nothing in their behavior or appearance to distinguish them from other people. Some deaf children develop adequate speech, competency in lipreading, and relatively normal language; others have inadequate skills for easy communication with strangers; and some are college graduates with above average language skills. Communication with deaf persons is easy, if not orally, then certainly by writing.

The police officer will occasionally be confronted with the responsibility of meeting the needs of a deaf person. The first task is to recognize that the person is deaf. Pad and pencil may emerge early, and the person may explain his handicap. Thick speech and an obvious disregard for your spoken word may be positive clues to deafness. It is important to recognize the difficulty as deafness and not misinterpret it for other forms of behavior, such as disregard for authority or loss of some control of faculties due to various other possible causes.

Communication with a deaf person, since it is a visual process, is not easily carried out on a dark street, in an unlit cruiser, or in a dark room. It may be time consuming and frustrating; however, patience will bring about the best results. It may be necessary to call upon the services of a person inside or outside the department who is competent in sign language.

The right of a deaf person to have a sign language interpreter in all court appearances has long been recognized. The police should ensure the court is

aware that the person will require an interpreter.

Conclusion

In a modern, fast-moving society, there are countless situations, rules, and regulations that a police officer must know. He will most likely come in contact with handicapped persons during the performance of his duties.

By being aware of some of the visual clues, and having background information on causes and conditions, the police officer will better be able to translate and interpret the condition to an ignorant or suspicious public, thus enabling the handicapped person to take his place in the mainstream of our society, and to enjoy the many activities we all too often take for granted.



FOOTNOTES

¹ Paul G. Rogers, Congressional Record of the United States, May 2, 1972.

² Mental Retardation, IACP Training Key No. 174.

³ Law Enforcement and Handicapped Persons, Training and Reference Manual, National Institute on Mental Retardation, Toronto, Canada, 1975.

⁴ The Key is Understanding, Movie, 16mm color/sound, National Institute on Mental Retardation, Toronto, Canada, 1975.

⁵ Summary Report, National Institute on Mental Retardation, Toronto, Canada, June 1974.

⁶ M. Skodak, "Can Retardation Be Prevented," *Journal of Ontario Association of Children's Aid Societies* (1968).

⁷ R. Edgerton, *The Cloak of Competence* (Berkeley: University of California Press, 1967).

The New FBI Academy—5 Years of Quality Education

Public Affairs

On May 8, 1972, the FBI opened the doors of its new, modern training complex in Quantico, Va. The new FBI Academy, devoted to comprehensive law enforcement education, was designed to accommodate a number of training programs ranging from basic police skills to the most sophisticated and advanced concepts in criminology.

During the past 5 years, more than 35,000 law enforcement personnel have taken part in the various training programs offered at the Academy. Of the 35,000, more than 50 percent have been police officers attending the National Academy, specialized schools, or top-level conferences, seminars, and symposiums relating to law enforcement. Bureau personnel have accounted for 16,512 of the Academy's students: 2,157 were new Agents, 13,142 received inservice training, and 1,213 were support personnel.

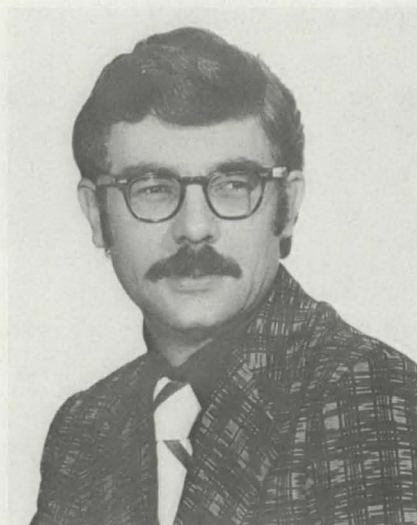
The goal of the Academy has been to foster the highest possible level of professional competence in law enforcement. As the Academy marks its fifth anniversary at Quantico, the staff reaffirms its commitment to this endeavor.



Plainclothes Bicycle Patrol: *Silent—Preventive—Effective*

The city of Richardson, Tex., is a predominantly residential community located north of and adjacent to the city of Dallas, Tex. The city's population of an estimated 67,000 includes a predominance of white-collar workers engaged mostly in scientific and engineering occupations. The average mean income—\$16,000 plus—provides many of Richardson's citizenry with a relatively high standard of living. It is a suburban community of fine homes, churches, schools, and shopping centers.

The city's police force is comprised of 71 sworn officers and 25 civilian support personnel. The community it serves has a low incidence of crimes such as robbery, rape, and murder, but is plagued with a seemingly ever-increasing burglary and theft rate. Two factors appear to contribute to this rising rate. First, the income bracket of the average Richardson citizen allows him to possess various items highly sought after by burglars and thieves, such as television sets, stereos, tape decks, coin collections, 10-speed bicycles, and citizens' band (CB) radios. Second, property of this nature is located in or around residential homes which, for the most part, have entry garages and 6-foot wood security/privacy fences in the rear. These



By
KENNETH R. YARBROUGH
Chief
Police Department
Richardson, Tex.

fences often can assist in providing a secure and private environment in which the thief or burglar can work when no one is at home or attentive.

Initial Approach Unproductive

In an attempt to reduce the burglary and theft rates, the Richardson Police Department initiated directives to patrol personnel to concentrate their patrol activities in residential areas using "high visibility patrol techniques." It soon became evident that this approach was not producing

the desired result. During this time, a criminal investigator was interviewing a burglary suspect who was willing to "clean up all of his business." In the company of the investigator, this burglar was driven around town so he could point out residences he had burglarized. During this process, the burglar made an interesting and enlightening comment. "Drive me up and down the alleys," he stated, "I can't tell nothing from the front of the house. I hit from the rear, it's safer." Based on this tidbit of information, the patrol units were directed to concentrate their patrolling actions in the alleys rather than on the streets. Again, no noticeable effect on the volume of targeted criminal activity was evident.

CB Radio Thefts

During this "trial and error" period, a new wave of thefts further escalated the rising crime rates. Almost

overnight, thefts of CB radios from motor vehicles became a major problem. The city began to average three to four such offenses a night, and at an average cost of about \$200 each, the department's property loss financial tally began to rapidly rise.

Alerting the Public

Since the department appeared to be utilizing its manpower resources, other alternatives had to be pursued. In this regard, the department initiated a program to inform the general public of the problem and seek its assistance. Through use of local media sources, neighborhood meetings, emphasis generated by the Dallas Police Department's series of television spot announcements on community involvement, and mailing of relevant literature to community residents, efforts were made to develop security awareness by the public, encourage reporting of suspicious activities to the police, and promote employment of better security hardware. With the exception of a few isolated instances, it appeared that the public response to our pleas was generally minimal.

"[T]he department initiated a program to inform the general public of the [crime] problem and seek its assistance."

Since various traditional police actions and concepts had been used in attempts to reduce the burglary and theft rates, it would have been easy to state that the police department was doing everything possible to combat crime in the Richardson area and perhaps leave it at that. Or we could blame the apparent apathetic attitude toward this type of criminal activity by some segments of the population as

a possible scapegoat. Obviously such rationalizations did not provide an acceptable answer to our present problem. A "brainstorming" session was used to assess why our present actions were not meeting our expectations.

We began by analyzing current environmental and intelligence data about the community. Environmen-

trash cans, bicycles, or dead limbs, will be in the alley. Alley lighting is poor to fair in 80 percent of the community. Lighting inside apartment complex areas and in the complex parking lots is also poor to fair in about 80 percent of the units. Street lighting in the community is adequate in most cases.

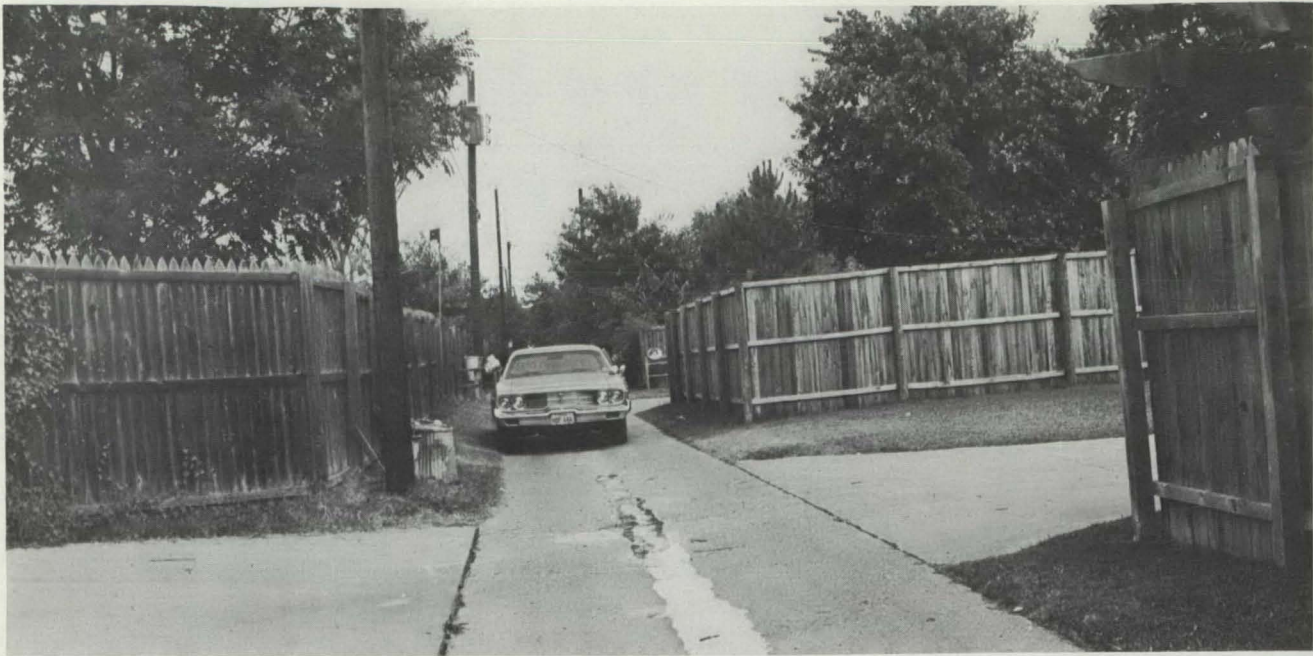


Shrubbery, high fences, and back-alley accesses provide an environment susceptible to exploitation by would-be vandals and thieves.

tally speaking, the city of Richardson is 75 percent residential by design. Apartment complexes and townhomes comprise 10 percent of this figure, while one- and two-story single-family homes comprise the remaining 65 percent of residential dwellings. The apartment complexes are constructed in the standard row or courtyard design, with parking provided in row form and in some cases with overhead shelters but open sides. Ninety percent of the single-family dwellings have rear-entry garages, and 75 percent of those homes are protected in the rear by 6-foot security/privacy fences. Ninety-five percent of the residential alleys are paved; however, the odds are quite high that obstacles, such as

The following information was developed through patrol observations, studying offense report and statistical data, and/or through interview of offenders:

- (1) A good possibility existed that some newspaper delivery boys were quite active in perpetrating acts of vandalism and theft during the early morning hours. Their "loot" was easily concealed in their paper bags, and their movement during this period was not considered unusual by citizens or police elements.
- (2) It appeared that 35 to 50 juveniles were roaming the streets of the community between 2 a.m.



Obstructions in alleys, such as this parked auto, while hindering auto patrols pose no similar hindrance to bicycle patrols.

and 5 a.m. each day. The majority of these youths had apparently "snuck out" during the night while their parents slept.

(3) Arrestees reported they could easily see, and more importantly, hear a police unit several blocks away at night.

(4) The majority of the CB radio thefts and acts of vandalism were occurring in the early morning hours.

Establishing the Bicycle Patrol

Considering the environmental and intelligence data, it appeared desirable to develop a method that would facilitate patrolling a given area in an inconspicuous and quiet manner that would also have a deterrent effect. Since the criminal element was reacting to the environment by using the rear-entry garages, high fences, poor lighting, and alley obstacles to their advantage, two counteractions were

conceivable. First, the environment could be changed in order to provide less opportunity. This was not feasible, since we could not unilaterally rebuild the community. The second possible action was to adjust our tactics to fit the environment and use it to our own advantage. This latter consideration provided the impetus for establishment of the bicycle patrol.

We were aware of the youthful criminal's frequent use of the bicycle and its widespread use for transportation, sport, and fun by the general community. If the bicycle supplied the criminal element a mode of transportation that was efficient, quiet, and inconspicuous, logically the same benefits could be derived by the police department. As initially organized, the bicycle patrol consisted of five teams with two officers per team. The officers wore regular street clothes suitable for bicycle riding. Their weapons were concealed under their clothing, and one team member carried a portable police radio. Bicycles used were personally owned by officers or were

recovered bicycles that were unclaimed.

It was determined that a single team could effectively patrol a 5- to 6-square-block area during a 6-hour tour of duty. The 6-hour tours were performed by the officers as overtime on their normal days off. After initial experimentation in utilizing officers during various time frames, eventually the shifts were concentrated in early morning-hour periods.

The selection of the patrol area and time frame was based on analysis of statistical offense data. The teams were transported to their selected area by the team supervisor in an unmarked departmental van, and the team supervisor remained mobile in the van so that he or another mobile police unit could respond if assistance was required by a team.

During the first two nights of operation, the teams were able to develop intelligence data that led to the clearance of several theft, burglary, and criminal mischief cases. One team actually rode up and apprehended two

juveniles in the process of stealing a CB radio. The teams questioned and released to proceed, or to their parents, 40 juveniles who were discovered in questionable circumstances after 1 a.m.

It became evident that the bicycle teams had a great impact in the areas they were able to effectively patrol. Despite the effectiveness, we could not allow the operation to continue as a continuous program due to cost considerations. A team of officers performing on overtime and patrolling only a small area of the community is quite costly.

Prevention Through Publicity

It was now time to implement the second phase of our program. With outstanding help and cooperation from local mass media sources, we went public with our program. A local television station ran a minidocumentary on the program. All major newspapers in the area provided coverage about it on either their front page or the first page of their metro sections. Radio stations in the area rendered information reports on the teams in their major newscasts. This mass

media coverage of the bicycle patrol was the key element in prevention aspects of the program. Almost overnight, thefts of CB radios dropped from an average of four a night to about one every four nights. Occurrences of nighttime vandalism dropped quickly also. Why? The mass media coverage of the program was designed to effect a psychological deterrent on the criminal. With the large number of bicycle riders frequently on the

"The 'bicycle patrol' is an example of one method of reacting to a particular type of rising crime rate in an effective manner."

streets, it was quite difficult to distinguish the bicycle-mounted plainclothes police officers from the citizens. A potential offender did not know at any given time or place if the bicycle rider, pedestrian, or hidden shadow was just an ordinary citizen or a police officer. It was not worth the chance to find out. The environment for committing the crime had been altered to the detriment of the criminally inclined.

The department is continuing the use of the bicycle team as a reactionary unit. If a specific area becomes a trouble spot, the team can be promptly reactivated. It will first react without notice in an attempt to apprehend offenders or gain intelligence data on criminal activity. The patrol may then be publicized as working in the area, thereby producing a further deterrent effect for other criminal elements still considering illegal operations.

Conclusion

The "bicycle patrol" is an example of one method of reacting to a particular type of rising crime rate in an effective manner. With the recent influx of educated, creative, and intelligent young minds into the police profession, and through the effective use of their skills, police agencies are better able to devise innovative countermeasures against crime. Our bicycle patrol experiment represents one successfully innovative approach. We hope that through similar analysis and controlled experimentation, we may achieve additional success with other crime-related problems in our community.

This posed scene depicts two plainclothes bicycle patrol police officers (wearing T-shirts) questioning two youths in alley behind residences.



Law enforcement agencies, consumer protection organizations, commercial credit-rating businesses, and trade associations should be alert to an investment fraud, the so-called "Schedule D" swindle, which reportedly has already cheated an unsuspecting public of millions of dollars and is occurring with increasing frequency in the United States.

unfeasible or the chances of successful drilling are minimal.

The operators then contract with a well-drilling company, usually for a fixed amount, and file the required prospectus—a Schedule D—with the U.S. Securities and Exchange Commission. Although the prospectus was originally designed and intended to be used as a disclosure device to as-

curate, inflated figures are also deliberately provided to national credit information services. These agencies then unwittingly and innocently act in furtherance of the scheme when, and if, the falsified information is in turn made available to potential investors or other interested parties.

The names of wealthy persons are then obtained from defunct Schedule

The "Schedule D" Swindle: An Oil and Natural Gas Wells Investment Fraud

Modus Operandi

The scheme is characteristically carried out in the following manner:

The unscrupulous Schedule D operators will generally incorporate in those States where drilling activities for oil and natural gas are commonplace, but will subsequently acquire corporate mineral leases in localities where drilling is either economically

sist potential investors, the prospectus filed by Schedule D swindlers overstates the monetary value of the mineral leases obtained, the potential of the wells, the financial history of the corporation, and the amount of business it has conducted with major oil companies. Full disclosure is not made in order to insure a built-in corporate profit. Very often these inac-

D companies and other sources. Office space is obtained, a number of telephones are installed, and salespersons or "pitchmen" are hired on the basis of their experience in other unscrupulous enterprises. The pitchmen, acting for the Schedule D company, make widespread telephone and mail solicitations indicating to potential investors that the corporation is



selling fractional interests in oil and gas wells which are either being drilled or are about to be drilled. Sometimes, the potential investor is told that no fractional interests are immediately available, but he is asked if he might consider investing capital in future drilling operations. If interested, a Schedule D prospectus is forwarded to him. A week or two later, he will be re-contacted and told that, owing to the sudden loss of a good customer, the corporation again has a few fractional interests available for sale.

After the investor commits himself, he is certain to receive a "jackup" call to insure that his check is in the mail. The corporation then commences drilling, and a petroleum geologist's report is made. The wells drilled by Schedule D operators may or may not produce; and those that do, fail to produce in a quantity sufficient enough to justify the maintenance. Nevertheless, and the geologist's report notwith-

standing, the investor is always advised that drilling resulted in a "hit," a productive well with a promising capacity—good news calculated to induce additional investment funds for subsequent drilling.

Investors may place funds in a succession of such wells, but when they demand a return on their investment, the scheme comes to light and the Schedule D corporation closes its doors. It is not uncommon, however, for a Schedule D company to go out of business in one locality, and utilizing the same personnel and mode of operation, reopen in another.

The Fraud

The fraudulent aspect of the Schedule D scheme is to be found in the initial misrepresentations and lack of proper disclosure in the prospectus. Included are misrepresentations made through interstate telephone calls and

mailings regarding the companies' commercial history, drilling experience, and well capacity. Because the swindlers' solicitations of investments are considered "private offerings," the disclosure requirements of the U.S. Securities and Exchange Commission are circumvented.

Jurisdiction

Schedule D swindlers are quite often in violation of Fraud by Wire, Mail Fraud, and Interstate Transportation of Stolen Property Statutes over which the Federal Bureau of Investigation and another Federal agency have jurisdiction.

Any information indicating the perpetration of a Schedule D operation should be promptly brought to the attention of your local FBI field office in order that it may be determined if a possible violation of Federal statute has occurred.

FBI

FIREARM SILENCERS

By

ROBERT J. SCROGGIE

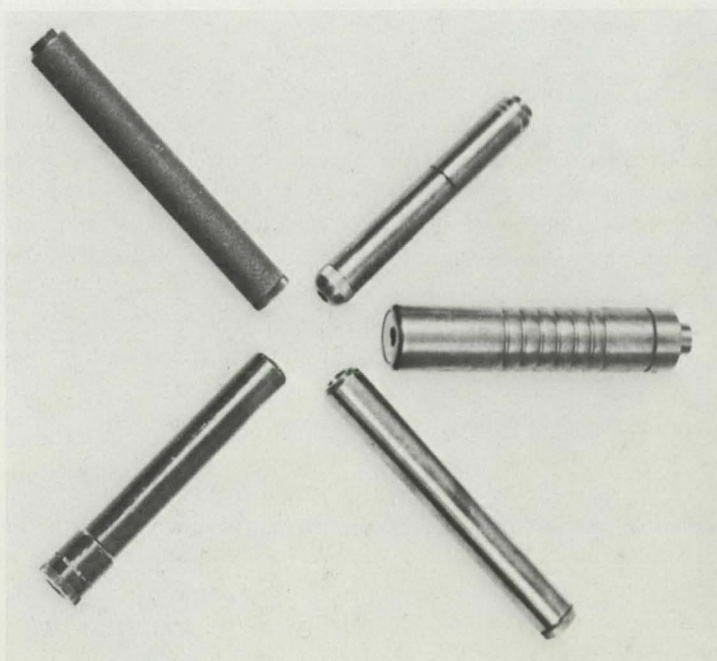
**Firearms Enforcement Officer
Bureau of Alcohol, Tobacco and
Firearms
Washington, D.C.**

The Law

The recovery of contraband firearm silencers is reaching alarming proportions. Registration of these devices is required by the National Firearms Act (26 U.S.C. Chapter 53). Under law, the making, transfer, or receipt of a firearm silencer without filing the proper application with the Treasury Department's Bureau of Alcohol, Tobacco and Firearms (ATF), paying the proper tax, and receiving the required approval from ATF is illegal, and persons who do not comply with these requirements are subject to arrest and severe penalties, if convicted.

An application to make and transfer firearm silencers brings about proper registration in the National Firearms Registration and Transfer Record, which is maintained by the ATF in Washington, D.C., when the

Figure 1. Commercially Manufactured Firearm Silencers.



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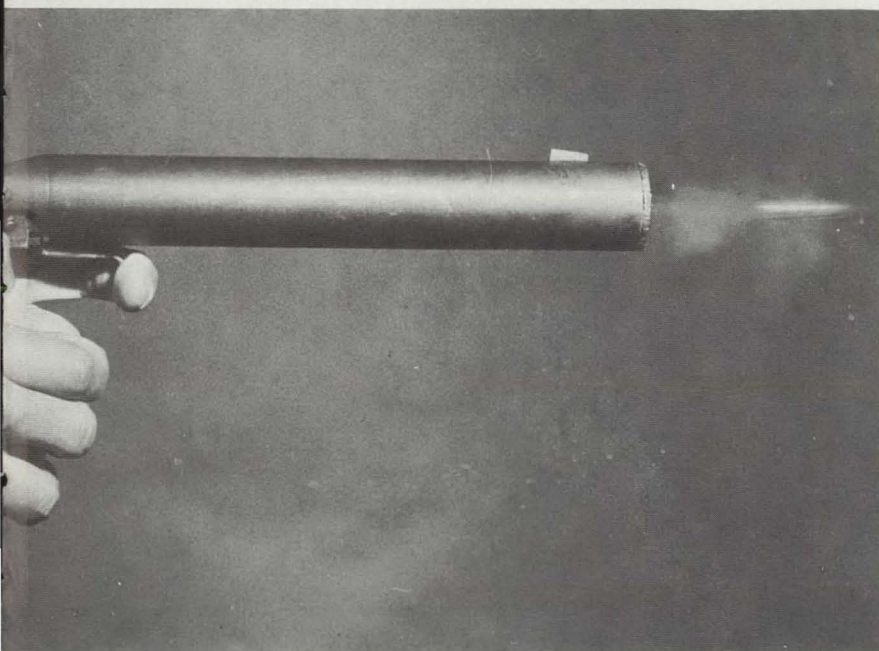
**Figure 3. .3
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almost tot**





Firearm. The gases generated during the firing of a 9 mm parabellum (Luger) case a Walther, P-38, are voluminous, as can be seen here. This illustrates the sound pattern. The more gas control, the more sound control. (See fig. 3.)

Hand Firing Device or "WELROD." The bullet can be seen leaving the muzzle. The great effectiveness of this firing device can be seen by the any gas cloud at the muzzle. (Compare to the unsilenced firearm in fig. 2.)



application is approved by the director of that bureau. All unregistered firearm silencers are subject to seizure and forfeiture.

Although the "mere possession" of an unregistered firearm silencer may not appear to some to be very sinister, experience has shown that persons who unlawfully possess silencers display little conscience when selling them. Most silencers are sold to anyone with the purchase price, which averages about \$300. In many cases, the seller appears to derive a certain thrill from selling a silencer to a person he feels will use it in a violent crime.

Types of Firearm Silencers

Firearm silencers have been controlled by Federal law in the United States since 1934 and were manufactured commercially until 1976. Today, they are still being manufactured commercially in various foreign countries. Statutory control notwithstanding, commercially manufactured firearm silencers make up a substantial portion of the illegal devices sold. Therefore, the officer or firearms examiner can expect to see commercially produced Maxims, Gold Spots, Parker-Hales, Uniques, Descrets, Browns, and Parkers among the devices picked up. (See fig. 1.)

Firearm silencers were manufactured during the World Wars by both Allied and Axis Powers, but of these, the most prevalent are those manufactured by the Allies. The Axis Powers produced fewer than the Allies and seem to have exerted more control over those they did produce.

Basically, commercial silencers follow a pattern. They are tubular in design and are either made as a part of the weapon or are attached by means

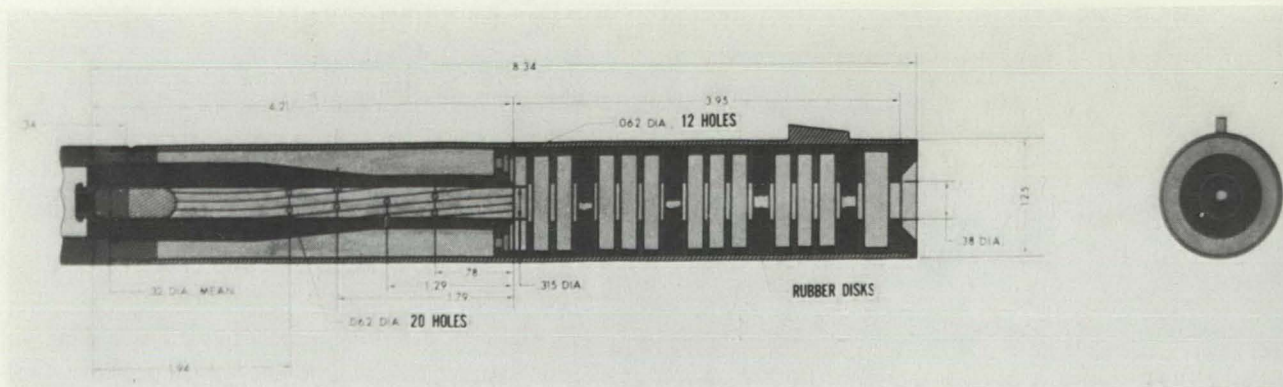


Figure 4. .32-Caliber Hand Firing Device or WELROD. This .32 ACP caliber device was designed during World War II as a silent weapon system. The silencer is an integral part of the firearm. An internal view of the device discloses the system of washers and expansion chambers in this effective design.

of a threaded collar at the muzzle of the firearm. Internally, they differ. Some utilize a series of metal discs through which a hole has been made to permit the passage of the projectile; others use solid rubber, cork, leather, or plastic discs. The precursor wave¹ generated during firing perforates these solid discs. For the most part, commercial or military devices are quite efficient in their intended roles. (See figs. 2, 3, and 4.)

The homemade or improvised silencer can be very different. Generally

tubular in shape, it can range from 1 inch to 2 feet in length, be from 1/2 inch to 3 inches in outside diameter, and "calibered" for anything from .22 to 1.0 inch. Most are of very rudimentary design. The workmanship runs from very finely machined muzzle attachments to the crudest of pieces soldered or welded together and taped to the muzzle of a weapon. However, the workmanship generally has little relation to the effectiveness of the silencer's functional capabilities, provided the design is efficient.

Small mufflers from internal combustion engines or motorcycles are often pressed into service to perform the function of a firearm silencer. The large bore size of these devices tends to make them of little use as effective suppressors. However, the mufflers can have modifications, such as rubber or metal inserts, which tend to make them more efficient. (See fig. 5.)

Much more common are the devices manufactured from scratch using tubing, endcaps, and some sort of steel

Figure 5. Internal Combustion Engine Muffler.





Figure 6. Pipe Silencer. Shown is a typical firearm silencer manufactured from a length of galvanized pipe. It is filled with steel wool, which is used as a gas absorbent. If the exit hole at the muzzle end of the device is of the proper size and the quantity of steel wool filler is sufficient, the silencer can be effective.

wool or fiberglass stuffing. They are usually made from short lengths of water pipe with caps at each end and are capable of performing very well. (See figs. 6, 7, 8, and 9.)

Extruded aluminum alloy tubing, such as TV antenna masting, is showing up more often in the more professional efforts. The designs follow those of such wartime-proven devices as

the Bell Laboratories-designed suppressors used on the High Standard Model HD pistol and the U.S. Sub-machinegun, caliber .45, M3.

Figure 7. Internal Construction of a Typical Pipe Silencer. This device is welded to the muzzle of this 9 mm Browning Short (.380 ACP) caliber firearm of Czechoslovak manufacture. However, due to the large bore size of this device, it is not very effective.



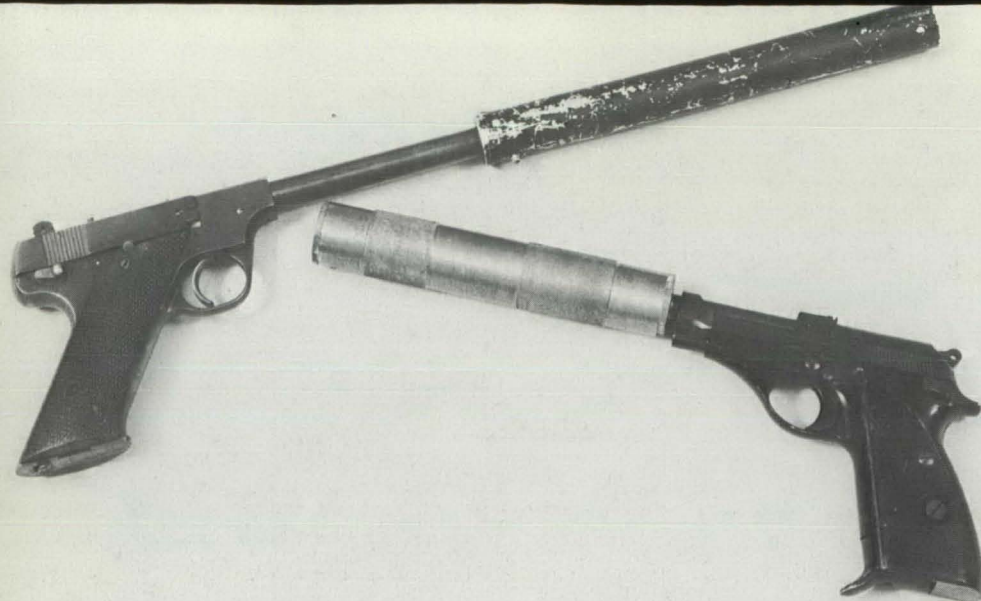


Figure 8. Other Homemade or Improvised Silencers. Pictured are two homemade firearm silencers. The lower one appears to have been made commercially.

Silencer Design

The problems faced in silencer design are fivefold. They include the following: Control of the noises created by the hammer/firing pin fall, primer pop, precursor wave, bullet muzzle exit, and propellant wave. Inasmuch as most firearm silencers are separate pieces of equipment designed to be attached to the firearm, they address themselves to controlling only those sounds created by the precursor, bullet muzzle exit, and propellant wave. However, the hammer/firing pin fall alone creates as much as 106 decibels (dB), on the D scale, as registered on the Brüel & Kjaer, Type 2209, Impulse Precision Sound Level Meter.

Because the explosion of the primer is the most violent action in the firing train, it creates sharp peaks, as much as 122 dB in .22 rimfire caliber as against 152 dB of a fully loaded .22 long rifle rimfire caliber cartridge and

"All unregistered firearm silencers are subject to seizure and forfeiture."

148 dB for the 9 mm parabellum primer only and 166 dB for the fully loaded parabellum cartridge.

Today's homemade silencers are becoming more sophisticated in design. Many are manufactured from seamless

tubing, generally 1 to 2 inches in outside diameter. Endcaps are fitted by threading, soldering, welding, or press fitting. The holes in the endcaps are drilled usually concentrically which, of course, prevents any use of the weapon's sights. In a few cases, these endcap holes will be drilled eccentrically to permit use of the weapon's sighting equipment. The device can be mounted by various means, which include threads, soldering, welding, or friction fit. To disguise the fact that a silencer may be mounted, some firearms will have the barrel internally relieved and threaded, and the corresponding coupling collar on the silencer will be externally threaded to facilitate mounting.



Figure 9. Internal Construction of a Typical Homemade Firearm Silencer. Although the internal fittings are quite simple, homemade silencers can be very effective. As illustrated here, a ported barrel extension, wrapped in screen wire mesh and surrounded by a closed tube, acting as an expansion chamber, is sufficient to reduce the sound level up to 30 dB.

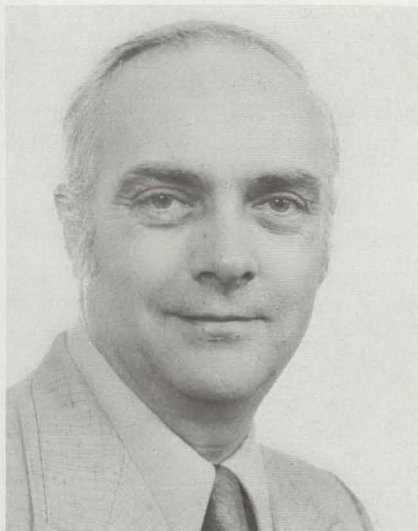
Figure 10. Gases Caused by Firing. Gases escape from a revolver at two places. The first escapage is at the juncture of the cylinder face and the barrel breach. The second is at the barrel muzzle. It can be seen that great amounts of gas escape at both points.



The examination of hundreds of firearm silencers, with over 90 percent being homemade improvisations, has shown that the most efficient types conform to certain basic design features:

1. Mounting is by means of a threaded connection, which forms a gas-tight seal.
2. Internal fittings of the silencer are fixed rigidly in place to prevent shifting.
3. Definite expansion chambers are formed by the internal structure.

Robert J. Scroggie



4. The muzzle exit hole is kept near or at the planned projectile caliber size.

“[T]he workmanship [of homemade or improvised silencers] generally has little relation to the effectiveness of the silencer’s functional capabilities, provided the design is efficient.”

5. The best designs employ perforable plastic, rubber, cork, or leather discs along the bullet path in the device. These discs greatly restrict the gas flow, and as a result, reduce the audible sound to a great degree. (See figs. 10 and 11.)

Defining the Firearm Silencer

The firearms technician preparing to testify in a case involving firearm silencers should prepare his evidence with great care. He should be very familiar with the definition of a silencer as it appears in the statute under which the case is being tried. He should ensure, through confer-

ences with the trial attorney, that the device in question conforms to that definition.

The National Firearms Act defines a silencer as “a muffler or a silencer for any firearm whether or not such firearm is included within this definition.”² Further, the Code of Federal Regulations defines a silencer as “[a]ny device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machinegun, submachinegun, shotgun, fowling piece, or other

Director Rex D. Davis



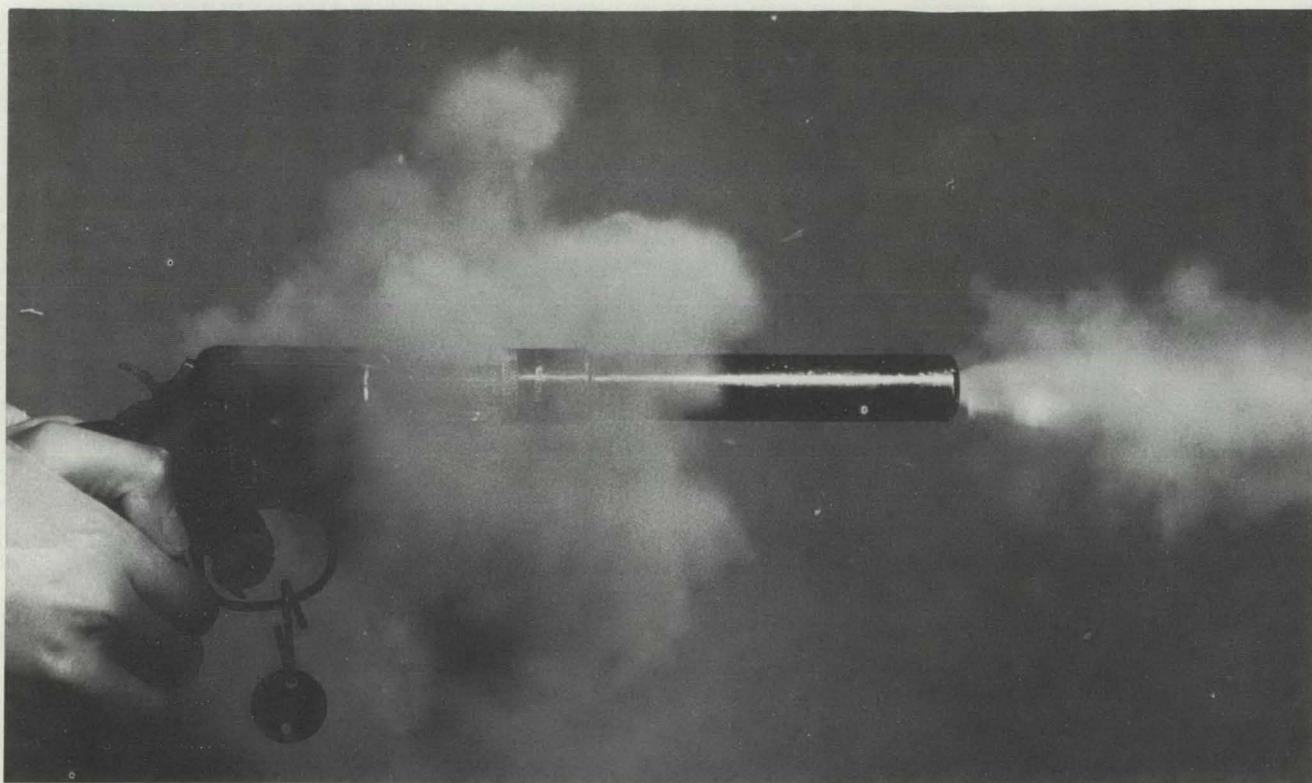


Figure 11. Gases Caused by Firing. Here a revolver is being fired. A French "UNIQUE" brand silencer is fitted to the weapon. No attempt has been made to restrict pressure flow or gas dissipation at the juncture of the cylinder face and barrel breech. The great volume of gas escapeage at this point can be readily discerned. It can also be seen, by the controlled gas stream at the muzzle of the silencer, that the device is partially effective.

device from which a shot, bullet, or projectile may be discharged by an explosive, and is not limited to mufflers or silencers for 'firearms' as defined."³

However, the definition of a silencer under State law differs from State to State. For example, in the State of Montana the Maxim Firearm Silencer is the only one defined.⁴

Testing of Firearm Silencers

A determination as to whether or not a device is a firearm silencer, as defined, must be made by the knowledgeable technician through examination and testing. His examination must include basic design factors involved in the manufacture, as well as overall physical characteristics. A decision as to whether or not the design concept is good or bad may be immaterial if

consideration is given to the legal definition which only requires a "diminishing of the report" of the firearm.

More often than not, the design of the silencer in question may be found in patent drawings or silencer design pamphlets available through bookhandlers that provide firearm literature to the trade.⁵

"[R]ecent years have witnessed a substantial growth in the problem of illegal firearm silencers."

After completion of the visual examination to ascertain the physical characteristics and design factors of the device, the technician should conduct a sound test to determine the ef-

fectiveness of the specific silencer. A proven method of sound testing is one that utilizes an impulse sound level meter with a meter readout in decibels of sound. A viable test should include firing a series of shots through the silencer, and for comparison, a like number of shots should be fired through the firearm without the silencer attached.

The apparatus used by ATF consists of four test-firing beds in calibers .22 rimfire, .32 S&W, .38 S&W, and .45 ACP, a bullet trap manufactured of armor steel, and a Brüel & Kjaer, Type 2209, Impulse Precision Sound Level Meter. A channel iron rail is utilized to mount the bullet trap, test-firing bed, and a support which is used to aline the silencer to be tested with the bore of the test-firing bed and the bullet trap. The bullet trap is capable of trapping and holding any bullet

fired from a normal pistol or revolver. (See fig. 12.)

A typical silencer effectiveness test should contain, as a minimum, the following steps:

1. The silencer is examined to determine the nominal caliber.
2. A test-firing bed of the proper caliber is selected for the test.
3. The sound metering equipment is calibrated.
4. At least three shots are fired through the unsilenced firearm being used for the test to establish a control reading on the sound recording instruments. Each shot is recorded.
5. The silencer is then fitted to the firearm or test-firing bed, and again at least three shots are fired. Again, each shot is recorded.

6. Each set of dB results, both the unsilenced and the silenced test, is totaled and averaged. The difference between the two test results demonstrates the effectiveness of the device being tested.

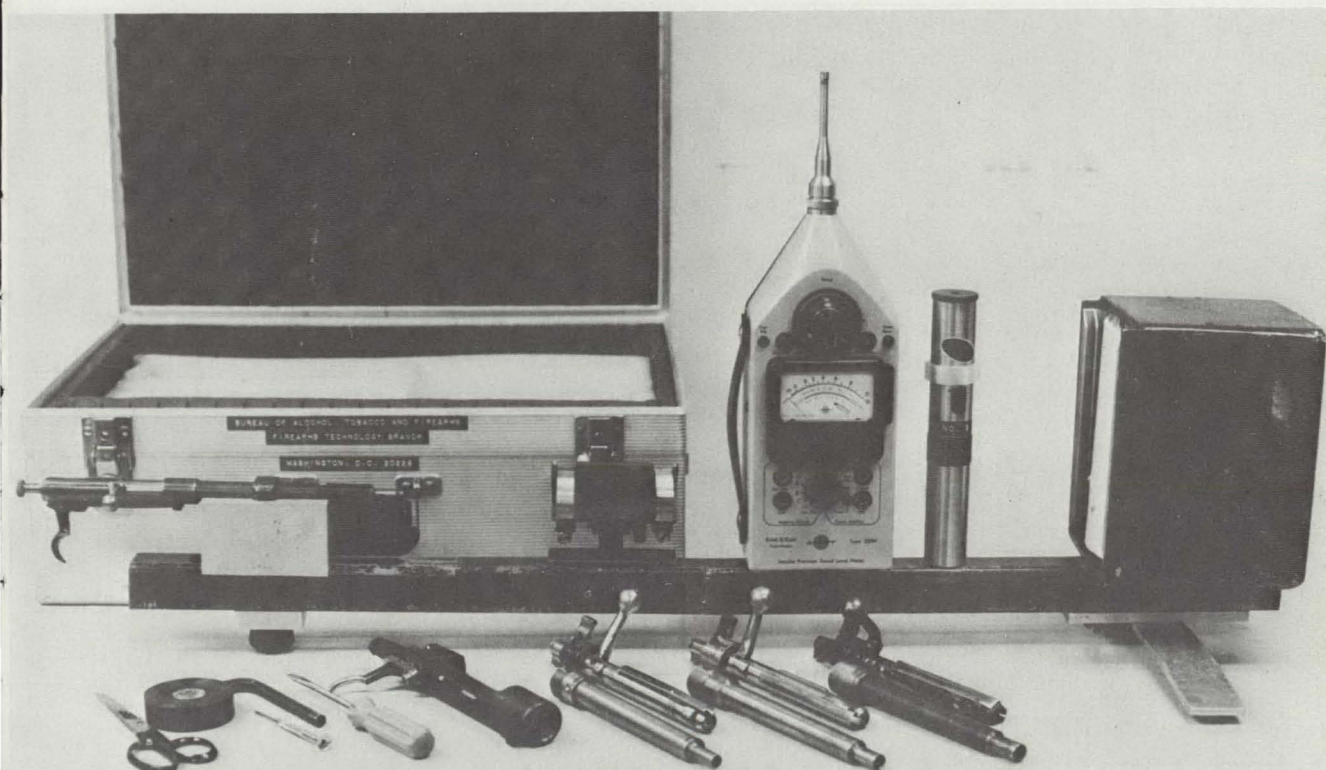
"The equipment for conducting tests of firearm silencers may be constructed of lightweight material which lends itself to compact packaging."

In the case of a silencer accompanied by a firearm, the above test procedure should still be followed. However, the device should be tested with the accompanying firearm, provided

the weapon is in a caliber that can be controlled by the bullet trap in use. Of course, this type of test can be done on an open range facility as easily as in a laboratory. If, for safety's sake or some other reason, it is not feasible to use the weapon accompanying the device, another may be used.⁶

The equipment for conducting tests of firearm silencers may be constructed of lightweight material which lends itself to compact packaging. The equipment, including instrumentation, used by ATF can be transported in a large aluminum camera case. It has been used frequently in open court to demonstrate the effectiveness of firearm silencers. Such demonstrations, performed in Federal, State, and local courts, provide positive evidence which can be realistically evaluated by lay jurors.

Figure 12. Apparatus Used for Silencer Testing. The equipment depicted includes a Brüel & Kjaer, Type 2209, Impulse Precision Sound Level Meter, a Pistonphone (used to calibrate the Type 2209 Meter), four test-firing beds (in calibers .22 rimfire, .32 S&W, .38 S&W, and .45 ACP). A rail upon which is mounted a bullet trap, test-firing bed support, and a silencer mount complete the testing device.



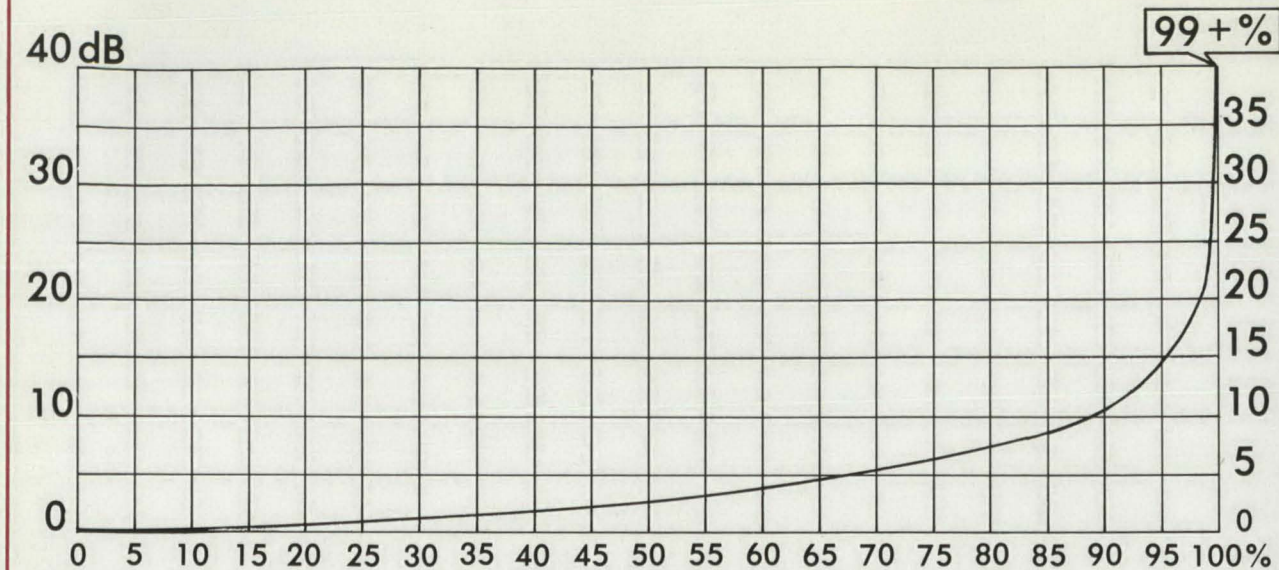


Figure 13. Graphic Percentile Efficiency of Firearm Silencers.

In the testing of silencers, it must be remembered that sound patterns being tested are of the short impulse type of signature. These are entirely unlike the noise patterns created by jet airplanes or sirens. Thus, the instrument readings will be in peak impulse decibels.

Inasmuch as sound variances are not straight percentile readings, the following chart and figure 13 will be useful in interpreting reductions in sound readings and reducing them to percentages.

- 3 dB	from the initial reading	= -50%
- 6 dB	" " " "	= -75%
- 9 dB	" " " "	= -87.5%
-10 dB	" " " "	= -90%
-16 dB	" " " "	= -97%
-20 dB	" " " "	= -99%
-30 dB	" " " "	= -99.9%
-40 dB	" " " "	= -99.99%

Conclusion

As indicated before, recent years have witnessed a substantial growth in the problem of illegal firearm silencers. In general, the types discovered are homemade, improvised devices that are fairly efficient.

The task of determining if a device is, by definition, a firearm silencer is not an easy one. While such a definition may vary by State law, the general definition, under Federal law, includes any device for silencing or

diminishing the report of any portable firearm. It should, however, be emphasized that thorough examination and testing of any device by a knowledgeable technician are necessary to establish that the device does, in fact, conform to the legal definition of a firearm silencer.

"The firearms technician preparing to testify in a case involving firearm silencers should prepare his evidence with great care."

EDITOR'S NOTE.—Articles and other material in the FBI Law Enforcement Bulletin are published solely to inform and assist the law enforcement community. While commercial names may be mentioned in an objective fashion from time to time, their use should not, under any circumstances, be construed as an endorsement or an approval of any particular product, service, or equipment by the FBI.

FOOTNOTES

¹ The precursor wave is composed of the air in the system which is pushed ahead of and compressed by the projectile. This wave also contains a small amount of the propellant wave that bypasses the projectile.

² 26 U.S.C. 5845(a) (7).

³ 27 CFR 179.11.

⁴ Rev. Codes of Mont. 94-8-223, 94-8-225.

⁵ Gun Week, The Amos Press, Inc., Sidney, Ohio 45365; The Shotgun News, P.O. Box 6699, Hastings, Nebr. 68901.

⁶ *United States v. Disa*, aff'd memo, No. 75-2423 (9th Cir. 1975).

The Citizen Observer Program:

A Two-Way Exercise in Police-Community Relations

By
LT. DOUGLAS W. CHASE*
Police Department
Missoula, Mont.

Missoula, Mont., a community of approximately 55,000 people, sits at the hub of five beautiful valleys in the western portion of the State of Montana. The area is primarily mountainous, timbered, and dotted with lakes and streams. The city of Missoula is the home of the University of Montana, and the community has progressed as a modern, industrial city in keeping with the progress of the State of Montana itself. The Missoula Police Department currently consists of 49 officers, all of whom have a keen interest in community relations and



in implementing community-oriented programs.

As a result of this interest in promoting community relations, in 1967 a new unit was created within the department: the Public Relations Unit, or as it is now known, the Community Services Unit.

Initially, various community relations programs were considered by the unit, some of which were eventually adopted. Nearly all of these programs were specifically designed to acquaint the general public with the problems facing law enforcement in the community. Among the early programs, many of which are still ongoing, were a narcotics education program, a bicycle

*Lieutenant Chase, a graduate of the 93d Session of the FBI National Academy, currently heads the Community Services Unit of his department.

safety program, a police facility tour program, and a program to provide police speakers at schools and before various civic groups.

Yet, in spite of all these worthwhile programs, which definitely have a place in our department's overall community relations activities, we still wanted a program that would enable us to more effectively improve our community relations with a greater number of citizens, and at the same time, be within the economic limitations of the department.

We wanted a program that would achieve the following main goals:

1. Reach a large number of citizens and have a definite impact on them.
2. Educate the public to the day-to-day problems confronting the police officer.
3. Create an awareness on the part of the citizens that the police officer, too, is an interested, working member of the community.
4. Generate feedback so that we could better evaluate ourselves in the light of the community's view of us.

In order to achieve these goals, a "citizen observer" program was undertaken. This type of program had been previously considered, but the question of departmental liability had acted as a stumbling block. Later, however, through direct conferences with the mayor of Missoula and insurance officials, we learned that a program of this nature could obtain adequate liability coverage.

Consequently, the chief of the Missoula Police Department issued a questionnaire to all members of the department to see what the general consensus would be regarding such a citizen observer program. It should be emphasized that the chief made it quite clear at the onset to the men that participation in such an undertaking would be completely voluntary. The

concept was received with enthusiasm, and almost all of the officers volunteered to take citizen riders on patrol.

On March 12, 1974, the chief, with the assistance of the captains of the Uniform and Juvenile Divisions, introduced the program to the public. The response was overwhelming, and we were inundated with requests from citizens who desired to participate.

Within 3 months, we had received more than 300 requests, and our biggest problem was in scheduling all those who wished to participate.

When the program was initially introduced, high school students comprised the largest number of applicants. Soon afterwards, as a result of publicity given the program by the faculty of the University of Montana,

“... we still wanted a program that would enable us to more effectively improve our community relations with a greater number of citizens, and at the same time, be within the economic limitations of the department.”

many students attending that institution were requesting rides. As news of the program spread throughout the community, applications from people representing all socioeconomic levels of the community were received.

As mentioned before, our biggest problem was, and continues to be, the accommodation of all those who want to participate in the program. However, by adjusting riding times to conform with our shift changes, we were able to handle a greater number of riders. We found through experience that we could handle 25 to 30 riders per week and still satisfactorily manage our full responsibilities, such as court commitments and other related duties. By early 1976, more than 2,250 persons had signed up for the program

and over 1,950 had actually participated.

Let us now examine some of the operational aspects of the program.

Any person who is a registered high school student or older may participate. We do, however, reserve the right to refuse acceptance of any applicant who has had serious difficulty with the police in the past.

Each applicant is required to sign a waiver form which releases the Missoula Police Department from liability for injuries or damages incurred during the ride. Prior to the tour, he is also issued a sheet of rules and regulations governing his conduct for the duration of the ride.

Each participating officer and his rider are introduced by the watch commander prior to the assignment of cars. The participant is given a short, current briefing of any problems that may be anticipated during the tour of duty, and appropriate rules and regulations pertaining to the observer's conduct are reviewed.

The rider is then given a brief tour of the police station and the communications center by the accompanying officer, and then both proceed to the car to begin their tour.

At the onset of each tour, it is impressed upon the observer that the officer's main commitment during the

Chief Sabe Pfau



MISSOULA POLICE DEPARTMENT

WAIVER OF LIABILITY

For and in consideration of the undersigned being given the opportunity of observing police operations and functions of the Missoula Police Department by riding in a vehicle operated by members of the Police Department and by any and all other means of observation whatsoever, the undersigned, in order to avail himself of said opportunity, recognizes and assumes any and all risks pertaining thereto, and hereby releases the City of Missoula, its officials, officers and all other personnel of the City of Missoula from any and all liability whatsoever for any injuries, damages and claims the undersigned, his heirs, dependents and assigns may sustain in and about any police vehicle or in any other way during the course of the observation and studies by the undersigned of the operations and functions of the Missoula Police Department.

IN WITNESS WHEREOF and, intending to be legally bound thereby, the undersigned affixes his hand at Missoula, Montana this ____ day of _____ 19 ____.

Age _____ (Signature)
 _____ (Address)
 _____ (Parent/Guardian)
 _____ (Address)

NOTE: The signature of a parent or guardian is required for those guests or observers under the age of eighteen (18) years.

Record Check By _____	Supervisor _____
CLEAR _____	Car Number _____
RECORD ATTACHED	Officer _____
Cancelled by _____	Officer _____
Reason For Cancellation: _____	

Waiver of Liability form issued to each observer.

patrol is the efficient performance of his duties and responsibilities, and that the officer is not present to entertain the rider.

While riding in the car, the citizen observer is included in calls and usually goes with the officer as he responds to his assignments. The only exceptions are calls involving the possible use of a weapon or those in which a physical confrontation is reasonably anticipated. When these problems do arise, the citizen is let out of the vehi-

cle and rejoins the officer as soon as the situation is under control. As a matter of policy, an explanation is given the citizen observer as to why he could not accompany the officer on a particular assignment in order to allay any suspicions by the observer that the officer or the department may be attempting to "cover-up" anything.

The observer is also included in almost all phases of traffic stops unless the officer feels his presence might present a hazard or be detrimental to

the situation. Also, as a general rule, the observer witnesses prisoners booked into jail. Oftentimes, this has been to the benefit of the department, since on several occasions our observers willingly appeared as prosecution witnesses when it was alleged the arresting officer was abusive in handling a prisoner.

We have found the following regulations regarding the conduct of riders to be particularly important:

1. In case of an emergency, any observer may be dropped off at any time or place.
2. No cameras or recorders are permitted.
3. All females are assigned to a two-man unit or accompanied by a second observer.

"While riding in the car, the citizen observer is included in calls and usually goes with the officer as he responds to his assignments."

4. Observers are under the control of the officer during the patrol tour.
5. Observers are not to leave the patrol car at the scene of police activity without first obtaining permission of the officer.

After completing the tour, each observer is given an evaluation sheet which he is asked to complete and return to the department.

Currently, all second-year law students at the University of Montana School of Law must sign up for at least one ride. Also, many professors in the sociology department of the university require that their students take a tour with us. And, in many instances, youthful offenders of our county are required by the court to sign up for a tour.

It is of interest to note that while the response from high school and college students has been great, a large number of older persons have also participated in the program. Furthermore, approximately 45 percent of all participants have been women. This indicated to us that our program was generating interest in all segments of the community. These people indicated that they wished to learn firsthand about the day-to-day situations facing their police department. And, by returning the evaluation sheets, our citizens provided us with the feedback we needed to evaluate our own effectiveness in fulfilling the community's needs for police protection.

We are also confident that the citizen observer program has made the public increasingly aware that the individual police officer is not only a public servant but also a citizen of the community, facing many of the same problems as most other citizens. Because of this, we believe many citizens are reassessing their concepts of our

police officers, both in terms of the officer's official role and his membership in the community.

We strongly feel this program could easily be adopted by most departments, regardless of their size. It is usually necessary for police officers to spend a certain amount of the day

"... the citizen observer program has made the public increasingly aware that the individual police officer is not only a public servant but also a citizen of the community, facing many of the same problems as most other citizens."

patrolling our streets, and a citizen observer does not add to the cost of this patrol. The only additional expense we encountered was the cost of printing the applications, conduct regulations,

waiver forms, and citizens' evaluation sheets. We feel this cost is minimal when compared to the value of good will the department reaped from the program.

More importantly, we believe the citizen observer program has been, and continues to be, a productive experience for the citizens and our officers, since it gives both an opportunity to work together and exchange views on law enforcement. FBI

Pres. Carter **LAW DAY— U.S.A.**

May 1, 1977, marks the 20th annual nationwide observance of Law Day—U.S.A. This year's theme, "Partners in Justice," emphasizes the strengthening of our legal and judicial system through citizen awareness and support.

By Presidential proclamation and joint resolution of Congress, May 1 of each year has been set aside as "a special day of celebration by the American people in appreciation of their liberties" and as an occasion for "rededication to the ideals of equality and justice under law." The major purpose of this observance is to call attention to the benefits, as well as the responsibilities, of living under a system of laws and independent courts that protect individual freedoms and make possible a free Nation.

Two interested citizens, Audrey and Marge, having first "inspected" their patrol unit, prepare to embark on their tour.



The Informant-Witness

By
LARRY E. RISSLER
Special Agent
Legal Counsel Division
Federal Bureau of Investigation
Washington, D.C.

Probably the most important consideration for a law enforcement officer who utilizes the services of an informant is the preservation of his source's confidentiality. If an informant's identity were to become known, his value in future cases would be diminished greatly, and he might even be subjected to adverse social reaction.¹ Basic to this desire for anonymity is the premise that the informant must not become a public witness for either the government or the defendant. In the typical case, the informant's function is investigative only, and hopefully, evidence sufficient to obtain a conviction can be gained from identifiable sources.

But what of the atypical case, the case in which the informant is the only witness in a position to testify for the government? Or the case deemed so important by the prosecution that it is felt necessary to use the informant as a government witness in order to

insure a conviction? Are measures available which will permit the prosecutor to utilize an informant as a trial witness, yet maintain the confidentiality of his true identity and background? Insight into these questions can be gained by an examination of the Supreme Court's opinion in *Smith v. Illinois*.²

Defendant Smith was charged with the illegal sale of narcotics to an informant in a Chicago restaurant. At the trial, two police officers testified that the informant had entered the restaurant with marked money and had emerged later with a bag of heroin. They also testified that Smith possessed some of the marked money when he was arrested a short time later. Because the officers had not observed the alleged sale, the informant was used as a witness and testified that he had purchased narcotics from Smith in the cafe with money furnished by the police officers. On di-

rect examination, the informant gave a fictitious name, and on cross-examination, refused to state either his true name or correct home address. Later, the defendant testified that he had not sold heroin to the informant and must have received the marked money in his change when he paid for a cup of coffee.

Smith was convicted and appealed on the ground that the refusal of the trial judge to require the witness-informant to divulge his name and address deprived the defendant of his right to confront the witnesses against him, as guaranteed by the sixth amendment.

The Supreme Court ultimately agreed and reversed the conviction. It noted that:

"when the credibility of a witness is in issue, the very starting point in 'exposing falsehood and bringing out the truth' . . .

through cross-examination must necessarily be to ask the witness who he is and where he lives. The witness' name and address open countless avenues of in-court examination and out-of-court investigation. To forbid this most rudimentary inquiry at the threshold is effectively to emasculate the right of cross-examination itself."³

The basic principle of the *Smith* decision can be stated simply. If an informant testifies for the prosecution, the defendant's right of cross-examination, embodied in the confrontation clause of the sixth amendment, requires that the informer furnish his true name and address. This principle obviously is an important one. But of far greater importance to law enforcement officials are the exceptions to this rule which have been developed by the courts. These exceptions, which permit informer-witnesses to maintain their confidentiality on the witness stand under certain circumstances, are outlined below.

The Threat of Physical Harm

The most important exception finds support in the *Smith* case itself. In a concurring opinion, Mr. Justice White

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.

noted that established case law "recognized that questions which tend merely to harass, annoy, or humiliate a witness may go beyond the bounds of proper cross-examination. I would place in the same category those inquiries which tend to endanger the personal safety of the witness."⁴

Using this language as authority, appellate courts frequently have supported a trial judge's decision to allow a witness to testify without divulging his name,⁵ present address,⁶ or place of employment,⁷ if disclosure would jeopardize the safety of the witness or possibly his family. In order to establish the existence of danger, the government bears the burden of demonstrating a factual basis for its concern. Mere conjecture that physical harm might result if the informer identified himself on the witness stand is not sufficient.⁸ (An exception might exist in the narcotics field where at least one court has taken notice of the fact that "[u]ndercover work, particularly in the narcotics area, is a dangerous business . . ." ⁹) In order to satisfy this burden, it seems likely that prosecutors will rely on the officer and the witness to document previous threats received by the informant. Some courts have suggested that information concerning the threats might be submitted to the trial judge in chambers, out of the presence of the jury.¹⁰ Law enforcement officers who have regular contact with informers would thus be well advised to record, either in the informant's file or the substantive case file, any threats received by the informer himself or other members of his family.

Caveat: The courts have limited the exception discussed above to situations in which physical safety is threatened. Thus, fear that an informer's employment might be jeopardized is not sufficient to override the defendant's right to cross-examination.¹¹

No Conflict in Testimony

The opinion in *Smith v. Illinois* indicated that disclosure of the informer's name and address was necessary "when the credibility of a [informer] witness is in issue. . . ." ¹² Disclosure was ordered because the testimony of the defendant differed sharply with that of the informer on the crucial issue of whether the defendant had sold narcotics to the informer. However, where there is no substantial conflict between the testimony of the defendant and that of the informer on the issues determinative of guilt, disclosure is not necessary.¹³ Usually, disclosure is justified by the need to impeach the witness. If the informer's testimony does not differ from that of the defendant, the need to impeach is diminished, and with it the reason to divulge the informer's true name and address.

"[A] witness [may] testify without divulging his name, present address, or place of employment, if disclosure would jeopardize the safety of the witness or possibly his family."

Often this is the case when the defense is based on entrapment. By asserting entrapment, the defendant admits performing the physical acts which constitute the crime but claims that the government induced him to do it. Thus, in a recent Federal case,¹⁴ an undercover agent testified to a narcotics sale made by the defendant but refused to furnish his home address, aliases used in previous narcotics investigations, or how long he had remained in the area after the incident. The defendant claimed this denied him his sixth amendment right of cross-examination. The Court of

Appeals disagreed and noted that because there was little conflict between the testimony of the witness and the defendant (defendant admitted making the sale) the undercover agent's credibility was only tangentially put in issue, and therefore, the defendant had no right to disclosure of the witness' background data.

Informer Not Principal Witness

Even if a conflict exists between the testimony of the informer and the defendant, disclosure might be denied if the informer is not the principal witness against the accused. For example, in *United States Ex. Rel. Abbott v. Twomey*,¹⁵ the defendant was charged with three separate sales of heroin to an undercover officer. The informer witnessed only the first sale. At the trial, the officer was the main prosecution witness, and the informer also testified (he was called by court order upon motion by the defense) without giving his true identity, address, or place of business. The defendant claimed that this denied him the right to confront the witness against him.

The Court of Appeals for the Seventh Circuit disagreed and noted that in the *Smith* case, the informer was the principal prosecution witness, and thus, his credibility was directly in issue. Here, the undercover officer was the key witness, and the informer's testimony was not crucial. Disclosure was not proper.¹⁶

Weatherford v. Bursey

Any discussion of informer-witnesses would be incomplete without mention of the Supreme Court's latest decision in the area, *Weatherford v. Bursey*.¹⁷ Weatherford, a paid informer, was arrested with Bursey for destruction of property. To maintain his undercover status, Weatherford

hired an attorney, attended two attorney-client strategy conferences with Bursey, and told the defendant he would not be a witness for the prosecution. However, on the morning of the trial, the prosecutor called Weatherford to the stand, and he testified against Bursey. A conviction resulted.

Bursey later brought civil suit alleging, among other things, that withholding the informer's true status until the day he testified violated Bursey's right to a fair trial as guaranteed by the Due Process Clause of the 14th amendment.


The Supreme Court disagreed and held that the prosecution is not required to reveal before trial the names of undercover agents or other witnesses who will testify unfavorably to the defense. This apparently is the rule in most jurisdictions, unless modified by statute or rule, and is justified partially by the desire to discourage intimidation of prosecution witnesses.¹⁸

The Court also rejected Bursey's claim that he was deprived of the opportunity to investigate Weatherford to prepare for possible impeachment on cross-examination. The opinion noted that Bursey's attorney did not object to the informant's testimony or move for a continuance.

Summary

Occasionally, either because of the importance of a case or the lack of other proof, the government may choose to utilize an informer as a trial witness. If it does, the defendant's right to cross-examination requires that the informer-witness testify to his true name and address. However, if the government can show that physical harm to the informant or his family is likely, the trial court has authority to permit the informer to testify without divulging his identifying data. This information also might be withheld if the informer's testimony

does not differ from that of the defendant, or if it does, if the informer is not the principal witness against the accused.

A defendant has no constitutional right to be apprised, prior to trial, of the identity of an informer who will be a witness against him. 

FOOTNOTES

¹ The President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society," at 198 (1967), noted that informants usually wish to remain anonymous, are unwilling to testify publicly, and sometimes are subjected to "torture and murder" in order to destroy prosecutions and deter others from cooperating with the police.

² 390 U.S. 129 (1968).

³ Id. at 131.

⁴ Id. at 133, 134.

⁵ *United States v. Ellis*, 468 F. 2d 638 (9th Cir. 1972); *United States v. Crovedi*, 467 F. 2d 1032 (7th Cir. 1972), cert. denied, 410 U.S. 982 (1973); *United States v. Palermo*, 410 F. 2d 468 (7th Cir. 1969).

⁶ *United States v. Crockett*, 506 F. 2d 759 (5th Cir. 1975); *United States v. Smaldone*, 484 F. 2d 311 (10th Cir. 1973), cert. denied, 415 U.S. 915 (1974); *Richardson v. State*, 508 S.W. 2d 380 (Tex. Crim. App. 1974) (also withheld were the witness' wife's name, name of bank, and names and addresses of associates). *Contra, Hassberger v. State*, 321 So. 2d 577 (Fla. Dist. Ct. App. 1975).

⁷ *People v. Durley*, 51 Ill. 2d 590, 283 N.E. 2d 882 (1972).

⁸ *United States v. Palermo*, 410 F. 2d 468, 472 (7th Cir. 1969).

⁹ *United States v. Alston*, 460 F. 2d 48, 53 (5th Cir. 1972), cert. denied, 409 U.S. 871 (1972). The *Alston* court drew a distinction between a law enforcement employee working undercover and an informer "whose motives or background might be subject to considerably less supervision and correspondingly greater doubt." Id. at 53. There is less need for the background information of an undercover employee because he can be "placed" within a milieu of supervision, training, and authority for purposes of cross-examination.

¹⁰ *United States v. Varelli*, 407 F. 2d 735 (7th Cir. 1967), cert. denied sub. nom. *Saletko v. United States*, 405 U.S. 1040 (1972); *Beasley v. State*, 318 A. 2d 501 (Md. Ct. App. 1974).

¹¹ *United States v. Ott*, 489 F. 2d 872 (7th Cir. 1973).

¹² 390 U.S. at 131.

¹³ *People v. Patejdl*, 111 Cal. Rptr. 191, 194 (1973).

¹⁴ *United States v. McKinley*, 493 F. 2d 547 (5th Cir. 1974).

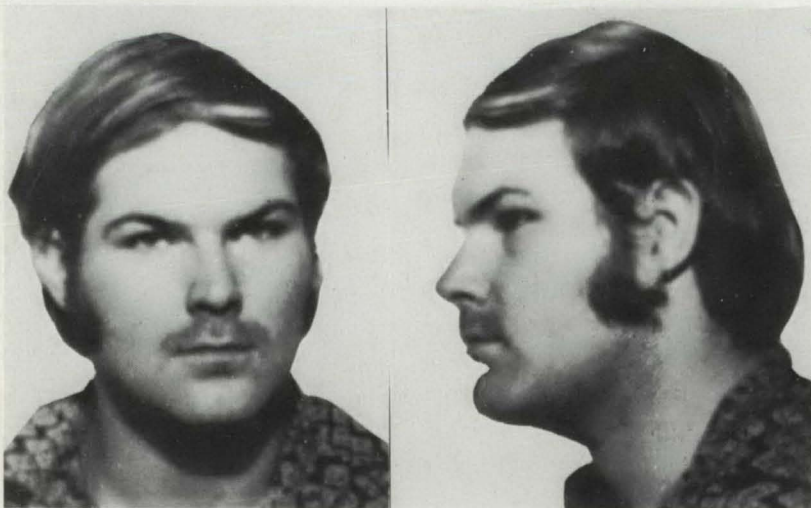
¹⁵ 460 F. 2d 400 (7th Cir. 1972).

¹⁶ Any attempt to mask or conceal the facial features of a witness probably would be impermissible. It has been held that the right to cross-examination includes the right to have the witness stand face to face with the trier of fact so that his demeanor can be assessed while on the stand. *In re Bishop*, 443 P. 2d 768 (Okla. Crim. App. 1968).

¹⁷ 45 U.S.L.W. 4154 (Feb. 22, 1977).

¹⁸ Wright, *Federal Practice and Procedure: Criminal* sec. 252 (1969). As stated by Hoffman, "What Next in Federal Criminal Rules?" 21 Wash. & Lee L. Rev. 1, 15, "[t]hreats, intimidation, physical brutality, organized criminal activity, danger to informants, all point to the cogency of the observation of Mr. Justice Clark who said, 'Dead men tell no tales'."

WANTED BY THE FBI



Photographs taken 1975.

HAROLD DEAN GILLEN, also known as **Harold Dean Gilland**, **Harold Gillon**

Unlawful Interstate Flight To Avoid Prosecution—Burglary

Harold Dean Gillen is currently being sought by the Federal Bureau of Investigation for unlawful interstate flight to avoid prosecution for burglary.

The Crime

On October 11, 1975, two heavily armed masked men, one believed to have been Gillen, burglarized a Fortuna, Calif., residence and abducted the dwelling's two occupants at gunpoint. The female victim was chained to a tree in the backyard, and her husband, a bank

president, was threatened with a fake bomb while being forced to remove \$58,000 in cash from his bank. A Federal warrant was issued on October 17, 1975, at San Francisco, Calif., charging Gillen with unlawful flight to avoid prosecution for the crime of burglary.

Description

Age----- 24, born August 15,
1952, High Point,
N.C.
Height----- 6 feet 4 to 6 inches.
Weight----- 230 to 250 pounds.
Build----- Large.

Hair----- Brown.
Eyes----- Green.
Complexion.. Ruddy.
Race----- White.
Nationality-- American.
Occupations- Laborer, desk clerk.
Social Security No. _____
used----- 238-88-6625.
FBI No. ----- 473,376 L1.
Fingerprint Classification:
11 I 29 W MOO 16
I 19 W MOO
NCIC Classification:
PIPM11PO16DIPM131417

Caution

Gillen, who has previously been convicted of malicious mischief, storebreaking, and larceny, should be considered armed and dangerous.

Notify the FBI

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



Right index fingerprint.

FBI LAW ENFORCEMENT BULLETIN

FOR CHANGE OF ADDRESS ONLY—NOT AN ORDER FORM

Complete this form and return to:

DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

(Name) (Title)

(Address)

(City) (State) (Zip Code)

“Wheelbarrow” Bomb Vehicle



Developed by the British Army and dubbed “Wheelbarrow,” this remote-controlled, tracked vehicle pictured above currently is being utilized by the Louisiana State Police.

The device is capable of remotely disarming a bomb, delivering an explosive charge, communicating with a barricaded gunman, firing a shotgun, or neutralizing an armed suspect.

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

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THIRD CLASS

INTERESTING PATTERN



The pattern appearing above presents no difficulty as to classification. Due to the presence of an upthrust in the center of the impression, it is classified as a tented arch.