

Razzle Dazzle

Director's Message

This month marks the observance of Law Day; the 1st of May was set aside by Presidential proclamation beginning in 1958 (and in 1961 by Joint Resolution of the Congress) as a "special day of celebration by the American people in appreciation of their liberties. . . ."

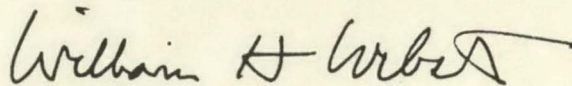
One of the purposes of this special day is to encourage citizen support of law enforcement. It is also a time for us in the profession of law enforcement to reaffirm, and rededicate ourselves, to the service of freedom. The central message of Law Day '81 is that a just and democratic rule of law must prevail in order that we may live together in peace and as a civilized society.

Implicit in this theme is the role of the keeper of the peace—the peace officer. "Peace officer" evokes memories of the Old West, but it is still an accurate title for today's policeman. For it is today's law enforcement professional who stands in the front line against anarchy.

He, or she, is the one who deals with the neighborhood or family disturbance, the one who protects the helpless, who mends and patches the rips and tears in the social fabric. It is through the just enforcement of the law that freedom for all is preserved.

The sponsors of Law Day have set this year's theme: Law—the Language of Liberty. If the courts are the interpreters of this language, police are the first-line protectors. And the language of liberty will only continue to flourish in this land with the protection of dedicated peace officers who respect and follow the law as it is given to them.

In his "Second Treatise of Government," published in 1690, the political philosopher John Locke said it first, and best: "Whenever Law ends, Tyranny begins."

A handwritten signature in dark ink, reading "William H. Webster". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

William H. Webster
Director
May 1, 1981

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The Cover:
Numbered ping-pong balls are used in one version of the "game" of Razzle Dazzle. See article p. 2.

**Federal Bureau of Investigation
United States Department of Justice
Washington, D.C. 20535**

William H. Webster, Director

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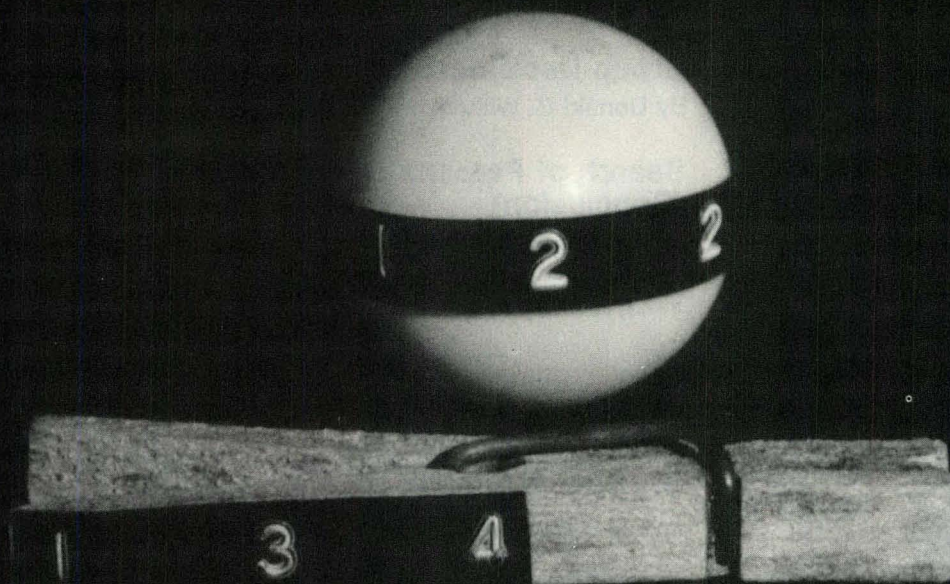
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Gambling

The "Game" of Razzle Dazzle

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Razzle Dazzle is often referred to as a "game" in carnivals. However, it is questionable whether it can truly be called a game, since a player has essentially no chance of winning without the operator allowing him to do so.

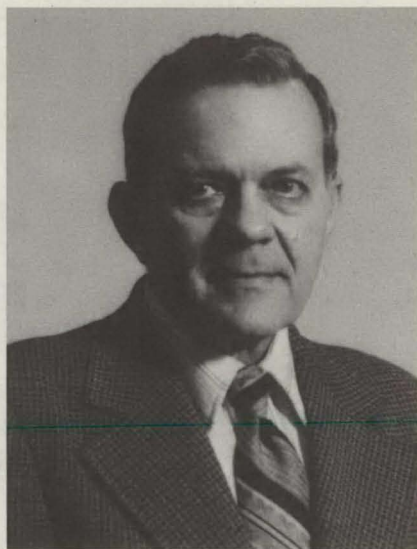
Razzle Dazzle can be played in numerous ways using a variety of items—marbles, dice, clothespins, ping-pong balls, darts, or Chinese sticks. Yet, whatever is used, the operation basically consists of scoring a particular number and then referring to a chart to determine a winner or a loser, e.g., scoring enough points to make 100 yards or over for a touch-down in "Play Football" or the necessary 100 miles or over to win the race in "Auto Races," depending on the player's preference. (See figs. 1 and 2.)

Carnival operators call this type of game a "flat store," in that the player "flat can't win." They are also referred to in the trade as "count stores" (since counting points is involved), "pin stores" or "peek stores" (when clothespins are used and the operator "peeks" to see what number is written on them), and "alibi joints" (because the operator can always offer an alibi as to why the player's luck has suddenly turned bad).

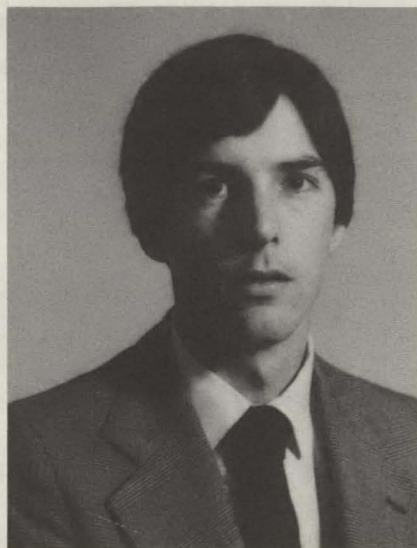
A popular version of Razzle Dazzle can be seen in figure 3. Here, eight marbles have been rolled onto a board with numbered holes. After all the marbles come to rest, the operator totals the point value of the eight holes. In this version, a player can score from 8 to 48 points. The operator will then refer to the yardage chart (see table 1) and compare the total points scored with the corresponding yardage.

The operator will usually explain that there are 41 numbers, from 8 to 48, which can be scored and which total 852 points. Considering this, a player should average 20.78 yards per play ($852 \div 41 = 20.78$ yards). Thus, it would appear to the unknowing and unsuspecting player that in 5 plays he would amass the 100 yards needed to win (5×20.78). Of course, this is not true, since this is based on the false assumption that there is an equal chance of scoring the numbers 8, 9, 47, and 48 as there is in reaching any other total.

Another look at table 1 will show that only 20 of the 41 possible scores receive points resulting in yardage. The remaining numbers are awarded no point or yardage values for one simple reason—they are the ones most likely to be thrown. However, as an incentive



Special Agent Harker



Mr. Bald

PLAY FOOTBALL							
29 ADD	100 YARDS OR OVER WIN						29 ADD
18 H. P.	42 20 YARDS	38 H. P.	15 15 YARDS	19 H. P.	41 15 YARDS	37 H. P.	14 20 YARDS
9 100 YARDS	28 100 YARDS	48 100 YARDS	26 100 YARDS	8 100 YARDS	30 100 YARDS	47 100 YARDS	27 100 YARDS
32 50 YARDS	44 50 YARDS	25 50 YARDS	13 50 YARDS	31 50 YARDS	43 50 YARDS	24 50 YARDS	12 50 YARDS
46 50 YARDS	34 BONUS	11 30 YARDS	23 30 YARDS	45 30 YARDS	33 50 YARDS	10 50 YARDS	22 50 YARDS
36 PRIZE	16 10 YARDS	21 FREE	40 5 YARDS	35 FREE	17 5 YARDS	20 PRIZE	39 2 YARDS
29 Does Not Win YARDS GOOD ONLY WHILE PLAYING VOID AFTER LEAVING STAND NOT TRANSFERABLE - BLACK NUMBERS DO NOT WIN							

Figure 1

AUTO RACES

29 ADD	100 MILES OR OVER WIN						29 ADD
18 H. P.	42 20 MILES	38 H. P.	15 15 MILES	19 H. P.	41 15 MILES	37 H. P.	14 20 MILES
9 100 MILES	28 100 MILES	48 100 MILES	26 100 MILES	8 100 MILES	30 100 MILES	47 100 MILES	27 100 MILES
32 50 MILES	44 50 MILES	25 50 MILES	13 50 MILES	31 50 MILES	43 50 MILES	24 1/2 MILE	12 1/2 MILE
46 50 MILES	34 BONUS	11 30 MILES	23 30 MILES	45 1 MILE	33 50 MILES	10 50 MILES	22 50 MILES
36 PRIZE	16 10 MILES	21 FREE	40 5 MILES	35 FREE	17 5 MILES	20 PRIZE	39 2 MILES
MILES GOOD ONLY WHILE PLAYING - VOID AFTER LEAVING STAND NOT TRANSFERABLE - BLACK NUMBERS DO NOT WIN							

Figure 2

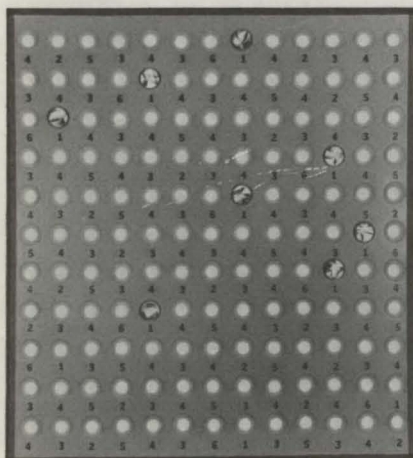


Figure 3

to keep players interested, some numbers may be marked to offer "a little extra" to a player. For example, as seen in figures 1 and 2, a total of 21 or 35 results in a free roll. A roll of 34 gives the player a bonus and totals of 20 and 36 award the player a prize which, in both cases, entitles the player to a small prize determined by the operator. Number 29 is an "add," where the player may be required to double the amount of his next roll. Although the winnings now will be 10x's the wager, it is highly unlikely that the player will win at all. The numbers 18, 19, 37, and 38 are marked "H.P.," which can mean "house prize" or "half a point," anything to inch the player even closer to his unattainable goal. Or if the player looks quite dejected, discouraged, or dry, the operator can award him a "half pint" of some beverage.

Often, some of the more frequently hit numbers, such as 33, cause the player to lose 5 points, a tactic skillfully used to keep the player in the game. With such a condition, however, there is the probability that in the long run, the player will eventually have a *minus number of points* rather than any points at all.

Table 1

Points	Yards
8	100
9	100
10	50
11	30
12	50
13	50
14	20
15	15
16	10
17	5
39	2
40	5
41	15
42	20
43	50
44	50
45	30
46	50
47	100
48	100
Total	852

However, the operator may stamp "insured" on the player's score pad, telling him that if he hits a black or losing number prior to hitting the bonus number, all points amassed up to that time will not be lost.

The operator may also claim that 20 of the 41 numbers will give a player points and that 9 of the 41 numbers will earn a bonus or prize, while only 12 of the numbers will not award the player anything. Again, this falsely assumes that the probability of throwing an 8 or a 28 is the same.

A look at the distribution of numbers on the board explains why the chances of scoring winning totals are virtually nonexistent. As is evident in table 2, there are more holes on the marble board with the point value of 3 and 4 than there are for the other numbers. Therefore, there is a greater probability of the marbles falling into the 3- and 4-point holes. This uneven distribution further enhances the odds in favor of the operator by increasing the player's chances of scoring numbers with no point or yardage values, thereby causing him to lose the game.

A study of the mathematics involved indicates that a player averages .016635 yards per roll (not counting a loss of 5 yards on 33 points). Based on this, a player would have to roll 6,011 times, on the average, to reach 100 yards rather than the 5 times promoted by the operator. This also assumes that the operator does not purposely

Table 2

Numbers	Frequency
1	11
2	19
3	39
4	44
5	19
6	11
Total	143

Table 3

$$\frac{11}{143} \times \frac{10}{142} \times \frac{9}{141} \times \frac{8}{140} \times \frac{7}{139} \times \frac{6}{138} \times \frac{5}{137} \times \frac{4}{136} = \frac{6,652,800}{143,259,982,035,730,560} = .000000000464386$$

Table 4

$$\frac{11}{143} \times \frac{10}{142} \times \frac{9}{141} \times \frac{8}{140} \times \frac{7}{139} \times \frac{6}{138} \times \frac{5}{137} \times \frac{19}{136} \times 8 = \frac{252,806,400}{143,259,982,035,730,560} = .0000000017646686$$

“...unscrupulous operators are quite ingenious . . . and can adapt almost any type of game to become a Razzle Dazzle.”

miscount, which can easily be done when totaling 1's or 2's, or 5's or 6's if an extreme number should result.

What are the chances in "Play Football" of hitting 8 or 48 (all 1's or 6's with each of the 8 marbles)? There are only 11 holes numbered 1 and 11 holes numbered 6 on the board, while there are a total of 143 holes into which the marbles can fall. In that case, the first marble would have 11 chances out of 143 of falling into a 1-point hole or a 6-point hole; the second marble, 10 chances out of 142; and the third, 9 out of 141, etc. Table 3 shows the probability of all 8 marbles falling into holes with a point value of 1 or 6. Put simply, there is a chance of this happening only once in every 21,533,787,583 rolls. By the same calculation, table 4 shows a slightly better chance of throwing a total of either 9 or 47 points, which also charitably awards 100 points or yards. In essence, either a 9- or 47-point roll could happen once in 4,533,428,965 rolls.

The same calculation for throwing dice, as some games use or similar devices, shows the chances of winning are slightly better. Those familiar with a pair of dice realize that there are 36 ways for 2 dice to fall, but only one way to roll 2 aces or 2 six spots. Therefore, the odds of throwing either total (2 or 12) would be 1 chance in 36.

This computation is more involved for Razzle games because the player will use eight dice, desiring roles of either eight aces or eight 6's. Thus, if you raise 6 (the number of sides on the dice) to the 8th power (the number of dice being thrown) (or $6 \times 6 \times 6 \times 6 \times 6 \times 6 \times 6 \times 6$), the resulting number would be 1,679,616, meaning there is one chance in 1,679,616 throws of obtaining the same spot count on all 8 dice. This probability, and resulting disadvantage to the player, is not quite as bad as with marbles. Table 5 shows the various possibilities of attaining points, assuming the game is operated honestly. Again, notice the number of rolls needed to get the middle numbers—those which are more easily thrown and result in peculiar house advantages or no points to the player. For example, on the average, the total 28 will occur once in every 12 rolls, whereas 1,679,616 rolls would be needed for the total 48.

Table 5

Expected Occurrence (Dice)

	Payoff
8 should occur once in 1,679,616 rolls	100 yards
9 should occur once in 209,952 rolls	100 yards
10 should occur once in 46,656 rolls	50 yards
11 should occur once in 13,997 rolls	30 yards
12 should occur once in 5,090 rolls	50 yards
13 should occur once in 2,121 rolls	50 yards
14 should occur once in 983 rolls	20 yards
15 should occur once in 499 rolls	15 yards
16 should occur once in 273 rolls	10 yards
17 should occur once in 160 rolls	5 yards
18 should occur once in 100 rolls	House Prize
19 should occur once in 66 rolls	House Prize
20 should occur once in 46 rolls	Prize
21 should occur once in 33 rolls	Free Play
22 should occur once in 25 rolls	0 yards
23 should occur once in 20 rolls	0 yards
24 should occur once in 17 rolls	0 yards
25 should occur once in 15 rolls	0 yards
26 should occur once in 13 rolls	0 yards
27 should occur once in 13 rolls	0 yards
28 should occur once in 12 rolls	0 yards
29 should occur once in 13 rolls	Pay Double
30 should occur once in 13 rolls	0 yards
31 should occur once in 15 rolls	0 yards
32 should occur once in 17 rolls	0 yards
33 should occur once in 20 rolls	0 yards
34 should occur once in 25 rolls	Bonus
35 should occur once in 33 rolls	Free Play
36 should occur once in 46 rolls	Prize
37 should occur once in 66 rolls	House Prize
38 should occur once in 100 rolls	House Prize
39 should occur once in 160 rolls	2 yards
40 should occur once in 273 rolls	5 yards
41 should occur once in 499 rolls	15 yards
42 should occur once in 983 rolls	20 yards
43 should occur once in 2,121 rolls	50 yards
44 should occur once in 5,090 rolls	50 yards
45 should occur once in 13,997 rolls	30 yards
46 should occur once in 46,656 rolls	50 yards
47 should occur once in 209,952 rolls	100 yards
48 should occur once in 1,679,616 rolls	100 yards

In addition to the marble and dice versions described in detail, there are many other variations. One uses eight 6-sided sticks with numbers on the sides. These are stood upright and then allowed to fall, after which the points showing are totaled.

Another type employs darts thrown at a numbered board. The squares are so small that skill as a factor in playing this variation is virtually nonexistent. Some players have even been required to throw two darts together in one hand to further eliminate skill. Here, there is always a provision that a dart missing the target altogether or hitting a line (a "liner") results in either 3 or 4 points. Of course, either a 3 or 4 eliminates the possibility of an instant winner. Frequently, the lines are so thick that as much as 25 percent of the target area is comprised of lines.

As referred to previously, the "pin store" or "peek store" variety has a rack with numerous common clothespins clipped to it. The pins have 2- or 3-digit numbers imprinted in widely spaced numerals on the backsides. There is also a large cone-shaped spindle on either end of the rack. The player throws rubber jar lids trying to encircle the spindle (which is an instant winner, but nearly impossible to accomplish because of its size and the angle at which it is placed) or trying to encircle a lucky pin. The pins surrounding the spindle are invariably losing numbers. In addition, there is no reason for the numbers consisting of both 2- and 3-digit numbers except that this allows the operator to cover up either the first or last digit of the 3-digit number, thereby making it appear to be a number giving points or no points, depending on the whim of the operator. (See figure 4.) Notice that 134, the actual pin number, gives 9½ points on the chart in figure 5, whereas by covering the 1, it reads as 34, a losing number or by covering the 4, it reads as 13, a ½-point number.

A similar version uses ping-pong balls which are blown into the air in a device often used in bingo games. In fact the game is usually entitled "Bingo" on the chart. (See figure 5.)

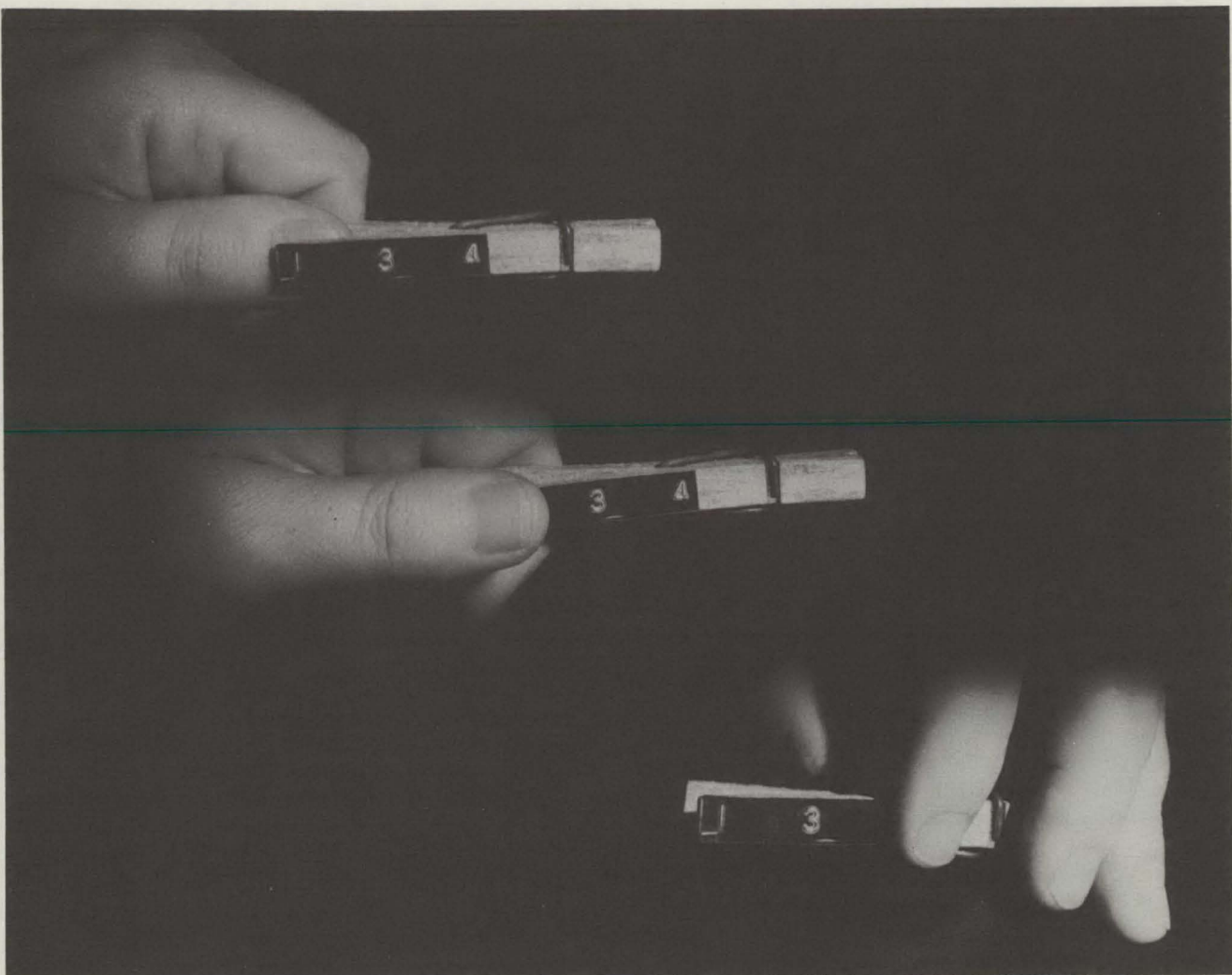


Figure 4

The balls bear the familiar, widely spaced 2- and 3-digit numbers, so that the game is run much like the pin store described previously. Notice in figure 6 that the number on the ball can read 122 (5 points), 12 ($\frac{1}{2}$ point), or 22 ("raise" or double up).

Undoubtedly, other varieties are being used, since unscrupulous operators are quite ingenious in developing new types and can adapt almost any type of game to become a Razzle Dazzle.

Razzle Dazzle-type games are operated by "gangs" and "mobs" who travel about the country or set up their operations at roadside stops. The latter operations have the advantage of attracting the more affluent, intelligent "marks" (or suckers) who think they

cannot possibly lose if they only put enough capital into it. Another advantage is that after the player is wiped out, he is less apt to take time to report the "theft" to the authorities, since he is usually traveling and would rather spend the time to reach his destination.

Because of the great unlikelihood of achieving winning points on the board, it seems unbelievable that a person will continue to play. In most cases, the operator employs "fair banking," cheating in *favor* of the player. The operator will quickly overcount

points to allow the player to approach 100 yards. This keeps the player involved, but hardly advances his chances. Invariably, the beginning player starts out by being "awarded" 50 points. He is not likely to complain of the fast counting when he makes yards. However, any time the operator does not wish to fair bank the player, he can simply let the player count the points himself, since after only a quick scan of the board, the operator can tell whether the player has rolled almost all 1's or 6's. Thus, he will know the player cannot have achieved anything of real value.

10 POINTS OR MORE WINS									
BINGO BANK, INC.		28 BONUS RULES PAY AND PLAY EACH TIME UNTIL YOU WIN PLAYER IS GUARANTEED TO RECEIVE MONEY AFTER SCORING 10 POINTS OR MORE The only way player can lose after Starting No. 28 is to quit before Scoring 10 points or more. Player and Operator Must Double on No. 28						BINGO BANK, INC.	
141 2 PTS	22 RAISE	39 10 PTS	26 1 1/2 PTS	122 5 PTS	27 2 PTS	37 10 PTS	41 ADD	33 1/2 PT	
35 5 PTS	137	24 5 PTS	29 2 FOR 1	36 4 PTS	130 3 FOR 1	38 5 PTS	139	46 3 PTS	
134 9 1/2 PTS	34	123 2 PTS	138	25 1 PT	127	40 3 PTS	23	121 5 PTS	
75 4 1/2 PTS	129	12 1/2 PT	126	28 BONUS	136 1/2 PT	13	140	31 3 PTS	
5 MINUTE DELAY ENDS GAME NOS 28-41-22 DO NOT WIN									

Figure 5

The chart usually has a provision at the bottom that any delay (or a 5-minute delay) ends the game. However, often the operator will graciously wave this provision and put the player's name on the score sheet so that the player may leave to obtain more money.

Records have been recovered indicating substantial losses by players, often reaching hundreds or thousands of dollars apiece. Of course such records, as well as the other paraphernalia, should be seized by authorities should arrests or execution of search warrants occur. The various items used by Razzle operators may be examined and analyzed by the Gambling Subunit of the FBI Laboratory and expert testimony furnished should the need arise.

Although the basic criminal charge against a Razzle Dazzle operator may be gambling, because of the nature of the game described herein, the charge may also be fraud, false pretense, larceny, theft by trick or deception, or whatever similar offense the State law contains.

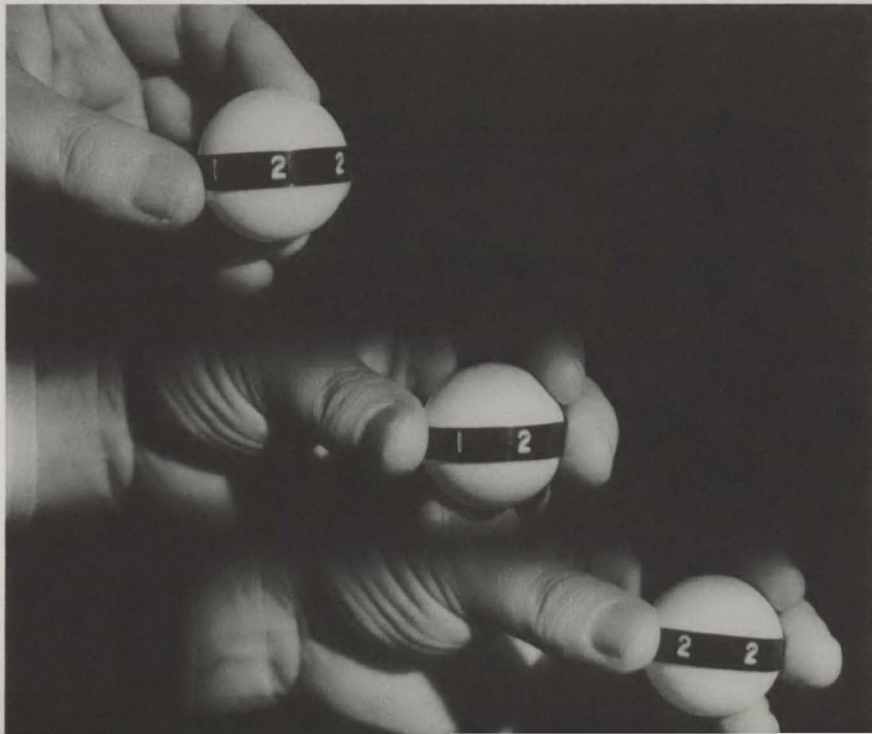
The following criteria are present in Razzle Dazzle games:

1) Vague, complicated rules—Without fail, after losing substantial sums of money, the victim realizes that he actually had very little idea as to what were the exact rules of the game,

and the chart and fast-talking operator do not provide much help, such as the meaning of "add," "H.P.," "bonus," etc.

2) The conversion chart—This provides a means to divert the attention of the player from the marbles, dice, etc., to the points he hopes to achieve. It also provides an opportunity for the operator to convert the amassed numbers into the points which may result in increased wagering.

Figure 6



3) A means of doubling the bets—The doubling-up characteristic, hitting the "add" number, enables the operator to boost the wagers rather quickly from \$1 into hundreds of dollars, realizing that if the amount wagered is doubled continually, even an initial wager of \$1 results in a \$1,024 bet at the end of just 10 plays.

4) A means of cheating (either for or against the player)—This may either be by fast counting, covering up one of the digits on the ping-pong balls or pins, or even by calling a dart thrown a "liner" when in fact it may not be.

After seeing the problems players have in winning anything, unless trinkets are given to quiet him, the importance in stopping such games is evident. Many youths lose all their money playing these games. Yet, some rackets have been known to take in thousands of dollars per player, in games involving very intelligent players. Hopefully, a greater awareness of the unfairness and crookedness of Razzle Dazzle games will assist investigators in stopping or deterring the operators from preying on unsuspecting players.

FBI

Consolidation Alternatives: Coordination Cooperation and Sharing

By Walter M. Francis
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Criminal Justice Department
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Albany, Oreg.*

The coordination and consolidation of police services, short of total consolidation, is an administrative concept consistent with the goal of providing better service to local citizens in an efficient and cost-effective manner. Many cities and towns do not want to consolidate their police departments with others to create one "super" agency. It is for this reason that sharing designated services, buildings, and equipment by more than one department can be a workable alternative to total consolidation by those communities not desiring to lose local control. In this Nation, the autonomy and control of police agencies by local government remain an overriding concern and are a major cause of opposition to total consolidation of law enforcement agencies. In light of this strong opposition, coordination, cooperation, and sharing must be examined as alternatives to total jurisdictional consolidation of police agencies.

Survey of National Commission Reports

Although major commission reports have called for a total consolidation effort, it appears that their authors realized this approach to be far from the real world of policing and that such an effort would not take place in the very near future. This can be inferred since the reports also included many standards and programs for sharing services in lieu of total consolidation. The President's commission in 1967 included an entire chapter on this subject in its *Task Force Report: The Police*. This report is more supportive of sharing services than that of the National Advisory Commission (NAC), which in 1973 called for consolidation of all local police forces consisting of less than 10 officers. However, the NAC also included standards for sharing and coordination short of total consolidation, perhaps with the idea that such an attempt would get the movement started and possibly carry over into a total consolidation effort. No matter what the motives, such ideas were included and should be examined as possible alternatives to total consolidation.



Mr. Francis

“... coordination, cooperation, and sharing must be examined as alternatives to total jurisdictional consolidation of police agencies.”

The President's commission task force report suggests coordination and consolidating staff services, auxiliary services, and selected field services. In the area of staff services, this report identified recruitment, selection, and training of personnel and law enforcement planning as areas where joint action was possible, whereas public information, internal investigation, and staff inspection are more closely associated with an individual jurisdiction. The report called for an area-wide manpower support program to be used when selecting and training police officers. It also recommended area-wide planning to be implemented and carried out by regional staffing, which would give such tools to the smaller agencies on a need basis.¹

Auxiliary services that were found to be best suited to sharing and coordination were records and communications, crime laboratory services, and detention. Since these services are costly and involve resources beyond the scope of most small police agencies, the effectiveness and efficiency of small departments could be enhanced by pooling such resources, while simultaneously avoiding the high cost involved.²

Selected field services, including criminal investigation, vice and delinquency control, and special task force operations, require specialized manpower and training beyond the capacity of most small jurisdictions. The task force report suggested establishing area-wide forces in these areas, as well as specialized training and mutual aid pacts to provide assistance in such matters. Also recommended by the report was the creation of special tactical units which could follow criminals from one jurisdiction to another.³

The National Advisory Commission report also called for limited use of area-wide consolidation. In standard 5.2(6), several concepts were set forth, such as partial consolidation of police services by merging specific functional units of two or more agencies, contracting for specific police services, and service sharing, including that of support services by two or more agencies.⁴

These two national commission reports have given rise to a new era in cooperation among police agencies and in pooling resources. In response to these reports, many new programs have been established which have assisted police agencies in their quest for efficiency and effectiveness. The ideas that have been fostered and promoted are largely due to these two major reports, and therefore, these reports cannot be faulted for espousing only the ideal of total consolidation. A look at some typical programs that fall short of total consolidation, but which do provide for some sharing, cooperation, and pooling of resources, will show the effectiveness of those forms of consolidation used in lieu of total consolidation of police agencies.

Police Agency Prototypes

The city of Effingham, Ill., (pop. 10,000) operates its own police force of 19 officers, while the rural areas and 10 communities of 1,200 or less are served by the county sheriff's office which employs 3 full-time and 1 part-time officer. Until 1972, the two police agencies conducted their own followup

investigations. Neither could adequately perform such investigations, and in 1972, a city-county detective bureau was created. Four detectives assigned to the city police force are now responsible for all followup investigations in the city and throughout the county. Although the city and county patrol forces remain separate, maintaining one bureau to provide detective services for the jurisdictions of both agencies enables more complete service than could be accomplished by either agency individually.⁵

In Park County, Wyo., the city of Cody (pop. 7,000) police headquarters and the main office of the Park County Sheriff's Department were not housed under one roof, although located in the same city. It took over 5 years to centralize the city and county law enforcement departments in one building. A former city councilman of Cody states, "I don't think unifying the departments has saved a lot of money, but it certainly has become a lot more effective in law enforcement."⁶ Besides occupying the same building, the departments also share a common detention center and a county-wide communications network. Another former Cody city councilman believes that "if nothing else, we've gained more knowledge within law enforcement by consolidating, due to the fact that before the move, the city police could stop a suspect without ever knowing he was sought by county officials."⁷ In such rural locations where the city with the largest population in the county is also the county seat, a consolidation concept, such as that used by Park County and Cody, would seem a viable possibility.

"By implementing partial consolidation concepts . . . the small town administrator can achieve many of the same goals of total consolidation, yet retain the American ideal of local autonomy."

A support service required by police agencies, particularly in recent years, is legal consultation and advice regarding the legality and propriety of police procedures. As with other specialized services, it is difficult for small city departments to finance an individual to perform this sole function. The Tucumcari, N. Mex., Police Department was able to hire a legal adviser who could also serve as criminal justice planner for the region.⁸ In addition, the small or rural agency should not neglect the local prosecutor or city attorney as a potential source of legal aid. Assistant district attorneys in Bucks and Dauphin Counties, Pa., who "circuit ride" between police departments 24 hours a day, are examples of another method short of total consolidation, which provides a cost-saving alternative to the small agency.⁹

Regional legal advisers who offer assistance on a multiagency basis have been used in many jurisdictions throughout the Nation. Examples can be found in Richland County, Ohio; Hartford County, Conn.; the Central Oklahoma Economic Development District, serving eight counties east of Oklahoma City; Griffith-Highland-Muenster, Ind.; and a network of 41 such advisers in the State of North Carolina.¹⁰ The regional legal adviser concept appears to be effectively meeting its goal of making available necessary legal assistance to smaller police departments on a cost-effective basis.

State Assistance

States often supply small police departments with additional support in such areas as training, laboratory operation, and planning. In most States, basic training academies afford all jurisdictions, regardless of size, training that meets standards mandated by law but impossible for small agencies to maintain on their own initiative. State-operated crime labs, research and planning divisions, and computer-assisted records bureaus are also possible aids for the State to provide to the small police department.

By evaluating the above examples of sharing and partial consolidation of police services, it is evident that such concepts can be effectively used by rural and small town police administrators. Although falling short of total consolidation, they do provide for a more effective and efficient manner of operation and do offer communities the police services they desire. By implementing such partial consolidation concepts efficiently and effectively, the small town police administrator can achieve many of the same goals of total consolidation, yet retain the American ideal of local autonomy. **FBI**

Footnotes

¹ President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: The Police* (Washington, D.C.: U.S. Government Printing Office, 1967), p. 71.

² Ibid.

³ Ibid.

⁴ National Advisory Commission on Criminal Justice Standards and Goals, *Police* (Washington, D.C.: U.S. Government Printing Office, 1973), p. 108.

⁵ Jeanne Bilanin, "Law Enforcement in Small Cities," *Management Information Service Report*, December 1974, p. 8.

⁶ "Former City Councilmen Claim Unifying Police as Major Success in 8-Year Council Terms," *The Cody Enterprise*, Cody, Wyo., January 17, 1979, p. 15.

⁷ Ibid.

⁸ Bilanin, p. 8.

⁹ Samuel Laudenslager, "Providing Legal Assistance to Small and Rural Law Enforcement Agencies: The Regional Legal Advisor," *The Police Chief*, August 1974, p. 54.

¹⁰ Ibid. pp. 55-58.

Officer Reaction

The Key to Survival

By COL. JACK WALSH
*Superintendent
Ohio State Highway Patrol
Columbus, Ohio*



Colonel Walsh

It was a gray, cold November afternoon when a Ohio State trooper stopped an automobile with two male occupants for weaving on the road. The trooper approached the car cautiously, with his holster unsnapped and his hand resting on the butt of his service revolver.

Upon request, the driver handed him an out-of-State driver's license, but stated that he didn't have the registration papers for the car. The trooper then asked the driver to step from the car and keep his hands in sight.

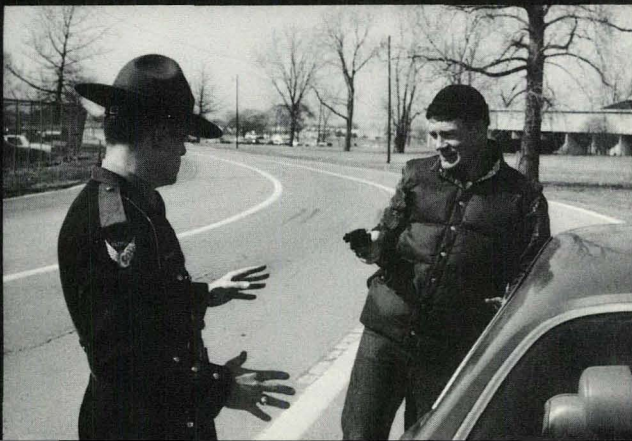
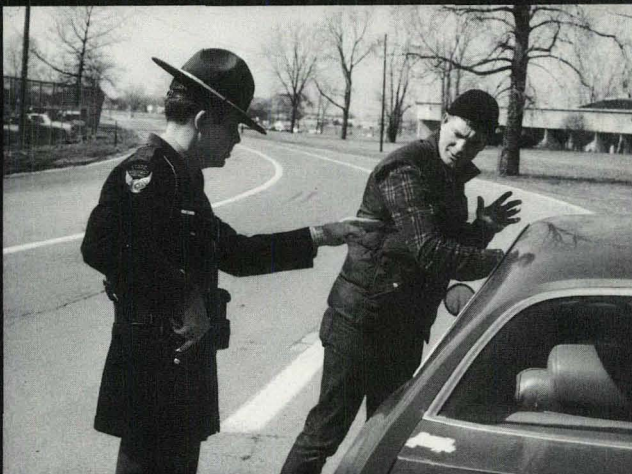
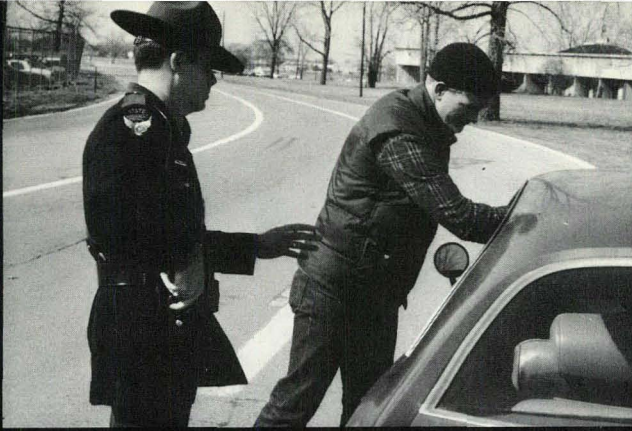
Immediately upon getting out of the car, the driver quickly reached back in above the visor while stating, "Let me get my cigarettes." Drawing his revolver, the trooper commanded, "Hold it!" The driver then pulled his hand out slowly, holding a pack of cigarettes. As the driver turned to the trooper and saw the gun, he fearfully exclaimed, "What the heck you gonna do, shoot me?"

The trooper slowly exhaled a breath of relief. As he holstered his weapon, he responded, "No, I'm not going to shoot you. Just don't make any more sudden moves like that. And you can't smoke, so put the cigarettes away."

The driver willingly complied. At this moment, the passenger started to open the glove compartment; the next thing the trooper remembered was hearing the crack of a pistol.

He felt the first round strike his left shoulder. The rounds continued to strike him in the chest and stomach. The trooper stared in amazement at the driver who was standing 3 feet in front of him with a snubnosed revolver in his hand, firing off the last two rounds. In less than 3 seconds, the driver emptied his revolver into the officer's chest. The officer stood frozen in his shoes, not moving or even drawing his weapon.

The driver and passenger were instructors at the Ohio State Highway Patrol Training Academy; the officer, a veteran trooper going through a new concept in firearms survival training.



Training to Stay Alive

In this particular training situation, the officer is given a revolver identical to the one carried on duty, since prior to the training exercise, all officers are required to surrender service weapons and all live ammunition. In addition, this weapon's cylinder has been modified so that a live round cannot possibly be inserted into it. Although a full-sized, empty shell casing will not fit into the cylinder, it is capable of housing a short, red plastic blank. The blank is stuffed with cotton, and the resulting crack of the large pistol primer and impact of the cotton striking a body at close range gives the situation realism. The violators are equipped with similar weapons having 2-inch barrels. To avoid any possibility of using a regular service revolver, the grips of the training weapons have been painted bright red.

To return to the situation previously outlined, one major question remains, *"Where did the gun come from?"* The sudden appearance of the gun was no feat of magic. It was above the visor. When the trooper told the driver to put the cigarettes away, he felt no threat as the driver reached into the car. At the same time, the passenger opened the glove compartment, distracting the trooper.

But, did the trooper have a chance? Yes, IF HE HAD REACTED INSTANTLY when fired upon.

Does the fact that an officer has been hit in the shoulder mean he's going to die? Does it mean he has lost? In life and death situations, if an officer experiences these feelings or beliefs, chances are he will stand there preparing to die instead of reacting to survive.

If an officer is wearing a protective vest, it is very likely that the first few rounds fired will strike the vest. However, when officers do not react immediately, they stand the chance of joining the many officers who have died from the third or fourth shot from a criminal's weapon. Police officers have been wounded and knocked to the ground, believing they've lost, only to have the assailant approach and deliver the fatal round to the officer's head.

The reaction of an officer "freezing up" is not uncommon. Drawing quickly and firing accurately at a paper target that does not return fire is relatively simple and creates little or no stress. However, officers react quite differently when totally surprised by a person firing a weapon, when they feel their bodies being struck by bullets. If officers do not learn to react in these training situations, they will not react properly in actual encounters, when their life is flashing before their eyes, their stomach is in a knot, and their legs are weak from sudden uncontrollable fear.

Defensive Combat Course

This training is called the Defensive Combat Course, since it teaches officers to defend themselves. Most firearms training is strictly offensive, with little or no stress involved. Any officer checking his heart rate at the 25-yard line, firing at a paper target, will find his pulse rarely exceeding more than 10 beats per minute above normal. Yet, during this new course, the average officer's heart rate doubles. For example, one officer's resting heart rate was 55, but after an exchange of three rounds, it soared to 150. This course requires the officer to *develop tactics* and *quick reaction* in returning fire and to scramble for available cover, while experiencing the stress of a shooting situation.

The Defensive Combat Course is a progression in firearms training for the highway patrol. All officers have been trained on a standard police combat course and are familiar with double-action, single-action, right- and left-handed barricade, standing, kneeling, sitting, and prone shooting. This had been the conventional firearms training for the Ohio Highway Patrol and is still a necessary part in police recruit training, since it develops marksmanship skills. After years of firing this standard course, the patrol progressed to a quick-draw, double-action combat course, with a maximum distance of 25 yards. Troopers are still required to qualify twice yearly on this course, but are now being exposed to the new Defensive Combat Course. The exchange of fire that takes place in the Defensive Combat Course is unlike any normal firearms range training.

Since the officer is most likely to confront a person who has been drinking, most of the simulated situations are designed to include this variable, as well as the presence of illegal weapons. The instructor, acting as the driver, does not use a weapon in every situation. Sometimes he will pull out a wallet or other nonlethal article from under this shirt or the seat. This makes the exercises more realistic, since the officers never know whether a weapon will be used. And since this is a training exercise, the officers know there is a very good chance that they may be fired upon at any moment. Consequently, they usually keep their hand close to their weapon, ready for action.

Yet, in spite of extreme caution practiced by the students, the instructors have developed some simple but effective tactics which, in some cases, have allowed them to fire six shots before the student ever clears leather. The element of surprise is ever-present. One officer who failed to react stated, "His hands were empty and I had my hand on my gun. All of a sudden he's shooting me. I couldn't believe it. I just stood there."

Officers can experience three or four different situations, yet never know what is going to happen. Many officers discover their reaction under fire is not what they thought it would be. However, those exposed to training a second or third time show remarkable improvement in their ability to react. Some who "froze up" in the first encounter reacted very quickly the second time around. However, on the highway, there is never a "second chance."

When confronted with a sudden lethal or panic situation, humans will react reflexively, as they have been trained. The Defensive Combat Course is designed to put troopers in situations as close to real life as possible so that one day they will not join the ranks of those slain in the line of duty.

Night Firing

The Defensive Combat Course is supplemented by a multiple-target night firing course. The firing takes place on the academy's indoor firing range in very low light conditions and without flashlights. Since approximately 40 percent of police/suspect shoot-outs involve more than one assailant, three targets are used. They are placed at 10-, 12-, and 14-foot intervals from the officer with a 3-foot space between the targets. In the simulated night environment, the officer can see the targets, but he cannot see the service revolver he is holding in front of him.

Officers who can usually shoot a 5-inch group by quick drawing at the 3-yard line in daylight are fortunate to even hit the man-sized target four out

of six times when they cannot see their weapon. This is because accurate quick drawing and firing is dependent on hand/eye coordination. Even when looking at the target, the officer will line up the gun in front of him, because it is in his field of vision. Blocking that field of vision will put the officer in an entirely different situation.

Night firing training is important for two reasons. Of the officers who participated in the Defensive Combat Course, none of them ever looked at their weapons when firing. They did not take time to line up their sights or position their feet in a combat stance when returning fire to defend themselves. Most of the officers stated the only thing they remember seeing was the gun the assailant was firing. Would actual combat be any different? Probably not. Therefore, an officer must be able to draw and fire accurately without taking time to worry about sight alignment, grip, breath control, or stance. All these things must come automatically when an officer's eyes are riveted on an assailant who is trying to kill him.

Second, the use of a flashlight in this training would illuminate the officer's weapon and subsequently cause him to take time to line up with the paper target before firing. This is a luxury not afforded in actual shooting situations. Also, most police/assailant encounters occur within 10 feet, and the officer does not need a flashlight to see the assailant. Teaching an officer to assume a certain position with a flashlight before returning fire can force him to lose valuable time and possibly his life. Officers must be able to draw and fire accurately in the quickest possible time, unhindered by fancy shooting positions.

Training Reflects Real Situations

Data compiled from actual shooting cases involving Ohio State troopers show that most officers were assaulted with handguns at very close range. This training is designed to reflect this pattern and would certainly be valuable to any police officer, since national statistics from the FBI's Uniform Crime Reports reveal that of the 106 police officers killed in 1979, 100 of them were slain with firearms and 76 of those with handguns. Of the total officers slain in the past 5 years, 69 percent were within 10 feet of their assailant and nearly 50 percent were within 5 feet.

The better trained and prepared officer is less likely to be taken by surprise and caught in a shooting situation. This training helps develop alertness and caution. But in spite of all the precautions an officer may take, there is always the possibility that a shootout may erupt at any time. Hopefully, this training will better prepare the officer mentally and physically to *react*, the key to officer survival. **FBI**

Number of U.S. Bombings Remains Constant

According to preliminary figures of the FBI's Uniform Crime Reporting Program, the number of bombings occurring within the United States and its territories in 1980 remained virtually the same, when compared to those of 1979. The 1,221 attacks reported in 1980 exceeded the previous year's total by only 1 incident.

Explosives and firebombs were the devices used in the 1980 bombings; 821 of the incidents were caused by explosives and 400 were the result of firebombs. There were 188 individuals injured or killed, with property damage estimated to be over \$12.3 million.

Of the 154 persons injured by bombs in 1980, 78 were innocent bystanders, 47 were perpetrators, 31 were intended victims, 2 were law enforcement officers, and 1 was a fireman. Fewer personal injuries resulted from the bombings than during the previous year, when 173 individuals were physically harmed.

In 1980, the total number of fatalities reached 34, representing a 55-percent increase from the 22 persons killed by bombings in 1979. Nearly 50 percent (16) of those killed by bombs last year were the perpetrators. Fifteen persons who lost their lives were the intended victims, and 3 were innocent bystanders.

Residents were the most frequent targets of bombers last year, accounting for 31 percent of the incidents. Twenty percent were directed at commercial operations and 19 percent at vehicles. A variety of other targets comprised the remaining 30 percent.

Geographically, 37 percent of the incidents occurred in the Western region of the Nation. The Southern, and North Central regions each reported 26 percent of the attacks, and the States in the Northeastern region recorded 10 percent. The remaining 1 percent occurred in Puerto Rico.

Arson Information: Who What Where?

Called the Nation's fastest growing crime, arson causes thousands of deaths and injuries annually and is responsible for billions of dollars worth of property damage. Firefighters, law enforcement officers, industry, and insurance officials struggle to control its growth, the increasing incidence of profit motive, and the staggering losses to individuals and industry.

Increased public awareness and concern and industry's involvement have led to legislative action to control the crime and punish the criminal.

The October 1978 Department of Justice Authorization Bill, which became Public Law 95-624, mandated in Section 14 the collection of arson statistics. The law further instructed the Federal Bureau of Investigation (FBI) to reclassify arson as a Part I offense in the FBI's Uniform Crime Reporting Program, effective fiscal year 1979. The Racketeer Influenced and Corrupt Organizations Statute (popularly known as RICO) gave law enforcement broad jurisdiction. RICO provided severe penalties for those convicted of arson (up to 20 years imprisonment, \$25,000 in fine, or both) and most significantly, the possibility of forfeiture of criminal enterprise resulting from the arson.

By REBECCA T. FERRALL

Librarian

FBI Academy Library

Quantico, Va.

RICO's clout, public awareness, and industry's involvement have increased law enforcement's efforts to be well-versed about the arson problem. Today's police officer must be informed about arson in order to perform thorough arson investigations, to provide arson training in law enforcement curricula, and to meet the public's request for arson programs and projects.

Sources of guidance and information and print and nonprint resources are available to the law enforcement officer who needs to educate himself and others about the crime of arson.



Mrs. Ferrall

These sources of information are as broad and varied as the crime, the criminal, and the victim. As a Law Enforcement Assistance Administration (LEAA) brochure suggests, "Arson Burns Us All!" At the Federal level alone, at least six departments and their respective agencies, bureaus, and administrations are prominently involved—Departments of Justice, Commerce, Treasury, Housing and Urban Development, Defense, and Interior, as well as the U.S. Postal Service. Each department's respective agencies publish arson material and provide libraries, clearinghouses, and/or experts to contact for arson information and program suggestions. A pamphlet entitled "We Are All Victims of Arson," available without charge from the National Criminal Justice Reference Service (NCJRS), provides a thorough listing of all Federal agencies concerned with arson problems and gives complete bureau or office titles and addresses.

Some of those Federal agencies which have been actively producing arson materials include the FBI, the U.S. Fire Administration (formerly the National Fire Prevention and Control Administration), and the Office of Justice Assistance, Research, and Statistics (OJARS). Under a recent reorganization, OJARS serves as the umbrella organization for the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), and LEAA.

Federal Bureau of Investigation

The FBI collects arson statistics for its annual *Crime in the United States*. In addition, a recently published FBI document provides insight and instruction in a relatively new area of arson investigation. Written by an FBI Academy instructor, "The Firesetter: A Psychological Profile" provides a thorough examination of investigating techniques and the types of firesetters. The book includes discussions of the problematic areas in the study of arson and motives for firesetting and

offers psychological profiles of the various types of firesetters, as well as guidance in conducting interviews.

The FBI Academy library offers reference services to police agencies and fire departments throughout the United States. In addition, the library distributes, upon request, an arson bibliography which includes citations to arson materials available in most major libraries and at the FBI Academy library.

Law Enforcement Assistance Administration

LEAA's Arson Unit conducts an active arson grant and aid program with State, county, and local governments throughout the United States. Currently, LEAA has 34 separate arson prevention, investigation, apprehension, and prosecution projects with State and local agencies. In addition, the arson unit enters into interagency training agreements with the FBI, U.S. Fire Administration, and the Bureau of Alcohol, Tobacco and Firearms and also works with the National College of District Attorneys. Most of LEAA's publications are available through NCJRS, which is under contract to LEAA. LEAA has just published a two-volume arson work: *Enforcement Manual: Approaches for Combatting Arson-For-Profit Schemes*.

National Criminal Justice Reference Service

NCJRS, a branch of OJARS' National Institute of Justice, is an international clearinghouse of law enforcement and criminal justice information. Department and individual memberships are free to all law enforcement agencies and personnel. In addition to providing reference services, which include computer searches at no charge, NCJRS offers single copies of its publications free of charge as long as quantities last.

NCJRS arson publications include *Arson: A Selected Bibliography* (NCJ58366) and *Arson and Arson Investigation: Survey and Assessment*

(NCJ39113). Its quarterly newsletter, *SNi* (Selective Notification of Information), includes as one of its highlights information on new arson publications, conferences, and seminars offered by both the public and private sectors. The reference service even offers camera-ready art upon request. Camera-ready art includes artists' paste-ups and dummy copies ready to be photographed. Art inquiries should be forwarded to the Director of Publications.

U.S. Fire Administration

The Department of Commerce's U.S. Fire Administration (USFA) offers arson training through inservice courses and onsite training at the administration's new National Fire Academy. As of this writing, the U.S. Fire Administration Library and the National Fire Academy Learning Resource Center are merging resources at the academy's center, which houses an extensive and growing arson collection. The Emergency Management Institute Library (Battle Creek, Mich.) will merge with the academy's center in 1981.

In addition to the academy's learning resource center, the USFA's Arson Resource Center also provides materials and reference and referral services free of charge to law enforcement personnel. The arson resource center issues an irregular serial, "Arson Resource Exchange Bulletin," which covers the following five areas—USFA arson news, management, investigation/prosecution, economics, and behavior. The "Bulletin," published by the USFA's Office of Planning and Training, is available free of charge.

Of particular value to the law enforcement officer trying to locate materials and/or experts is the *Arson Resource Directory*, also produced by USFA's Arson Resource Center. The purpose of the *Directory* is "... to

provide both an explanation and full identification of key resources, organizations, and individuals who are concerned, active, and successful in arson prevention and control." The *Directory* includes both private and public groups at the local, State, and Federal levels working on the arson problem.

National Bureau of Standards Center for Fire Research

The National Bureau of Standards Center for Fire Research represents another facet of the Department of Commerce's involvement with arson investigation. The center conducts research in fire investigative techniques and develops tools, methodologies, and procedures for fire investigators to employ during fire investigations. While the center is not in a position to provide routine assistance with individual arson investigations, the center's staff can be contacted with regard to fire investigation research.

The center has just published *Fire Investigation Handbook* (NBS Handbook 134), which provides guidelines and procedures for the fire investigator. In addition, the *Handbook's* appendices include specialized information on such topics as the investigator as the expert and books of interest to investigators.

Insurance Industry Efforts

The insurance industry is obviously interested and involved in the entire arson problem. Estimates of the annual cost of arson for insurers run from \$1 to \$5 billion. The insurance industry has become increasingly active in the battle against arson, has produced materials, sponsored seminars, coordinated law enforcement and private sector efforts, and has promoted community awareness programs. Three aggressive antiarson programs are offered by Aetna Life and Casualty, State Farm Fire and Casualty, and Allstate Insurance Companies.

A recently retired New York City deputy chief fire marshal joined Aetna Life and Casualty to assist the company in strengthening its internal antiarson program. The company works

closely with local communities—two of the most successful efforts are the New Haven, Conn., and the Seattle, Wash., programs. The company has launched a full antiarson media campaign with ads in national magazines. Available free of charge from Aetna is a handout folder which includes a background paper on the arson problem, brochures focusing on the Seattle and the New Haven Projects, and a brochure describing "Winning the War on Arson," an Aetna-produced film. The C.A.A.P. (Community Arson Awareness Program) kit, which Aetna also distributes in large quantities free upon request, includes posters and instructions for organizing a community arson alert watch. The movie "Winning the War on Arson" runs 15:30 minutes and is available on free loan in 16mm color film or 3/4-inch color video tape by directing requests to the attention of the film librarian at the Hartford address.

State Farm Fire and Casualty has worked closely with the Illinois Advisory Committee on Arson Prevention and the Illinois Chapter of the International Association of Arson Investigators to produce several arson manuals and booklets for Illinois police officers, firefighters, and prosecutors.

Although designed originally for personnel working in Illinois, the booklets have applicability and value to law enforcement officers in any State involved in arson investigation and seeking a clear, concise explanation of the arson problem. *The Iceberg Crime: What Police Should Know About Arson* is a 20-page booklet that offers a complete, concise overview. A second publication, *Verdict: Guilty of Burning: What Prosecutors Should Know About Arson*, is written for the prosecuting

attorney, but provides a good analysis of the problem for any interested reader. *Touched Off By Human Hands* examines the issues involved in investigation, profiling firesetters, and interviewing.

The Allstate Insurance Companies have been active in arson prevention programs through their Loss Prevention Division. In addition to their general fire prevention booklet "A Matter of Minutes," Allstate has expanded its efforts in publishing two other booklets, designed an arson speaker's kit, and initiated an arson newsletter. "Why You Should See Red Over Arson! An Arson Primer For the General Public" is distributed free in single or multiple copies as a public service.

A speaker's kit of the same title is also available. The kit includes a slide audio cassette packet with an accompanying written script. While the kit is not available for permanent retention, interested parties can obtain the speaker's kit on a 60-day loan basis. Specific use dates should be indicated in the correspondence.

"Put the Heat on the Arsonist" is Allstate's community action guide. The publication, which is more detailed than "Why You Should See Red . . .," is in the process of revision; however, limited copies are available. "Arson Update" is a quarterly newsletter published since 1978 and in cooperation with the Illinois Advisory Committee on Arson Prevention. Requests to be placed on the newsletter mailing list should also be addressed to Allstate's Northbrook offices.

Private Nonprofit Organizations

Numerous private nonprofit organizations work in tandem with the insurance industry to combat arson.

Several of these groups are closely aligned with and composed of memberships within the insurance industry. Their efforts and publications provide valuable resources and services outside the industry as well. These groups offer guidance, experts, information, and on occasion, seminars for police departments and individual law enforcement officers engaged in arson prevention and antiarson programs.

The International Association of Arson Investigators (IAAI) is a private group funded largely by memberships and Federal grants. Thirty-two local chapters offer the services of arson investigators who assist police, fire, and insurance agencies in the investigation of arson cases. Membership is \$25.00 per year and includes the IAAI quarterly newsletter "Fire and Arson Investigator," the annual membership directory, and the minutes of the annual meeting.

IAAI's *The Book of Selected Articles for Arson Investigators* is in its third edition (1978). This volume is a collection of articles and essays chosen by the association to provide the best and broadest coverage of the entire arson issue and sells for \$60.

The Insurance Crime Prevention Institute (ICPI) represents approximately 350-member insurance companies who underwrite casualty and property insurance. The institute, founded in 1971, has actively investigated insurance fraud, especially arson-for-profit cases which have resulted in over 6,000 arrests and prosecutions since its beginning. "ICPI Report," published bimonthly by the institute, reports the news on this national nonprofit organization and current fraud cases. ICPI places emphasis in this newsletter on arson cases, investigations, and information resources. The "Report" is distributed free to member companies, law enforcement agencies, and the media.

Insurance Fraud ICPI Handbook for Insurance Personnel, distributed to law enforcement and fire agencies as well as to insurers, is a 38-page manual which includes a concise, statistical

overview of five major types of insurance fraud. The "Arson-for-Profit" section examines small business arson, arson-for-profit rings, and home fires. The institute also provides for inspection or showing to law enforcement groups the 16mm film "Anatomy of an Arson."

The Insurance Committee for Arson Control (ICAC) operates in liaison with the Alliance of American Insurers in Chicago, Ill. The committee was established to coordinate the insurance industry's efforts in arson prevention and control. Membership is composed of insurance companies and insurance trade associations.

The committee's *Status Report 1: On Arson Reporting-Immunity Legislation By The Insurance Committee for Arson Control* is available in multiple copies for distribution. The *Report* covers the status of immunity laws in each State and is designed ". . . to aid anti-arson groups in their review of legislative needs." Proposed *Status Reports 2 and 3* will summarize, respectively, implementation progress in each State and the possibility of expanding model laws to cover other types of insurance fraud. "How to Form an Arson Task Force" is a 4-page pamphlet the ICAC distributes free in quantity to law enforcement agencies.

Of particular value to law enforcement personnel is the ICAC's *Arson Control Directory*. A spiral notebook with quarterly updates, the *Directory* includes four sections: 1) Basic information on how to establish local arson control task forces, 2) a State-by-State directory of arson control organizations, 3) sample speech texts on arson, and 4) a copy of *Target: Arson*, ICAC's official arson control document. The *Directory* costs \$25, which includes all subsequent additions, changes, and updates.

Representative of a number of private nonprofit groups which work closely with insurance companies is the Illinois Advisory Committee on Arson Prevention (IACAP). The committee is one of 29 State arson committees across the United States. IACAP was one of the earliest such State committees, and like most, works with a membership of insurance agents, firefighters, law enforcement personnel, fire investigators, prosecuting attorneys, and others to promote arson awareness and prevention. Programs include arson hotlines and an arson award program for arson tips.

Although the main thrust of its efforts are within Illinois, the IACAP's publications are available without charge to other law enforcement officers. The committee's newsletter "Update," issued 2 or 3 times per year, has a national circulation. Three of the IACAP's booklets, mentioned earlier in this article, are distributed by State Farm.

Three additional publications, however, are available only from the committee. They are: *Illinois Tackles Runaway Arson*; *The Torch's Reward*; and *For Sale: Burning Buildings—What Agents and Underwriters Should Know About Arson*. The public relations officer for State Farm serves also as publicity and correspondence chairman for the committee.

Other private groups involved in the study of arson include Battelle, a private contract firm which engages in research activities worldwide. This organization conducts research provided by contracts and grants for private groups and governmental agencies. Two Battelle subsidiaries have been particularly active in arson research and the production of arson-for-profit materials for the law enforcement community.

A member of Battelle's Human Affairs Research Center, Law and Justice Center, has just completed a 450-page manual designed for use by enforcement officers entitled, *Enforcement Manual: Approaches for Combatting Arson-for-Profit Schemes*, which has been published by LEAA in conjunction with the U.S. Government Printing Office. The *Manual*—issued in two volumes, *Strategic Approaches* and *Tactical Guides*—addresses law enforcement strategies and options, sources of information and cooperative efforts, interviewing, evidence, and a bibliography of additional readings. Copies are available while they last from LEAA's Arson Unit. A training manual to accompany the *Enforcement Manual* is in preparation.

Through a Battelle-LEAA grant, a model arson curriculum project entitled *A Model Curriculum and Trainer's Guide on Arson-for-Profit Enforcement Programs* has enabled officers with no special expertise to develop local training programs when professional training is unavailable. The *Curriculum* includes a roster of existing specialized trainers and a listing of free and inexpensive training resource materials. Another publication, *Combatting Arson-for-Profit*, details the cooperation between the Battelle Memorial Institute in Columbus, Ohio, and the city of Columbus in designing an arson task force.

The American Insurance Association's (AIA) arson efforts are aimed at assisting the 175 major property insurance underwriters and trade associations which form its membership. One of its major focuses, however, is education. The AIA regularly provides seminars and workshops specifically designed for police officers.

A unique AIA effort is the PILR (Property Insurance Loss Reporting System), a computerized fire loss register of all fire losses with insurance, at the same address, with the same insured, or with other parties (such as adjusters) whose names are associated with a number of the same types of

fires. This computerized record enables the industry to detect fraud patterns and arson rings by following the histories of fires and arsonists even when the firesetters change insurance companies or geographic locations. The AIA began gathering data a year prior to the system's on-line debut January 2, 1980. PILR is on-line 24 hours a day, every day, and currently houses 90,000 case histories.

The National Fire Protection Association (NFPA) provides a complete catalog of its materials available for purchase through NFPA membership. Although the main thrust of the association is fire protection, especially safety standards, NFPA also designs instructional materials for arson programs. Among its instructional packets are the nine units in the Arson Investigation Series. Each unit includes 80 slides, a coordinated slide/tape presentation, and an instructor's manual. The series sells for \$55 per unit.

Summary

This article presents only an overview of a few of the hundreds of local, State, Federal, private nonprofit, and industry groups which assist the law enforcement officer in arson prevention, control, and investigation programs. All the groups mentioned can direct the officer to additional agencies and associations active in arson investigation and education. Materials of all types, from handouts to audiovisual aids, are available by request directed to the individuals and groups mentioned in the Arson Information Checklist. This checklist provides the law enforcement officer with a substantial beginning to any arson-related activities.

FBI

ARSON INFORMATION CHECKLIST

Aetna Life and Casualty Corporate
Communications
151 Farmington Ave.
Hartford, Conn. 06156

Contact: Ms. Dolores Harper
(203) 273-2843

Resources: *Arson* (Handout folder, which includes an arson "Backgrounder," and two brochures describing the Seattle and New Haven antiarson projects)
C.A.A.P. Kit ("Community Arson Awareness Program" kit includes posters and instructions for presentation)
"Winning the War on Arson" (16mm film. Color. 15:30 minutes.
Available also in ¾-inch video tape cassette)

Allstate Insurance Companies
Loss Prevention Division
Allstate Plaza North, F-3
Northbrook, Ill. 60062

Contact: Ms. Rae Jones
(312) 291-7610

Resources: *Arson Update* (Quarterly newsletter published in cooperation with IACAP)
Put the Heat on the Arsonist!!! (Program Guideline For Community Action)
Why You Should See Red Over Arson! An Arson Primer for the General Public
(Brochure and also slide audio cassette packet of same title)

American Insurance Association
Public Relations Office
85 John St.
New York, N.Y. 10038

Contact: Bruce Bogart
(212) 433-4400

Battelle Human Affairs Research
Centers
Law and Justice Studies Center
4000 N.E. 41st St.
Seattle, Wash. 98105

Contact: Clifford Karchmar
(206) 525-3130

Resources: *Enforcement Manual: Approaches for Combatting Arson-for-Profit Schemes*
A Model Curriculum and Trainer's Guide on Arson-for-Profit Enforcement Programs

Battelle Memorial Institute
The Center for Arson Prevention,
Training, and Analysis
505 King St.
Columbus, Ohio 43201

Contact: Vernon Wherry
(614) 424-4949

Resources: *Combating Arson-for-Profit: Advanced Techniques for Investigators*

Federal Bureau of Investigation
FBI Academy
Behavioral Science Unit
Quantico, Va. 22135

Phone: (703) 640-6131, Ext. 2639

Resources: *The Firesetter: A Psychological Profile*

Federal Bureau of Investigation
FBI Academy Library
Quantico, Va. 22135

Phone: (703) 640-6131, Ext. 2471

Resources: *Arson* (Bibliography)

Federal Bureau of Investigation
Uniform Crime Reporting Section
Room 6212
J. Edgar Hoover Building
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Phone: (202) 324-2820

Resources: *Crime in the United States* (Annual)

Illinois Advisory Committee on Arson
Prevention
P.O. Box 614
Bloomington, Ill. 61701

Contact: David Hurst
(309) 662-2311

For Sale: Burning Building—What Agents and Underwriters Should Know About Arson
Illinois Tackles Runaway Arson
The Torch's Reward: What Insurance Claims People Should Know About Arson
"Update" (Newsletter)

Insurance Committee for Arson Control
20 North Wacker Dr.
Suite 2140
Chicago, Ill. 60606.

Contact: Mr. Charles F. Stonehill,
Secretary
(312) 558-3800

Resources: *Arson Control Directory*
How to Organize an Arson
Task Force in Your
Community
Status Report 1: On Arson
Reporting-Immunity
Legislation (By the ICAC)

Insurance Crime Prevention Institute
Public Relations
15 Franklin St.
Westport, Conn. 06880

Contact: James Ryan
(203) 226-6347

Resources: "Anatomy of An Arson"
(16mm film)
"ICPI Report" (Quarterly
Newsletter)
Insurance Fraud: ICPI
Handbook for Insurance
Personnel

International Association of Arson
Investigators
97 Paquin Dr.
Marlboro, Mass. 01752

Contact: Robert E. May,
Executive Secretary
(617) 481-5977

Resources: *The Book of Selected*
Articles for Arson
Investigators
"Fire and Arson
Investigator" (Quarterly
Newsletter)

Law Enforcement Assistance
Administration
Arson Unit
633 Indiana Ave., N.W.
Washington, D.C. 20531

Contact: J. Michael Sheehan
(202) 724-7677

Resources: *Enforcement Manual:*
Approaches for
Combatting Arson-for-
Profit Schemes

National Bureau of Standards
Center for Fire Research
Washington, D.C. 20234

Contact: Dr. Robert Levine
(301) 921-3845

Resources: *Fire Investigation*
Handbook (NBS
Handbook 134)

National Criminal Justice Reference
Service
P.O. Box 6000
Rockville, Md. 20850

Contact: Publications Office or Library
(301) 251-5500

Resources: *Arson: A Selected Bibliog-*
raphy

Arson and Arson Investi-
gation: Survey and As-
essment

Arson Burns Us All! (Bro-
chure)

Arson Burns Us All! Pre-
vention and Investigation
Agencies

Arson Prevention and
Control: Program Models
Arson Prevention & Con-
trol... A New Report in the
Program Models Series

We Are All Victims of Ar-
son

Camera-ready Art

National Fire Protection Association
470 Atlantic Ave.
Boston, Mass. 02210

Contact: (617) 482-8755

State Farm Insurance Companies
Public Relations Office
Corporate Headquarters
One State Farm Plaza
Bloomington, Ill. 61701

Contact: David Hurst
(309) 662-2311

Resources: *The Iceberg Crime: What*
Police Officers Should
Know About Arson
Touched Off By Human
Hands

The Ten-Year War on Ar-
son (Brochure)

Verdict: Guilty of Burning:
What Prosecutors Should
Know About Arson

Your Dollars Are Burning
(Brochure)

U.S. Fire Administration
Arson Resource Center
Washington, D.C. 20472

Contact: Dr. Herman Weisman
(202) 254-7840

Resources: *Arson Resource Directory*
Arson Resource Exchange
Bulletin

Fire in the United States:
Deaths, Injuries, Dollar
Loss and Incidents at the
National, State and Local
Levels

Report to the Congress:
Arson—The Federal Role
in Arson Prevention and
Control

U.S. Fire Administration
National Fire Academy
Learning Resource Center
Route 1, Box 10A
Emmitsburg, Md. 21727

Phone: (301) 447-6771

Group Decisions: The Promise and the Reality

By DONALD C. WITHAM

*Special Agent
Management Science Unit
FBI Academy
Quantico, Va.*

There is a discernible trend in most large organizations toward allowing groups or committees to make more decisions. In part, this trend is merely a reflection of our heightened awareness of the increasing complexity of society. This complexity serves to make it less and less likely that one individual will possess the requisite knowledge, skills, and abilities to design optimal solutions to critical problems. It is reasonable to assume that several talented persons acting together possess more of these necessary attributes.

There is another reason for this trend. This reason is less obvious to the casual observer and it is frequently advanced as a moral imperative. Ever since the Hawthorne Studies, behavioral scientists have been extolling the benefits of participative management. Some management theorists function as disciples of this ideology. The question has been perverted from whether participation works to how to make participation work. This transformation of the question has not been insidiously motivated; it is an example of confusing values with goals. The argument goes as follows: Democracy is good. Participative management is democratic. Therefore, participative management is good.

Advocates of participation point out the increased satisfaction of organizational members involved in the decisionmaking process. This increased satisfaction is an important benefit of participative management; however, the principle goal of organizations is not the satisfaction of their members. Organizations are purposive social arrangements. Accomplishment of the purpose, be it profitability, efficient provision of services, etc., is the proper goal of organizations. The use and degree of participation in the decisionmaking process is a practical issue, not a moral one. Additionally, techniques which can minimize the liabilities will be presented. Judicious use of these techniques and information will help in closing the gap between the promise and the reality of group decisions.

The Promise

"When many are got together, you can be guided by him whose counsel is wisest. . . . If a man is alone, he is less full of resource, and his wit is weaker."

Homer—The Iliad

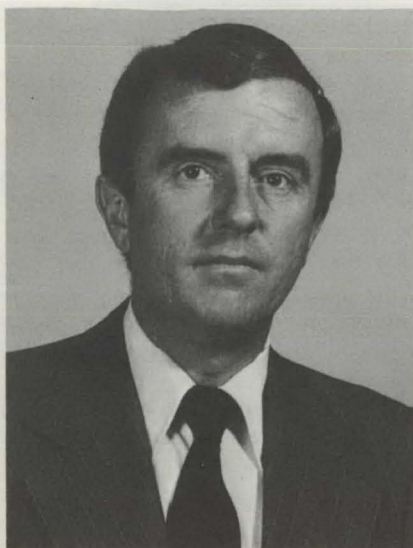
A survey of a number of large organizations found that 94 percent of them used committees.¹ Committees are the most common type of formally designated groups in organizations. Although many people harbor negative feelings about them, committees are obviously widely employed by organizations. Law professor Allen F. Westin of Columbia University predicts that the 1980's will be an era of individual employee rights.² Westin states that employees will insist upon the right of participating in major organizational decisions. Apparently, the pressures upon executives to allow people to

participate in the decisionmaking process will be increasing.

The major advantage of group decisions is that more information can be considered and weighed during the process. Specialists and experts can contribute ideas, techniques, and strategies which may be unknown to other members. Members from different divisions or geographical areas can present varying perspectives. Since information is a valued resource for decisionmakers, uncertainty and risk can be reduced to some extent as a result of more data and more accurate information. Executives are required to learn to live with ambiguity, but all of them are interested in minimizing it.

Successfully implementing a decision is also of concern to executives. More than a few good decisions, carefully considered and based on accurate information, have failed because of difficulties in implementation. A major problem during implementation can be resistance by organizational members. Allowing persons affected by the decision to become involved in the process of consideration is an effective method of gaining commitment to the decision. This involvement enhances their understanding of the decision itself and the underlying rationale. Additionally, people work harder for that which they help to develop. Group involvement in decisions can be a significant aid in implementing them.

Ideally, the ideas and information of group members can be combined and refined by others. In such a fashion, it is possible that the input to the decision process by the group can exceed the sum total of the input of all members. This notion of synergy, or combined action, can be a distinct advantage of group decisions. The brainstorming technique was developed to facilitate this phenomenon. Alex F. Osborne, a Madison Avenue executive, developed the technique to assist in triggering creativity in the field of advertising. He explained the term as meaning the use of the brain to storm a



Special Agent Witham

creative problem and "to do so in commando fashion, with each stormer audaciously attacking the same objective."³ A large number of ideas, the wilder the better, is sought from group members in a spontaneous, unstructured manner. Judgment of the ideas is deferred during collection to minimize inhibiting the members. Although brainstorming can be useful, it appears that the technique has been oversold. Many group members become inhibited in the presence of their peers or seniors. Consequently, their contributions to the group are reduced. Research has shown that the combined efforts of individuals working alone will result in more and better solutions than those produced by face-to-face unstructured groups.⁴

An example of a successful group decision is the response of the U.S. Government during the Cuban Missile Crisis of 1962. President Kennedy and the National Security Council considered a wide variety of options to the Soviet deployment of offensive missiles to Cuba. Robert Kennedy, the Attorney General, was assigned the role of devil's advocate by the President.⁵ In this role, he would point out the deficiencies and risks of all options.

This activity served to prevent a stampede of premature support for any alternative. Facts were gathered, alternatives considered, and decisions made and implemented in a relatively calm and calculated atmosphere. The Nation benefited enormously from this effective group decisionmaking process.

The Reality

"Group thinking is dominated by the average thinking, because group pressure tends to favor the majority."

Norman R. F. Maier⁶

For every successful group decision, people can point to several unsuccessful ones. Consider the Bay of Pigs or the failure to be prepared for the attack on Pearl Harbor. Something is apparently wrong within many groups. The primary difficulty is the lack of understanding by executives of group dynamics—how the structure and processes of groups affect individual members and their behavior.

In organizational settings, two tendencies are particularly damaging to group decision processes—individual dominance and groupthink. Individual dominance can result from placing a senior executive or high-status individual within a group. Such people inhibit the participation of junior group members, who defer to the expertise or preconceptions of dominant members. This speeds the process, but the benefit of wide input into problem consideration and resolution is lost. Extroverted and articulate members can dominate groups on the basis of their personalities rather than by what ideas they have to offer with respect to the problem under discussion. When selecting members, care must be exercised to avoid individuals who will dominate the group.

Alfred Sloan was aware of the problem of individual dominance while he headed General Motors. He established committees with himself as chairman, but he did not attend early meetings. He was careful to keep his views and ideas from other members during the analytical stage of the process in order to facilitate open and candid discussion of the situation. Only when careful development of ideas and alternatives had taken place would Sloan become actively involved in the group.⁷ This tactic can be effectively used by many executives.

Another difficulty which can seriously impair the performance of group decisions is groupthink. The term "groupthink" was coined by Irving Janis. Janis defines groupthink as, "the concurrence-seeking tendency observed among highly cohesive groups."⁸ Cohesiveness indicates the appeal or allure a group has for its members. Membership in certain groups is highly desirable for reasons ranging from career enhancement to social affiliation. When cohesiveness is strong, it can occasionally make the members' need for uniformity and consensus stronger than their need for accuracy and correctness.⁹ In such situations, the group is more likely to do a better job at producing unanimity than top quality decisions. The group becomes isolated from reality, begins to feel invulnerable, and engages in excessive risks. Groupthink inhibits careful and comprehensive consideration of alternatives. Dissent within the group is discouraged and equated with disloyalty. Groupthink can have devastating results for organizations.

Individual dominance and group-think are the two most serious potential problems of using unstructured groups in decisionmaking. There are other problems of which executives must be aware, such as cost, time, and risk. It costs more money for a group rather than an individual to make a decision. Depending upon the nature and magnitude of the issue, the cost may be worthwhile or wasted. Evidence suggests that groups spend more time than individuals to reach a decision.¹⁰ Again, the situation will determine whether the timing of the decision is of significance. With respect to risk, several studies have attempted to determine whether individuals or groups make riskier decisions. The tentative and controversial finding is that groups may be more willing to take risks than individuals.¹¹ This finding is surprising to most executives. It may be that individuals in a group can better hide their responsibility for failures—responsibility for results can be diffused throughout the group. Still, there is no definitive evidence that groups make riskier decisions than individuals. One researcher believes that groups serve to reinforce the prevailing attitudes of the members.¹² If initial attitudes are on the conservative side, subsequent group activity moves toward more conservatism. Conversely, if the average attitude is toward risk-taking, the group moves in the direction of higher risk.

Closing the Gap

The reality described above is not inevitable. Executives can take actions which will substantially improve group performance. There is a rapidly growing body of literature on group effectiveness which can be of assistance.

In unstructured groups, members censure their input because they are inhibited by fear of ridicule. This occurs despite instructions to the contrary. No matter how nonjudgmental the environment is structured, members will not indiscriminately articulate ideas that come to mind. Consequently, individuals working alone are more creative in their approaches to problems.

If interaction can be eliminated or minimized during the search and data collection phases of the decisionmaking process, member inhibition and censorship can be avoided. Committee creativity can be enhanced. The Delphi technique and the Nominal Group technique are structured group processes which limit interaction, and therefore, enhance group creativity and effectiveness. Managers are encouraged to read *Group Techniques for Program Planning*¹³ which provides a comprehensive description of both processes.

The Nominal Group Technique (NGT)

NGT was developed by Andre Delbecq and Andrew Van de Ven in 1968,¹⁴ and since that time, has been widely employed in a variety of settings. NGT is a structured group process which requires a facilitator to direct the proceedings. Approximately five to nine participants are brought into a room and seated at a table. In front of each participant is a pad of paper. The facilitator describes the decision or problem under consideration, and a problem statement for each participant is written on his pad. The facilitator advises the members of the importance of the task and the need for their individual contributions. The members are then instructed to write down individually and in silence their ideas regarding the problem. Sufficient time is allotted for the generation of ideas. The facilitator must avoid lengthy clarifications of the task and act as an example for other members by writing his ideas on the pad of paper.

Once ideas have been developed, the facilitator, using a blackboard or a flip chart, begins recording the ideas of the members. This is accomplished in a round-robin fashion with each member presenting one idea each round.

The process continues until all ideas have been recorded. Participants are allowed to pass when they have exhausted their ideas, but may present ideas in later rounds, should they develop new ones. At this point, the total input of the group is easily visible to all members. It is not necessary to report ideas that are identical to those already listed; however, each member can and should decide if his idea is a variation of one suggested. Variations are welcomed to aid creativity. Since the ideas are recorded sequentially, it is difficult to recall exactly who proposed which concept. Thus, it is hoped the ideas will be examined objectively on their own merits. The list becomes a depersonalized group product.

The facilitator asks the members if any of the ideas recorded on the chart are unclear. If so, a brief discussion is conducted to clarify the ideas. Also, members disagreeing with the ideas are afforded an opportunity to voice their concerns. It is most desirable to have ideas clarified by members other than the original contributor. The facilitator can ask, "What does that idea mean to you, Joe?" In this way, emphasis is on idea clarification and refinement rather than excessive or destructive criticism. Usually, a skillful facilitator is able to list ideas so that they are readily understandable. This clarification phase should not be allowed to become argumentative, emotional, or time-consuming, but the facilitator cannot move so fast as to hamper the discussion.

When the ideas are understood by all group members, the facilitator requests that each member rank order the ideas in their importance. If numerous ideas are developed (more than 20), it may be necessary to take two votes. The first vote will eliminate several low priority ideas, and the second vote will produce the aggregate judgment of the group on the most important ideas. It may be helpful to hold another brief discussion of the ideas for the purpose of further clarification before the final vote. This decision process uses mathematical averaging,

which has been shown to increase the ability of a group to reach a decision that reflects true group preferences.¹⁵ By this method, the judgment of each member is equal to every other member's judgment. The aggregate group judgment obtained during the final vote represents the group determination. The facilitator concludes the meeting and thanks the participants for their contributions.

Small group research has determined that groups having five to nine members are most effective.¹⁶ This guideline is also applicable to NGT. Members should be selected based on their anticipated contribution, not because of their position or out of politeness. NGT is appropriate for complex group decisions. The process is limited to consideration of a single issue and is rather time-consuming. NGT usually requires 60 to 90 minutes.¹⁷ Less structured approaches should be used for simple or routine considerations or when several items need to be resolved at one meeting.

The Delphi Technique

The Delphi technique, sometimes referred to as the Delphi method, is a group decision process that uses written communication.¹⁸ Individual members can be either anonymous or known to each other, but they are not brought physically together during the process. The written communications do, however, remain anonymous. The technique essentially consists of a series of questionnaires.

The key to successfully employing Delphi lies in carefully and accurately developing the Delphi question. The question must reflect the needs of the sponsoring group, and it must be sufficiently clear and broad so as not to frustrate and demotivate the respondents. Respondents should be selected because of their knowledge, their interest in the situation, and their motivation to complete several questionnaires.

They must also possess good reading and writing skills. The first question is stated broadly to encourage a wide variety of responses. Numerous respondents can be involved in this process which can entail enormous amounts of work for the staff. Generally, 10 to 15 participants are adequate. The staff collates and lists the positions of the respondents for the first round.

All first round positions, solutions, and forecasts are communicated to each participant in the second round. Participants are permitted to modify their positions in the second and succeeding rounds, but they must document the reasons for the modification. Participants rank order the positions by importance. The process continues through subsequent rounds until the group approaches a consensus.

Delphi, a very time-consuming process, can require several months. A highly skilled and industrious staff is a prerequisite to success. Research indicates that such a process leads to better decisions than face-to-face groups.¹⁹ The technique can be effective for identifying problems, setting priorities and goals, and identifying problem solutions. It is particularly applicable for long-range forecasting and future research. The technique deemphasizes personalities and status and focuses participant attention on the matter under consideration. It can be used to aggregate judgments where persons are hostile toward one another.

Delphi is being employed in an ongoing study concerning the future of criminal justice. The study is being conducted by Ralph G. Lewis and Ronald Schneider of Florida International University in North Miami, Fla.²⁰ The study asks respondents to list the five most critical problems that will be faced by criminal justice administrators in the year 2000. Studies of this nature should be most helpful to law enforcement executives.

Conclusion

It seems obvious that the trend toward increasing reliance on group decisionmaking will continue. Group decisions can be of inestimable value to law enforcement executives who have an understanding of group dynamics. Problems such as individual dominance and groupthink cannot be ignored without serious risks. Techniques such as NGT and Delphi have been validated and successfully employed in a wide variety of settings in both the public and private sector. There is little evidence that the advantages of these processes are appreciated within law enforcement.

As law enforcement becomes more complex and specialized and resources further constrained, the quality of our decisions must improve. Group participation in the decisionmaking process is a practical issue, not a moral consideration. Effective decision groups can contribute significantly to a favorable future for law enforcement.

FBI

Footnotes

¹ David R. Hampton, Charles E. Summer, and Ross A. Webber, *Organizational Behavior and the Practice of Management*, 3d ed. (Glenview, Ill.: Scott Foresman and Co., 1978), p. 243.

² "Issues of the '80s: Employee Rights," Nancy L. Ross, *The Washington Post*, June 13, 1980, Section C, p. 8.

³ Alex F. Osborne, *Applied Imagination*, (New York: Charles Scribner's Sons, 1953), p. 297.

⁴ David R. Hampton, et al., *Organizational Behavior and the Practice of Management*, p. 247.

⁵ *Ibid.*, p. 281.

⁶ Norman R. F. Maier, *Psychology in Industry*, 3d ed. (Boston: Houghton Mifflin Co., 1965), p. 194.

⁷ David R. Hampton, et al., *Organizational Behavior and the Practice of Management*, p. 254.

⁸ Irving L. Janis and Leon Mann, *Decision Making—A Psychological Analysis of Conflict, Choice and Commitment*, (New York: The Free Press, 1977), p. 129.

⁹ David R. Hampton, et al., *Organizational Behavior and the Practice of Management*, p. 254.

¹⁰ *Ibid.*, p. 246.

¹¹ *Ibid.*, p. 248.

¹² *Ibid.*

¹³ Andre L. Delbecq, Andrew H. Van de Ven, and David H. Gustafson, *Group Techniques for Program Planning*, (Glenview, Ill.: Scott Foresman and Co., 1975).

¹⁴ *Ibid.*, p. 7.

¹⁵ *Ibid.*, p. 55.

¹⁶ David R. Hampton, et al., *Organizational Behavior and the Practice of Management*, p. 251.

¹⁷ Andre L. Delbecq, et al., *Group Techniques for Program Planning*, p. 81.

¹⁸ N. C. Dalkey, "The Delphi Method: An Experimental Study of Group Opinion," Rand Corporation Memorandum—RM 5888-PR, June 1969.

¹⁹ *Ibid.*

²⁰ Interview with Ralph G. Lewis, Florida International University, North Miami, Fla., September 1980.

SEARCH OF PERSONS DURING SEARCH WARRANT EXECUTION (Conclusion)

By JOSEPH R. DAVIS
*Special Agent
Legal Counsel Division
Federal Bureau of Investigation
Washington, D.C.*

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

Part I of this article examined *Ybarra v. Illinois*,²⁸ the leading U.S. Supreme Court case regarding the legality of searching persons who are present at premises where a search warrant is being executed, but who are not named in the warrant. It focused on the question of when a *full search* of a person present *for evidence or contraband* would be justified.

The conclusion of the article considers the circumstances under which persons present at premises during execution of a search warrant may properly be subjected to a more limited patdown or frisk to discover weapons and the allowable scope of such frisks. Additionally, it considers the related question of whether information gained by an officer in the course of a properly limited patdown may be relied on to establish probable cause to conduct a more thorough search of the person for evidence or contraband.

Often, the "particularized probable cause" standard required to support an evidentiary search of persons present during execution of a search warrant cannot be satisfied. Nevertheless, officers may feel unsafe in proceeding with the execution of a warrant without, at least, a limited patdown or frisk of these individuals to guard against the

risk of armed assault.²⁹ Yet, the Supreme Court made it clear in *Ybarra* that such a self-protective frisk may not be routinely undertaken in every case. Rather, a "reasonable belief or suspicion [that the person is armed and dangerous] directed at the person to be frisked" must exist.³⁰

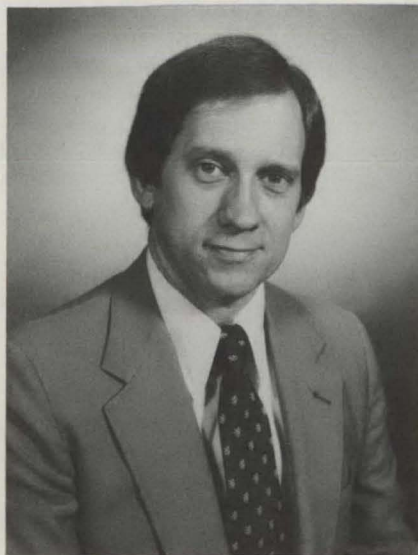
A review of State and lower Federal court cases is helpful in identifying the type and quantity of proof required to meet this standard.

Frisk of Persons Present or Arriving During Execution of a Search Warrant

The following three State appellate court cases, although decided prior to *Ybarra*, offer good examples of a reasonable belief or suspicion directed at the person to be frisked, which is required to support a patdown. The factors relied upon by the courts in upholding the frisks are enumerated in each case.

In *McNamara v. State*,³¹ a Florida case, (1) the search was of the defendant's apartment; (2) the search warrant affidavit indicated he was seen at the apartment a short time before, cutting and packaging narcotics; (3) the officer was aware that the defendant had a prior felony record; (4) the officer testified as to his experience that a high percentage of persons arrested for narcotics offenses are found to be armed; (5) the apartment was located in a high-crime area; and (6) the defendant was wearing a trench coat which provided an opportunity for concealment of a weapon.

"The same considerations which justify a frisk of persons present during the search will support a patdown of an individual who arrives during the course of the search."



Special Agent Davis

In an Oregon decision,³² (1) the officers knew the person frisked was reputed to carry a gun, and (2) the premises being searched were occupied by the defendant.

The Colorado Supreme Court³³ validated the frisk of a person attempting to leave premises to be searched where (1) it was that person's residence; (2) he turned away from the officers quickly and put his hand into his pocket; (3) he was known to have a prior criminal record, including assault with a deadly weapon; and (4) he appeared to be under the influence of drugs or alcohol.

A Federal court of appeals, in pre-*Ybarra* case,³⁴ also found a frisk lawful where (1) the search warrant targeted an illegal after-hours drinking establishment; (2) the frisking officer testified that firearms had been discovered in almost every prior raid of 30 to 40 similar clubs; and (3) the person frisked was wearing a uniform similar to that of a nearby police agency (giving rise to concern he might be armed).

A recent post-*Ybarra* decision of a Washington State appellate court³⁵ allowed the frisk of a person present in a private residence during a warrant-authorized search for narcotics, where the officers had information that narcotics were sold within the previous 24 hours. The majority opinion held this case was different from *Ybarra* primarily because of the private nature of the premises. An additional and more convincing justification for the frisk was offered in a concurring opinion. It explained that prior to the frisk, the officer who authorized it saw a bulge in the defendant's pocket which "piqued his interest" and made him "concerned about [his] safety and the safety of [his] detectives."³⁶

The above cases illustrate the three factors most often cited as upholding a frisk in such circumstances: (1) Specific prior knowledge concerning the person to be frisked, indicating he might pose a threat to the officers (such as a prior criminal record, reputation, or specific informant information as to dangerousness);³⁷ (2) specific observations of the person's appearance or behavior at the time of the search (furtive action, bulge in clothing);³⁸ and (3) a known connection between the person frisked and the premises being searched under the warrant.³⁹ The persuasiveness of the first two factors is obvious, because they directly support the need for the frisk. The rationale of the third factor is less obvious, but it appears to rest on the logical assumption that a close connection with the premises indicates the strong probability of involvement in the illegal activities supporting issuance of the warrant. This, in turn, indicates an increased likelihood that the person may be armed and attempt to interfere with the search.

The same considerations which justify a frisk of persons present during the search will support a patdown of an individual who arrives during the course of the search. A Federal district court case,⁴⁰ decided prior to *Ybarra*, is illustrative. A frisk of a person arriving during execution of a search warrant for narcotics was upheld where (1) the officers had information that the individual was an occupant of the residence; (2) the officers knew he had a prior felony record, including narcotics and burglary offenses; and (3) the officers testified as to their general experience that narcotics traffickers are often armed.

Since *Ybarra*, the few reported decisions involving the frisk of a person arriving during the execution of a search warrant have invalidated the frisks.⁴¹ Each of these cases involved a search of a private residence for narcotics and related evidence. It is significant that in each case the prosecution was unable to make any showing of prior knowledge concerning the person who arrived,⁴² to point to any specific action or appearance of the person that caused concern, or to establish any connection between the individual frisked and the premises being searched.

If a frisk is challenged in court, the prosecution has the burden of establishing the facts and circumstances which gave rise to a reasonable suspicion that the person was armed. To facilitate this, the officer who undertakes such a frisk should record as soon as possible all the reasons supporting the need for the self-protective search. This will accomplish two important things: (1) It will force the officer to identify and isolate each fact or circumstance that was present at the time, and (2) it will provide a record to refresh the officer's memory in the event of a later court hearing. In the event of a court hearing, it is imperative that the testifying officer and counsel for the prosecution get each supporting fact into the court record.⁴³

Proper Scope of Weapons Frisk

In *Terry v. Ohio*,⁴⁴ the landmark case which first recognized that a limited search might be proper in the absence of probable cause, the Supreme Court was careful to point out that the only purpose of the frisk is to protect the police officer.⁴⁵ Subsequent cases in the Supreme Court and in Federal appellate courts have been consistent in restricting the scope of the frisk to a search for weapons.⁴⁶ The Supreme Court in *Ybarra* made reference to this principle by noting that "nothing in *Terry* can be understood to allow . . . any search at all for anything but weapons."⁴⁷ (Emphasis added)

Of course, if an officer in the course of a patdown of the exterior of the suspect's clothing feels an object which he has reason to believe or suspect is a weapon, he may then reach into the pocket or inner clothing and retrieve the suspicious object. If the item removed is a weapon or is immediately apparent as evidence or contraband, it may properly be seized.⁴⁸ In cases where evidence or contraband is recovered in this fashion, the reviewing court must be convinced that the nature of the object is such that it could reasonably have been mistaken for a weapon in the initial patdown.⁴⁹ If, upon removal, the item is neither a weapon nor apparent as evidence or contraband, there would ordinarily be no justification for a further examination of the item.⁵⁰

May the Frisk Provide Probable Cause for an Evidentiary Search?

Although it is settled that the frisk itself cannot properly be expanded to include a search for evidence or contraband, there is a related question which has not been answered by the

Supreme Court. That question may be posed as follows:

If an officer, in the course of a justified and properly limited frisk for weapons, feels an object which does not appear to be a weapon, but does feel like evidence described in the search warrant or contraband, may he use this information to establish probable cause to support a more thorough search of the person for the evidence or contraband?

You may recall from the earlier discussion that the prosecution in *Ybarra* urged the Supreme Court to adopt this approach to validate the second search of the defendant. It argued that in the first patdown, the officer felt a cigarette pack with objects in it and that this provided *probable cause* to believe *Ybarra* was concealing narcotics, thus establishing justification for the second, more thorough search in which the narcotics were retrieved from his pocket. Although the Court refused to consider that approach in *Ybarra*, because there was no sufficient basis for the initial frisk, it did not condemn the underlying rationale.⁵¹

Several State and lower Federal court decisions have accepted this two-step approach and have relied on it to validate seizures of evidence or contraband. A brief review of two recent cases may be useful.

State v. Broadnax,⁵² a State appellate court decision, is an excellent example. In *Broadnax*, officers executed a search warrant for narcotics at a private residence. The search warrant was based upon an affidavit which alleged that within the previous 24 hours, narcotics had been offered for sale at the house by a person residing therein.

“. . . the initial patdown [should] be completed prior to returning to the pocket believed to contain evidence or contraband.”

The officers found several persons within the residence and frisked two adult males. While frisking one of them, a detective felt a small bulge in his shirt pocket. The detective, an experienced narcotics officer, testified that he did not believe it to be a weapon, but believed it was a balloon of heroin. The officer removed the item which was, in fact, a balloon containing heroin. The court first decided, for reasons not important to the present discussion, that the initial weapons frisk was appropriate. Then, the court observed that the subsequent seizure of the balloon from the pocket was justified, because the detective had, during the frisk, recognized the bulge as a balloon containing narcotics, giving him “*probable cause* to arrest and to seize the balloon as contraband and as evidence of crime.”⁵³ (Emphasis added)

The Court of Appeals of Oregon followed a similar rationale in another recent decision.⁵⁴ Officers executed a search warrant for the clubhouse of a motorcycle gang. There were approximately 30 individuals present in the premises, and all were handcuffed at the outset. A few minutes later, the defendant was subjected to a patdown search for weapons. The search was described as follows:

“In the course of the patdown, the officer felt something like a druggist’s prescription vial, which rattled, in defendant’s right jacket pocket. He removed the object, which proved to be a gray plastic film canister, opened it and found amphetamine tablets inside.”⁵⁵

At the suppression hearing, the defendant conceded that the frisk was justified, but argued that its scope (extending to the seizure of evidence) was too broad. The court took notice of the officer’s testimony that in his experience, prescription vials and film canisters are often used to carry narcotics. The court also stressed the fact that the place being searched was described as a “shooting gallery” where the presence of large quantities of drugs had been reported. In upholding the seizure of the canister, the court stated:

“Given the conceded validity of the frisk, the officer had probable cause to remove and search the object which, because of its size, shape and sound, and the officer’s experience, gave rise to a ‘well-warranted suspicion justifying a reasonable man in the belief that’ . . . the object was a vial containing contraband.”⁵⁶

In cases such as those mentioned, where the probable cause to search arises from the frisk, it is critical to convince a reviewing court that the subsequent search for and seizure of evidence or contraband is separate

from the more limited initial frisk for weapons. To assist in this, it is suggested that the initial patdown be completed prior to returning to the pocket believed to contain evidence or contraband. Interrupting the frisk in “mid-stream” to reach into a pocket to seize evidence or contraband makes it appear the weapons frisk has exceeded its proper bounds. Such action may also weaken the argument that the frisk was justified at the outset, because failure to complete the patdown raises the question of whether the officer was actually concerned for his safety or simply was using the frisk as a subterfuge to make an evidentiary search.

In some cases, particularly those where an officer believes he has discovered contraband in the course of the initial patdown, it may be advisable for the officer to inform the person he or she is under arrest prior to retrieving the object from the pocket. This makes it clear that the evidentiary search is not simply an improper extension of the frisk, but rather based upon *probable cause* to believe the person is in possession of evidence or contraband.⁵⁷

It should be recognized that the practice of using facts gained in the course of a frisk to support an evidentiary search has not as yet gained broad acceptance among judges and legal commentators.⁵⁸ Some courts may view it as a subterfuge or stratagem to avoid the general prohibition against searching for evidence in the course of a frisk. Therefore, the matter should be discussed with the departmental legal adviser and the appropriate prosecuting attorney prior to reliance on this theory to support an evidentiary search of an individual.

Summary

It is clear from the recent Supreme Court case, *Ybarra v. Illinois*,⁵⁹ and similar decisions of State and lower Federal courts, that officers executing a search warrant for premises may not routinely search or frisk persons present. In order to make a valid search of a person for evidence named in the search warrant or for contraband, the officer must be able to point to facts and circumstances amounting to *probable cause* to believe such items are in his or her possession. To support a lawful patdown or frisk for weapons, the officer must satisfy the court that he had a *reasonable belief or suspicion* that the person frisked was armed and dangerous.

The scope of such a frisk is limited to a patdown of the exterior of the person's clothing, unless the officer feels an item which the officer reasonably believes or suspects is a weapon, in which case the officer may retrieve the item from the suspect.

Some courts have allowed information obtained in the course of the frisk to be used to supply probable cause for a more thorough evidentiary search. Although this approach appears analytically sound, the Supreme Court has not ruled upon it and it has gained only limited acceptance by State and lower Federal courts. **FBI**

Footnotes

- ²⁸ 444 U.S. 85 (1979) (Hereinafter *Ybarra*).
- ²⁹ Mr. Justice Rehnquist makes this point in his dissenting opinion in *Ybarra*, *id.* at 107, quoting from *W. LaFave, Search and Seizure*, Vol. II, Section 4.9 (1978).
- ³⁰ *Ybarra*, *supra* note 28, at 94.
- ³¹ 357 So.2d 410 (Fla. 1978).
- ³² *State v. Yarbrough*, 552 P.2d 1318 (Or. Ct. App. 1976).
- ³³ *People v. Casias*, 563 P.2d 926 (Colo. 1977).
- ³⁴ *United States v. Liggins*, 545 F.2d 1118 (8th Cir. 1976).
- ³⁵ *State v. Broadnax*, 612 P.2d 391 (Wash. Ct. App. 1980); *accord*, *Travis v. State*, 381 So.2d 97 (Ala. Cr. App. 1979), *rehearing denied*, 381 So.2d 102 (1980), *writ denied*, 381 So.2d 102 (Ala. Sup. Ct. 1980) (Court upheld *full search* of person when, after forcible entry into premises to execute a search warrant for narcotics, he was stopped as he attempted to exit from the back door. Court noted, by way of *dictum*, that under the circumstances a frisk of all persons present would be justified).
- ³⁶ *State v. Broadnax*, *supra* note 35, at 394-95.
- ³⁷ *Guzman v. Estelle*, 493 F.2d 532 (5th Cir. 1974) (knowledge of prior criminal record).
- ³⁸ *State v. Lomax*, 603 P.2d 1267 (Wash. Ct. App. 1979) (Forced entry by officers and observation of defendant with hand in pocket of robe supported immobilizing arm and reaching into pocket); *Guzman v. Estelle*, *supra* note 37 (bulge observed in pocket).
- ³⁹ In *United States v. Miller*, 546 F.2d 251 (8th Cir. 1976) (court invalidated frisk of person who said he was just a visitor and appeared to be).
- ⁴⁰ *United States v. Mack*, 421 F. Supp. 561 (W. D. Pa. 1976), *aff'd mem.*, 568 F.2d 771 (3d Cir. 1978); *accord*, *United States v. Peep*, 490 F.2d 903 (8th Cir. 1974); *People v. Nefzger*, 476 P.2d 995 (Colo. 1970) (person asked to remove his hands from pocket, but then put his hand back in as officer approached him).
- ⁴¹ *United States v. Cole*, 628 F.2d 897 (5th Cir. 1980); *Bell v. State*, 608 P.2d 1159 (Okla. Cr. App. 1980); *State v. Peters*, 611 P.2d 178 (Kan. Ct. App. 1980); *United States v. Clay*, 28Cr1 2537 (8th Cir. 2/9/81).
- ⁴² In *United States v. Cole*, *supra* note 41, the officers testified that they had "previously received information" of an undisclosed nature about the defendant. The court noted that without some knowledge of the content of the information, it could not judge the reasonableness of the inference of dangerousness.
- ⁴³ See footnote 42, *supra*, for an example of a failure to communicate available information to the reviewing court.
- ⁴⁴ 392 U.S. 1(1968).
- ⁴⁵ *Id.* at 29.
- ⁴⁶ *E.g.*, *Sibron v. New York*, 392 U.S. 40 (1968); *Adams v. Williams*, 407 U.S. 143 (1972); *United States v. Del Toro*, 464 F.2d 520 (2d Cir. 1972).
- ⁴⁷ *Ybarra*, *supra* note 28, at 93-94.
- ⁴⁸ *Terry v. Ohio*, *supra* note 44 (gun); *Adams v. Williams*, *supra* note 44 (gun); *State v. Streeter*, 195 S.E.2d 502 (N.C. 1973) (burglary tools).
- ⁴⁹ *United States v. Del Toro*, *supra* note 46, (Court noted it "strained credulity" to suppose that experienced narcotics officer feeling small and flexible object in shirt pocket reasonably suspected it was a weapon. Narcotics seized from pocket ordered suppressed).

⁵⁰ *United States v. Thompson*, 597 F.2d 187 (9th Cir. 1979) (Defendant's repeated attempts to reach into pocket coupled with officer's inability to determine from patdown whether the pocket contained a weapon justified probe of pocket, but once officer removed envelope from pocket and alleviated concern it might be a weapon, the opening of the envelope was not proper. Court noted officer only had "unfounded hunch" it contained evidence); *State v. Allen*, 606 P.2d 1235 (Wash. 1980) (After officer removed wallet after feeling bulge in course of patdown, he was not justified in opening it).

⁵¹ *Ybarra*, *supra* note 28, at 92-93.

⁵² *Supra* note 35.

⁵³ *Id.* at 393. *Accord*, *State v. Yarbrough*, *supra* note 32, (also a balloon case) and *Guzman v. Estelle*, *supra* note 37, (officer felt "fingerstall" often used to carry narcotics). But see *State v. Hobart*, 617 P.2d 429 (Wash. 1980). In *Hobart* the Supreme Court of Washington, sitting *En Banc*, held that a frisk of an individual, though properly justified at the outset, was illegal where its scope was not limited to a patdown for weapons, but included exploration of the possibility the defendant might be in possession of narcotics. The court noted that after feeling spongy objects in defendant's pocket, the officer squeezed them with the obvious purpose of determining whether they had the shape and consistency of balloons commonly used for narcotics. The court viewed the "squeezing" as an improper extension of the patdown. This case may be distinguished from the three cases cited above wherein the courts did not find the officers were searching for narcotics. Also, the frisk in *Hobart* took place after a stop on the street for a reason unrelated to a narcotics investigation, whereas in *Broadnax*, *Yarbrough*, *Guzman*, and *Estelle*, the frisks and subsequent searches took place inside premises where warrant-authorized searches for narcotics were underway.

⁵⁴ *State v. Olsen*, 611 P.2d 695 (Or. Ct. App. 1980).

⁵⁵ *Id.* at 696.

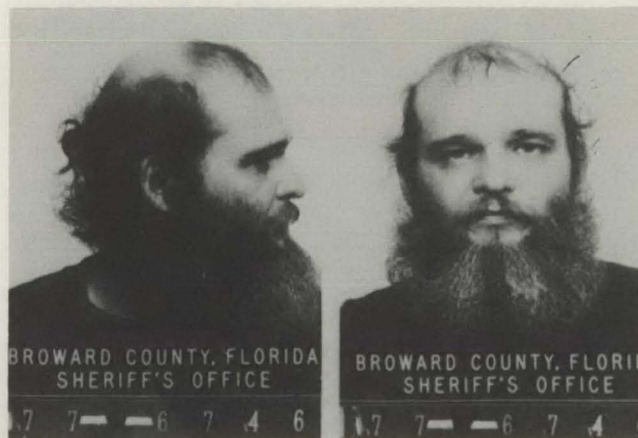
⁵⁶ *Id.*

⁵⁷ An argument may be made that given probable cause to believe that a person is in possession of contraband, there is probable cause to arrest, and once this is established, it is immaterial whether the formal announcement of arrest takes place before or after the search incident to the arrest. This view is accepted in the pre-*Ybarra* case of *United States v. Peep*, *supra* note 40, at 907 n.4. In a different context, the U.S. Supreme Court recently stated that given probable cause to arrest, "we do not believe it particularly important that the search preceded the arrest rather than vice versa." *Rawling v. Kentucky*, 65 L.Ed.2d 633 at 645, — U.S. — (1980).

⁵⁸ See *State v. Hobart*, *supra* note 53. For example, Professor LaFave, in his treatise on the fourth amendment, makes no mention of this theory. LaFave, *Search and Seizure* (1978).

⁵⁹ *Supra* note 28.

WANTED BY THE FBI



Photographs taken 1977

Norman Edward Risinger

Norman Edward Risinger, also known as J. E. Owings, James E. Owings, James Edward Owings, Norman Edward Reisinger, Norman Edward Risimer, N. E. Risinger, Norman Risinger, Norman Edward Patrick Risinger, "Spider."

Wanted for:

Interstate Flight—Murder

The Crime

Risinger is being sought as the alleged gunman in the execution-style shotgun murders of three rival motorcycle gang members whose bodies, weighted with concrete blocks, were later found floating in a rock pit.

A Federal warrant was issued for Risinger's arrest on August 20, 1978, at Fort Lauderdale, Fla.

Criminal Record

Risinger has been convicted of theft, aggravated assault, and aggravated battery.

Description

Age 39, born March 17, 1942, Port Arthur, Tex.
 Height 6'.
 Weight 160 to 180 pounds.
 Build Medium.
 Hair Balding—graying brown.
 Eyes Brown/hazel.
 Complexion Light.
 Race White.
 Nationality American.
 Occupation Mechanic.
 Scars and marks Scar between eyebrows and on stomach and back; left ear pierced; tattoos: devil with words "Born to Raise Hell" on left forearm, skull with crossed pistons and words "Outlaws Forever" and "Chicago" on left upper arm.
 Remarks Wears mustache and beard; reportedly a member of the "Outlaw" motorcycle gang.
 FBI No. 198 922 D.

Caution

Risinger is being sought as the alleged gunman in the execution-style murders of three people and 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.

Classification Data:

NCIC Classification:

1901TTAATT16SRAA04AA

Fingerprint Classification:

19 L 1 U tat Ref: T U T U T U T 1

M 1 U a-a

A A T T R R U 3



Right thumb print

Change of Address

Not an order form

FBI LAW ENFORCEMENT BULLETIN

Complete this form and return to:

Director
Federal Bureau of
Investigation
Washington, D.C. 20535

Name _____

Title _____

Address _____

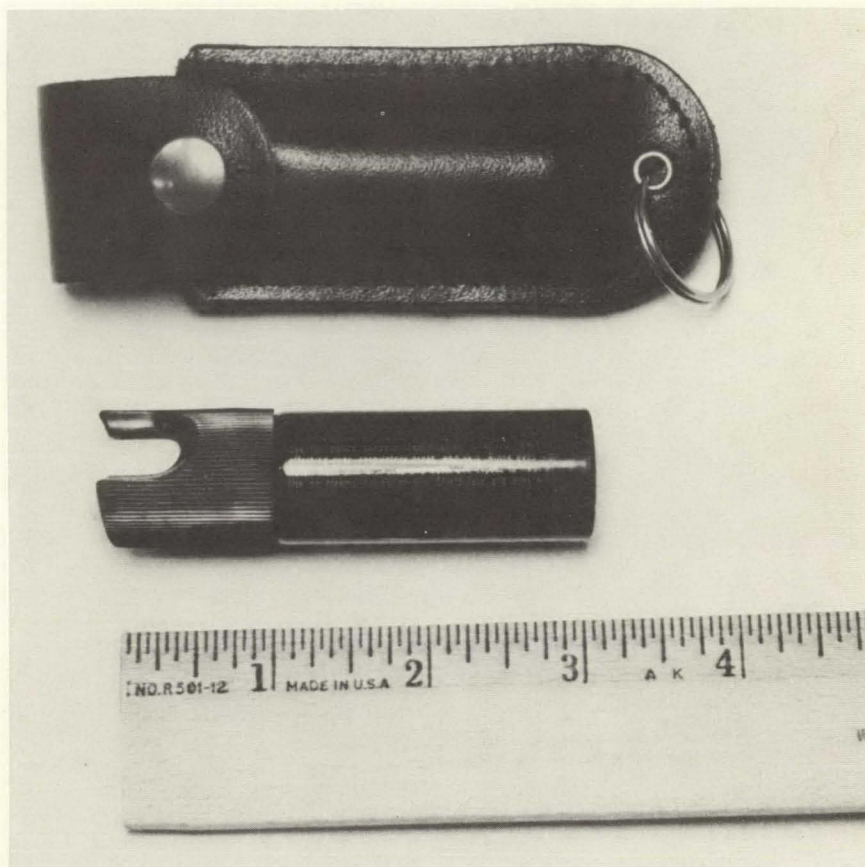
City _____

State _____

Zip _____

Gas Weapon

Advertised as a "key to personal protection," this key chain actually contains a nontoxic solvent capable of incapacitating a person for up to 30 minutes. Law enforcement officers should be aware of such capabilities when encountering this innocent-looking device. (Submitted by the Minnetonka Public Safety Department, Excelsior, Minn.)





Washington, D.C. 20535

Questionable Pattern

The pattern shown has an interesting ridge formation in the center of the impression. The pattern is classified as a central pocket loop-type whorl with an inner tracing and is referenced to a loop.

