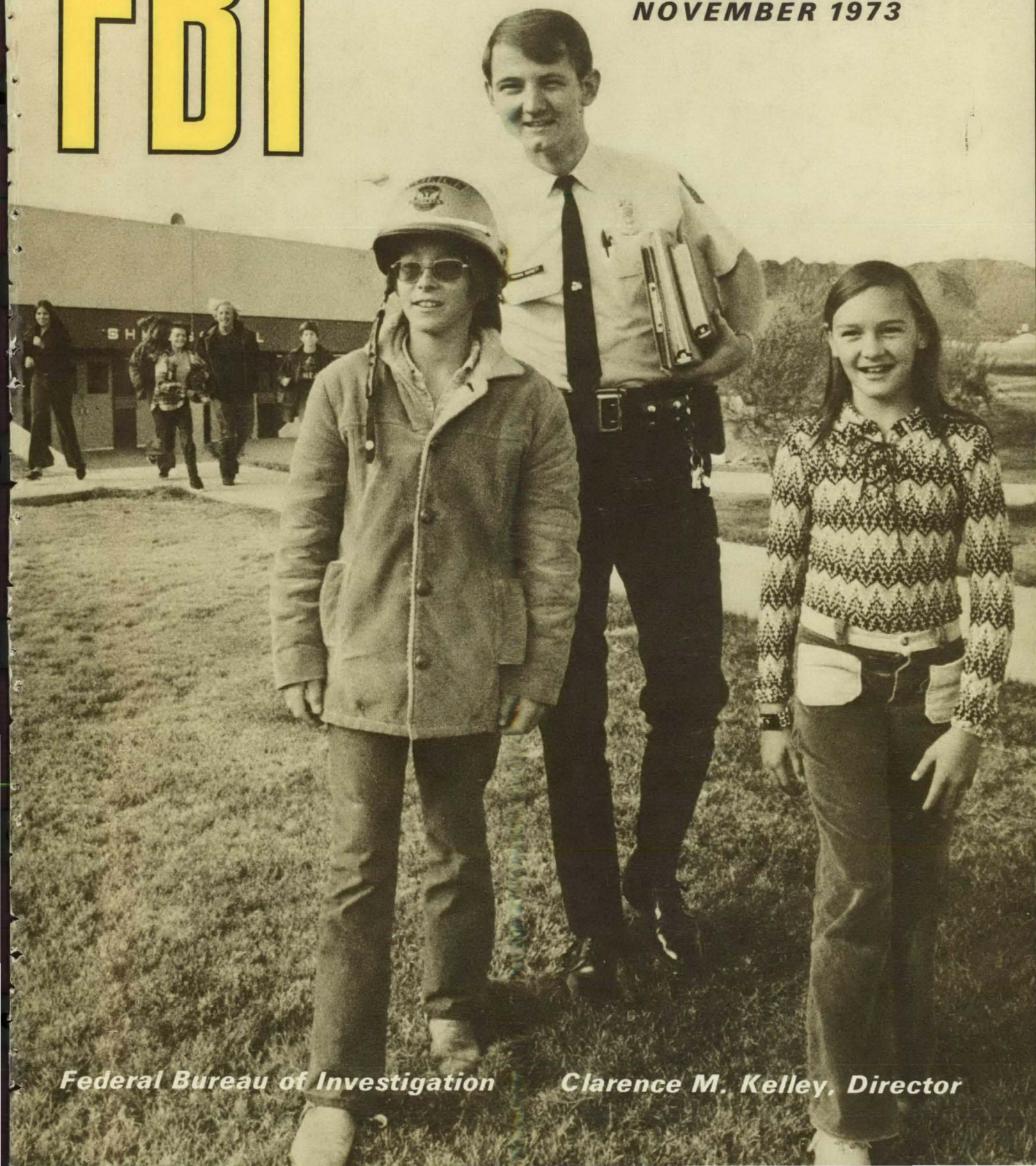


# FBI

## ***Law Enforcement Bulletin***

**NOVEMBER 1973**



***Federal Bureau of Investigation***

***Clarence M. Kelley, Director***



# FBI

## Law Enforcement Bulletin

NOVEMBER 1973  
VOL. 42 NO. 11



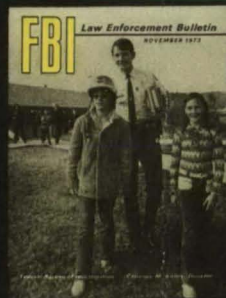
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#### THE COVER

A Phoenix, Ariz., police officer assigned to the public schools leaves classes accompanied by two of his student charges, one of whom proudly wears his official helmet. See article beginning on page 8. (Photo courtesy of the "Arizona Republic" newspaper, Phoenix, Ariz.)





## Message from the Director . . .



CRIME IS A TRAGIC HUMAN ACTIVITY. This fact is all too real to its victims. The realities of crime, however, are obscure to many who, fortunately, have had no confrontation with it.

The tragedy of crime is compounded by the idea of "victimless crimes." Proponents of this idea argue that persons who engage in the vice crimes—gambling, drugs, prostitution, certain homosexual practices, and obscenity—do so willingly and are rarely complaining witnesses of the activity. Some even contend that these acts should not further tax law enforcement resources under the cloak of illegality.

By promoting the concept of victimless crimes, many persons, particularly those who commit them, are encouraged to rationalize these activities at their worst as social transgressions and at their best as simply matters of personal taste. This thinking regrettably merchandises the notion that persons who indulge the vices bring no harm to anyone but, if at all, themselves.

This is a mistake. Besides the debasement they bring to the fundamental nobility of life, gambling, drugs, prostitution, homosexual behavior, and obscenity generate and accommodate a broad range of serious lawlessness. All of these offenses

depend on accomplices who are principally to be found in public places. As a result, the activities lend themselves to exploitation by organized crime elements that can provide the facilities and services which permit the vices to flourish.

It assaults commonsense to contend, as some persons do, that the so-called victimless crimes are damaging to only a few. Experience convinces us that the vices are corrosive to many having any contact with them—particularly innocent, adventuresome, and impressionable youth.

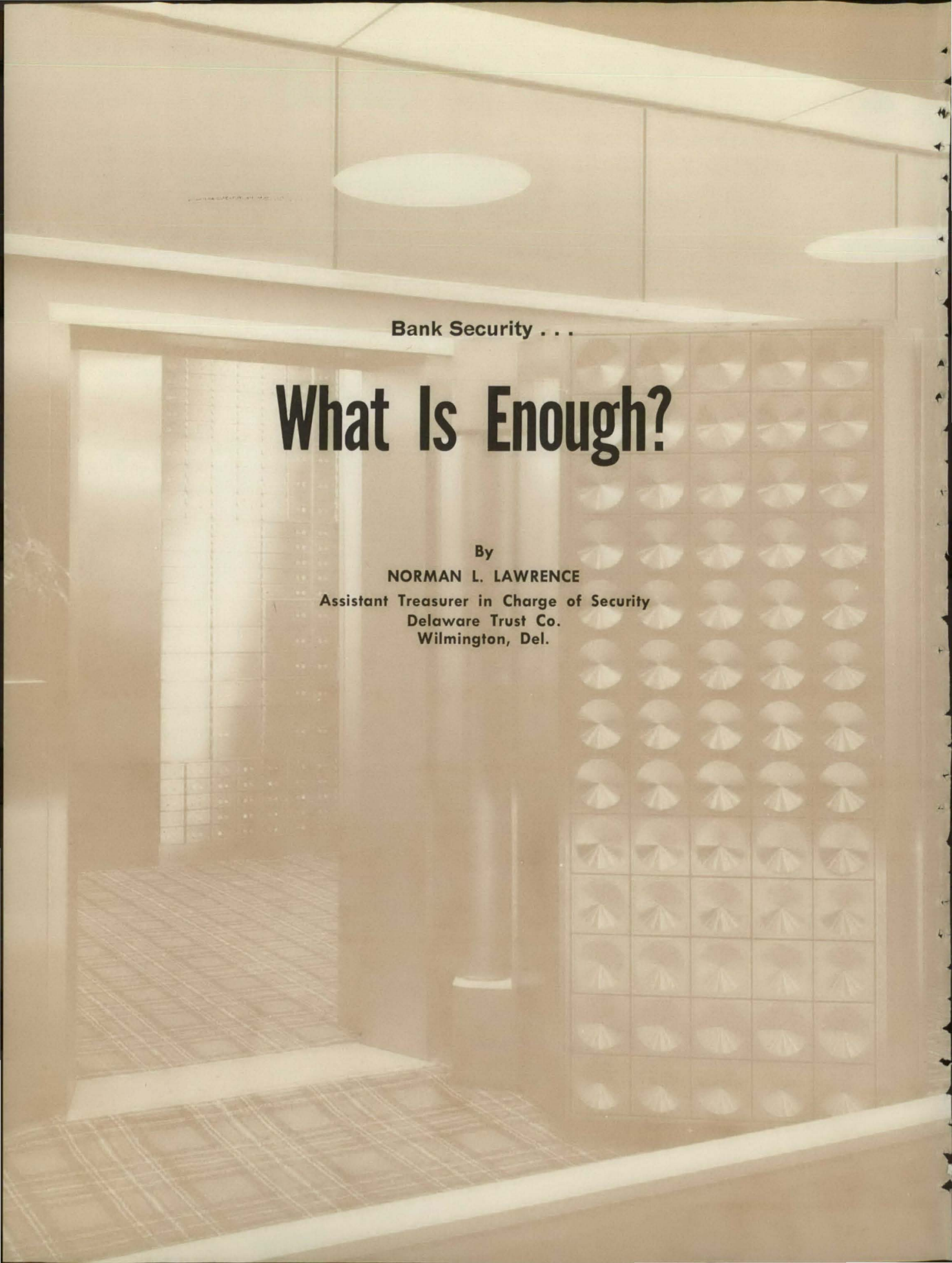
Can any responsible person seriously suppose that the vices would diminish if unregulated by law? Can anyone persuasively argue that the quality of life in our society would be as good or better with unrestrained vice activity? I think not.

There is no such thing as a victimless crime. Society is the ultimate and most aggrieved victim of all crime. This seems especially true of the vice crimes because of their impoverishment of the human spirit.

The law enforcement profession cannot be distracted, or the public deluded, from combating crime—whatever its nature.

  
CLARENCE M. KELLEY  
Director





Bank Security . . .

# What Is Enough?

By

**NORMAN L. LAWRENCE**

Assistant Treasurer in Charge of Security  
Delaware Trust Co.  
Wilmington, Del.



*"Is compliance with minimum standards of the Bank Protection Act of 1968 enough? At Delaware Trust Co., we say an emphatic 'No!'"*

**I**s compliance with minimum standards of the Bank Protection Act of 1968 enough? At Delaware Trust Co., we say an emphatic "No!"

Some say or feel that merely meeting the minimum is enough—that all possibilities are sufficiently covered and anticipated. As the first bank in the State to establish a security department with a former State policeman in charge, it was felt more was necessary: Stronger protective systems in the primary area of bank robbery PLUS overall security posture to limit all losses. The following national statistics have spurred and justified our action:

1. *Senate Report on the Bank Protection Act.* 1960 through 1966—Increase of 154 percent in bank robberies.
2. *Department of Justice Statistics.* 1966 through 1972—Increase of 125 percent in bank robberies.

We feel the Bank Protection Act has had some effect in this reduction, but the fact remains that increases are still quite evident. In addition, the rapid growth of Delaware Trust over the past 7 years—financially and physically—contributed enormously to the need for upgrading overall security plans. The bank, now with 22 branch offices, took 52 years to reach its first \$100 million in assets, 7 years to gain the next \$100 million, and only 3 years for the third \$100 million.

### **Goals**

Thus, in July 1971, a Security Department was formed with responsibility for all facilities throughout the State. Our goals were: To upgrade all existing equipment and procedures;

to develop new and improved systems where needed; and to coordinate and train all personnel toward a more positive attitude on the daily operation of a strong, comprehensive security program.

These goals were accomplished by: First, inspecting all existing equipment, replacing and relocating as needed; and secondly, instituting a "security awareness" training program. This was kicked off with a branch-by-branch security seminar during January and February of 1972 in conjunction with local, State, and Federal law enforcement agencies dealing with bank robbery procedures.

Prior to the seminars, a breakfast for city, county, State, and Federal law enforcement officers was held. This breakfast session had a twofold purpose:

1. To acquaint law enforcement officers with new bank security equipment that we considered the "ultimate" in bank robbery protection. This equipment had been installed at all the bank's offices in November 1971.



Mr. Lawrence

2. To lead the State's banks in centering security procedures for bank robbery around the new equipment. We were the first in Delaware to employ this particular type of equipment and felt other banks would follow our lead by strengthening their security safeguards.

In September of 1972, a complete security seminar was held at the Delaware State Police Academy in Dover, the State capital, for our branch employees. This dealt with all aspects of security, including fraudulent checks, which will be discussed at length later. The seminar was designed to offer statewide personnel an opportunity to discuss the many aspects of their particular branch operation, to exchange ideas, and to suggest changes.

### **Protective Systems**

In early 1972, a decision was made to remove central station alarms and employ direct lines to the nearest law enforcement agency with jurisdiction. This change is now approximately 95 percent complete.

All alarm systems were reevaluated and upgraded to be sure that existing protection included the newest developments in security technology.

Each vault is constructed of steel-reinforced concrete to a thickness of 27 inches, exceeding the minimum standards of the Bank Protection Act by 9 inches. Vault doors are of 10-inch-thick steel—61½ inches more than the act's minimum requirements! Needless to say, all vault doors have dual combination locks, timelocks, and lockable day gates, and are built to afford maximum burglary resist-



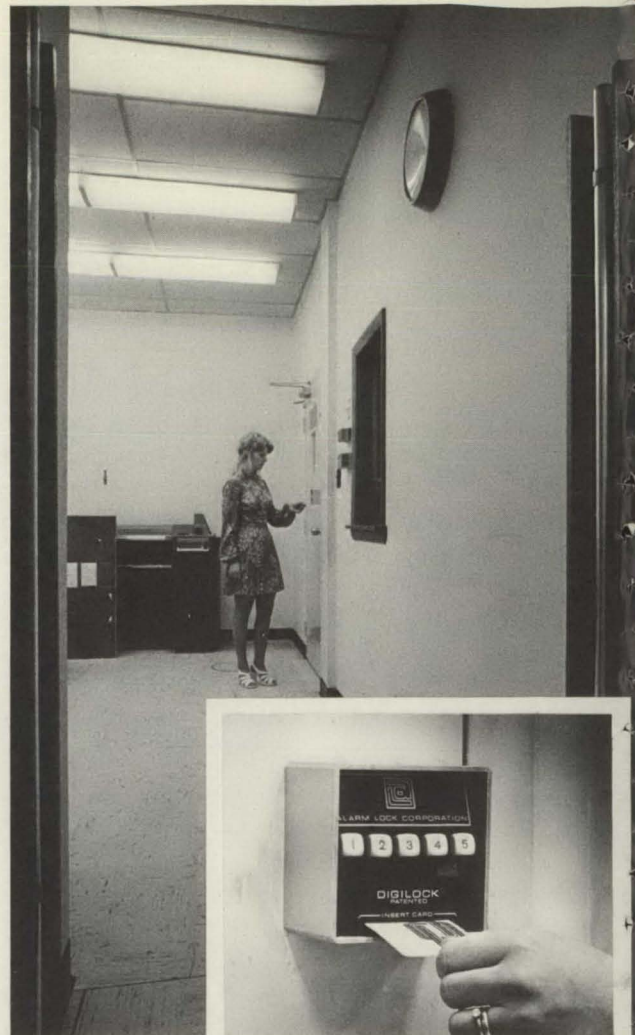
ance. Immediate alarm from external attack is also incorporated into all vaults in the form of heat and smoke sensors (to detect attempted burning bar activity) and sound sensitivity units (to spot any attacks on the vault structure).

Equally detailed improvements went into alarm activation by branch personnel. Automatic silent alarm activators, in the form of bill traps, were installed to supplement existing protective devices. Bait money was then transferred to the bill trap partitions, thus insuring that the silent alarm would be activated and the bait money dispensed simultaneously.

All tellers', officers', and reception areas are equipped not only with alarm activation devices, but also with independent surveillance camera buttons. Alarm buttons are strategically located throughout the branch, such as in entrance areas to and from workrooms, drive-up units, and, in some cases, branch personnel restrooms.

The bank's computers are located in the northern part of the State at the Operations Center. Controlled access to this facility is required and implemented by magnetic card entry through security doors, plus a combi-

Magnetic sensing devices on either side of the computer area's entrance, a magnetic card for entry into a combination-type locking mechanism (see insert), and keys are part of the integrated security system.



Doorways and principal public areas of Delaware Trust Co.'s main office and branches are covered by surveillance cameras.





nation-type locking mechanism. A magnetic sensing device, the first to be used in the Wilmington metropolitan area, was built into the system. It automatically overrides the access to the computer area and locks all doors when someone enters the reception area bearing any magnetic device which could destroy data tapes.

Since our main office is downtown, 8 miles from the Operations Center's computers, guards are employed at both locations. No guards are used at any branch facility, eliminating the possibility of injury to customers or employees as the result of a confrontation between a guard and the person attempting a robbery.

### Control

I have attempted to outline our basic physical protective systems and equipment. However, any system is only as effective as the people who operate it. A control must be utilized in all branch offices. We have designated a security coordinator and an alternate at each location. Their responsibilities are to: Test security equipment periodically and be in general liaison with the Security Department, and submit weekly reports which are reviewed and posted in a security log for a periodic compliance inspection. These reports cover:

1. *Security Devices—Maintenance Records.*

- A. Lighting (inside and out).
- B. Locks.
- C. Surveillance equipment.
- D. Alarms (burglary, robbery).

2. *Record of Currency Shipments.*

- A. Date and time.

- B. Destination and amount.
- C. Carrier.
- 3. *Cash Exposure Checks.*
  - A. Total cash, bait money, and exposed and locked currency.
  - B. Date and time of unannounced audit.\* (Each teller must be audited once a month, and the results of that audit listed.)
- 4. *Report on Bait Money.*
  - A. Cross-check and count, verifying denominations and serial numbers and teller number.
- 5. *Vault and Safe Record.*
  - A. Dual control—Two officers' initials and dates and times of opening and closing.
- 6. *Night Deposit Record.*
  - A. Dual control and verification of deposits—Two initials, dates and times.
- 7. *Office Opening and Closing Procedures.*
  - A. Three persons' initials and time opened.
  - B. Inside search, with one person outside and two inside, one searching and the other standing by alarm.
  - C. Time of all clear signal.
  - D. Inspection of premises prior to closing.
    - (1) All asset property stored and locked.
    - (2) Doors, windows, etc., locked.
    - (3) Alarm functional.

\*An unannounced audit is a strong deterrent against employee theft and embezzlement, and supplements our regular audit program.

*"... any system is only as effective as the people who operate it. A control must be utilized in all branch offices."*

To supplement our security program and maintain constant awareness of its guidelines, a "Teller of the Month" award program was initiated in January 1972. The Security and Operations Departments review each month's security posture in all areas and award a U.S. savings bond to the teller who has exhibited alertness in handling a security matter and, in some cases, to a teller who has prevented a loss by following the security guidelines.

This awareness is backed up by a continuing rotation, among all offices, of audiovisual training films covering holdup protection and procedures, identification of perpetrators, check-cashing procedures, and general security.

### Fraudulent Checks

Fraudulent checks are another area demanding constant attention and strong security procedures.

The greatest loss factor for banks today is the fraudulent check artist. Bank robberies get bigger headlines, but total losses by robbery or embezzlement are less than the continuous losses perpetrated by the "check faker."

Fraudulent checks can be broken down into many categories, such as forgery, insufficient funds, and obtaining money by false pretenses. I would like to discuss the category of "split deposit" and steps that we have initiated to overcome this particular high-loss, fraudulent transaction.

A split deposit scheme must have several elements to accomplish repetitive fraudulent transactions:

- 1. Elementary knowledge of banking.
- 2. Stolen checks, usually payroll checks from a large company and often from out of State.
- 3. A legitimate account, including customer's name and ac-



***"The greatest loss factor for banks today is the fraudulent check artist."***

count number, in which to deposit. (This information is usually obtained through mail pilferage, theft, etc.)

The perpetrators usually work in a group (several passers and a driver). After the "victim bank" has been selected and the legitimate account number and name obtained, the checks are then made payable to the person whose account is being used. The amounts of the checks may vary, although they are usually in amounts of \$150 to \$300.

For example, a member of a group enters the victim bank and writes a deposit slip on a legitimate account, depositing \$100. Along with the de-

posit slip, he presents a stolen, forged payroll check made payable to the legitimate depositor in the amount of \$209.93. He completes his transaction, usually without questions, and leaves the bank \$109.93 richer. This scheme is then repeated throughout the system, sometimes involving as many as 15 branches, for a total day's work that could exceed \$2,000.

In mid-1972, top priority was given this problem in an effort to conceive a computer-operated method which could detect this particular type of transaction. Combining computer technology with the existing audio response system available at all tellers' stations, the split deposit entry, or "0108" as it was numerically coded, was incorporated into the system on January 1, 1973. This computer control of demand deposit transactions has, in approximately 5 months, led

on two occasions to the apprehension of members of a large Philadelphia-based, check-cashing group. Their arrest was directly attributed to the computer and the audio response system.

### ***Mechanics of Operation***

The audio response system makes it possible to retrieve or enter directly specific information at the computer center. Through a direct telephone hookup, information can be entered, and, within seconds, an answer is available. The user can draw upon a computer response that will answer any inquiry, verify information, or indicate that information has been recorded.

The audio response terminal, available at all tellers' stations, provides a "touchtone" pad attached to an ordi-

The teller's "touchtone" pad, part of an audio response system which brings swift computerized information on a dubious transaction to bank personnel, is added armament in the battle against bank losses from fraudulent check usage.





*"Since the formation of the Security  
Department on July 31, 1971, no  
incidents of bank robbery have  
occurred. . . ."*

nary telephone. The numbered keys on the pad are used to enter information, such as the 4-digit transaction code, teller number, account number, and/or the amount of the transaction.

In the case of split deposit entry, an audio computer response could be:

1. "Account 1234567 transaction is posted."

*Explanation:*

The transaction has been accepted.

2. "Account 1234567, possible fraud, call 217 (Hot Line)."

*Explanation:*

More than one split deposit has been entered for this account in the past 24 hours.

A suspect transaction would normally cause the following chain of events, initiated by the teller:

1. The teller completes the transaction and, by triggering the surveillance camera, photographs the individual before he leaves the branch. She then notifies security, via the Hot Line (217), and relates the following:

- A. Account number and name.
- B. Amount of check and drawer bank.
- C. Total deposited and total withdrawn.

2. Upon receiving a Hot Line call, the following action is taken:

- A. Check is verified with drawer bank.

- B. "Video Display" is utilized to view all split deposits, by branch and teller number, on the suspect account. (If the split deposit is legitimate—and many times this is the case—no further action is taken. Credibility of the split deposit depends on verification of the check and payee by the drawer bank.

3. If credibility is not ascertained, information usually is furnished by the drawer bank that this series of checks has been stolen. The computer's Video Display will indicate that a split deposit fraud has taken place and the locations where the fraudulent transactions occurred. Armed with this information, law enforcement agencies are notified, and branches in the proximity of the offices already victimized are placed under surveillance. In most cases, all subjects have been apprehended, usually on their third attempt. In some cases, a State charge of publishing or uttering a forged instrument is forthcoming and, in most cases, a Federal charge of interstate transportation of stolen property is the conclusion.

### *Reaching All Aspects*

The Delaware Trust security program is comprehensive. It reaches into every aspect of bank security. Our goals have been set and reached through sound procedural development. The proof of our success is echoed by statistics. Since the formation of the Security Department on July 31, 1971, no incidents of bank robbery have occurred at Delaware Trust Co.

To date, we have completely modernized our alarm systems, vaults, night depositories, and camera surveillance equipment. Procedural guidelines and controls in the area of fraudulent checks have been instituted. In addition to security seminars planned for presentation twice each year, security personnel are active in instructing all aspects of bank security in our continually functional teller training program.

We are striving, at present, to achieve operational status for a kidnap-hostage defensive plan, incorporating procedures and electronic equipment to immediately notify security that a kidnap-hostage scheme is being attempted.

In conclusion, I reiterate: "Is compliance with minimum standards of the Bank Protection Act of 1968 enough?" Our safeguard procedures, incorporated in a complete security program, have produced results. They were achieved only by exceeding the minimum requirements of the Bank Protection Act of 1968. (P)



# It PAYS to be Different

In November 1972, approximately 500 students and their teachers signed a petition and sent letters to the mayor and city council of Phoenix, Ariz., about a Phoenix policeman. He was their school resource officer, and he was being transferred to another school at midsemester. The students did not like this, and they hoped the petition would serve to keep him at their school.

In today's world, police have too often been the subject of verbal abuse and hostility from students. When the Phoenix Police Department and the city council heard acclaim instead of criticism for the school resource officer, they were quite pleased. Here was a positive response from the students themselves on how well the school resource officer program was doing in Phoenix. Needless to say, the popular police officer stayed at the school.

For a number of years, the Phoenix police had a team of officers that went to the public schools on an "oncall" basis to answer questions about police work. Many students and teachers remarked that it would be nice to have a policeman stationed on campus to speak in classrooms on a more permanent basis. Two years ago, in accordance with student and teacher requests, the Phoenix Police Department and the Phoenix Union High School District decided to experiment by assigning one policeman in one high school for one semester. A survey of students' and teachers' attitudes toward the experiment was made beforehand in the school selected. Some feelings were expressed unfavorable to the idea. At the end of the semester, however, a similar survey showed that the program won overwhelming approval. This one-semester program at-

tracted student interest on the everyday duties and problems of the policeman. It helped them better understand the law and provided them with experienced counseling in those areas where the police could be of special assistance.

Due to growing demands on manpower, the Phoenix police were, unfortunately, unable to continue the program. Then in July 1972, Federal funding made possible the PAYS program. PAYS (Police Assisting Youth Section) was the name given to the school resource officer program. It is administered by the Police Community Relations Bureau through a Law Enforcement Assistance Administration grant, which enabled one sergeant, one clerk typist, and seven police officers to be assigned to the program in Phoenix.

*"PAYS . . . has demonstrated that 'Cops and Kids' need not be worlds apart and that trust and respect for the law and the community can be earned from students."*





By  
**SGT. GEORGE B. SMITH**  
Police Department,  
Phoenix, Ariz.

In August 1972, the seven PAYS officers attended training sessions conducted jointly by the Phoenix Union High School District and the police department. When the school year began, officers were assigned high schools on an experimental basis to determine how program manpower could be best utilized. In some cases, officers were assigned more than one school, but never more than two at a time.

Also, we have found assignment of program officers for a full school year rather than for a semester to be best. School district officials selected the schools they believed would benefit most from the PAYS program. At the end of the first school year under the program, school district and police department officials received many re-

*“... officers were assigned high schools on an experimental basis to determine how program manpower could be best utilized.”*

quests from those principals not having a PAYS officer assigned, emphatically requesting an officer for the next school year.

At the request of the students, officers wore their full uniforms while on assignment at the school and only occasionally their civilian clothes. The students viewed the officer as being more effective in uniform and did not see it as an inhibiting factor to his PAYS duties. Even though in uniform, the officers do not function as security or enforcement guards. Their assignment at school is to foster trust and understanding for the law and the police. However, in case of a felony or serious misdemeanor, the officer would, of course, enforce the law. If the officer observed a minor misbehavior by a student, he would counsel or admonish the offender in the same manner as a school teacher would. This method was found to be very effective for the policemen, school administrators and staff, and students.

The program determined two prime areas of concern for officers based on the needs of the student—classroom lecture and discussion of the law as it pertained to students and counseling sessions in those areas where a police-

man would logically have helpful information for the students. It was made clear that the policeman was not at school to take the place of teachers or counselors, but to be a resource to both and cooperate with all concerned. The philosophy of “What can we do jointly to help the student” emerged early in the program and continued throughout the school year. The purpose of PAYS is not only to inform, but also, to foster trust and understanding between students and persons in positions of authority.

Some 30 topics on all aspects of the criminal justice system were developed and taught by the officers either in 1- or 2-day presentations or in weekly blocks to the same students. Familiarization with legal procedures, mock courts, self-defense instruction for girls, question and answer periods on law enforcement responsibilities, and criminal law objectives are examples of some of the topics covered.

Student counseling rapidly evolved into individual sessions with very little group counseling. The problems coming to the officers’ attention ran the gamut from incest to personality clashes at home or school. Students

During a class on self-defense for young women, a demonstration is given.





in need of help were brought to the attention of the appropriate community agency, and the PAYS officer followed their progress to insure affirmative action was taken to meet their problem.

PAYS program statistics speak for themselves. Officers visited 2,034 classrooms and spoke with 69,397 students. Six thousand eight hundred sixty-four counseling sessions were held involving 10,830 students on both an individual and group basis. Many of these sessions were several hours in length and continued for many days. Others, of course, lasted only a few minutes as the students were able to receive simple remedies which required no continuing counseling sessions.

Chief Wetzel believes the program helps to show the officer as an individual, and this promotes freer communication between students and the police for their mutual and the community's betterment. The program has been accepted by teachers, administrators, and the police. More important is the fact that the students endorse the return of the policemen to the schools.

The city council of Phoenix has indicated its approval of the program to the point of doubling its manpower allocations for the next fiscal

Chief Lawrence M. Wetzel.



PAYS motorcycle training program is observed by students.

year. This will give PAYS a strength of two sergeants and 14 patrolmen. The original seven officers were able to provide service to 11 schools, so with 14 officers PAYS should be able to provide service to the majority of high schools, junior high schools, and

some feeder schools in the city of Phoenix.

PAYS is a success in Phoenix. It has demonstrated that "Cops and Kids" need not be worlds apart and that trust and respect for the law and the community can be earned from students. TM

*Press Release, 9-11-73*

## LAW ENFORCEMENT OFFICERS KILLED

During August 1973, 14 law enforcement officers were killed due to criminal action, compared with 8 in August of 1972.

A total of 93 local, county, and State law enforcement officers were killed due to criminal action during the first 8 months of 1973. Regionally, 46 officers were killed in the Southern States, 22 in the Western States, 12 in the North Central States, and 11 in the Northeastern States, and 2 in Puerto Rico.

Twenty-two officers were slain handling disturbance calls; 21

while making traffic stops; 16 while attempting arrests for crimes other than robbery and burglary; 15 in connection with robbery matters; 6 in connection with burglary matters; 6 while investigating suspicious persons; 3 met death at the hands of prisoners; 3 were killed by a mentally deranged person; and 1 was slain in connection with a civil disorder.

Eighty-seven of the 93 officers were killed through the use of firearms. Sixty-four of these slayings were committed with handguns.



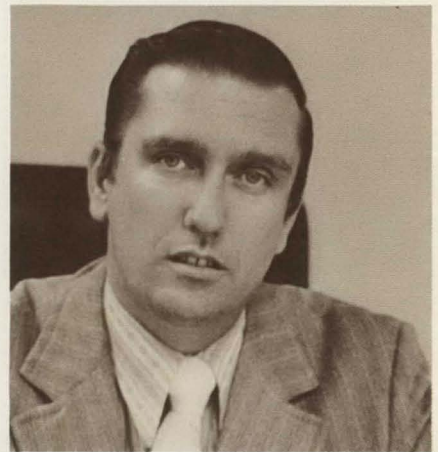
# A New Approach to INSERVICE TRAINING

By

MS. JOYCE M. SIEMON  
Staff Writer

and MAJ. CHARLES C. BLACK  
Chief  
Central Services Division

Dade County Public Safety Department  
Miami, Fla.



**A**t the Dade County Public Safety Department, Miami, Fla., inservice training means more than just a periodic review of the recruit curriculum. It provides inservice training as a preliminary step in many assignment changes. It is Director E. Wilson Purdy's philosophy that training should be a layered program, going from the general to the specific and lasting throughout the officer's career. "The various functions performed by law enforcers require specialized instruction," states Director Purdy.

"The training academy prepares the officer for generalized patrol duty. Those officers who are transferred to general investigation require additional training in the techniques and laws which apply to investigations. And, with each successive specific investigative assignment, such as homicide or robbery, another training overlay is needed." This philosophy extends to all specialized law enforcement functions from the organized crime bureau to the community service section.





E. Wilson Purdy, Director, Dade County Public Safety Department.

The administration of the inservice training program requires the cooperation of the entire public safety department, but is initiated by the division most directly involved. The investigative training school, which is the first of its kind in the southeastern part of the United States, was planned and conceptualized by the chief of the police division, Walter J. Loughheed. Some special considerations influenced the development of the school. For one thing, there were only two precedents from which to draw guidelines. Maj. Charles C. Black, then chief of the detectives bureau, traveled to both the city of Los Angeles Police Department and the London Metropolitan Police Department to study their curricula. His research helped in determining what should be taught, but the problems of how, to whom, where, when, and funding had to be solved without the benefit of models.

Since assignments are not always made in convenient blocks, the investigative training school had to be designed for the single student as well as for the class. Another consideration was the Dade County Public Safety Department's commitment to regional training. Many smaller departments in Dade County, and the neighboring Palm Beach, Broward, and Monroe Counties, did not have the facilities or

## INSERVICE CURRICULUM

<i>Course</i>	<i>Duration</i>	<i>Topic Development</i>
Sources of information . . .	3 hours . .	Indepth discussion which illustrates sources of information for detectives; where information is located and how it can be retrieved; formal and informal methods for retrieval of information; records keeping public agencies, local, State, and Federal; and private agencies, as sources of information.
Computer systems . . . . .	1 hour . .	Available message systems, local, State, and national; Dade County, Fla., Crime Information Center, National Crime Information Center.
Data processing . . . . .	1 hour . .	Utilization of current data processing techniques.
Record bureau . . . . .	2 hours . .	Discussion of what information is available from records bureau and how to obtain it.
Special equipment . . . . .	4 hours . .	Review of all available special equipment for use by detectives; discussion of its purpose; practical demonstration and familiarization.
Other agencies . . . . .	2 hours . .	Detectives' association with other enforcement agencies. (Federal Bureau of Investigation, Strike Force, Secret Service, Post Office, Internal Review, Drug Enforcement Administration.)
Uniform crime reports . . .	2 hours . .	Basic requirement of uniform crime reports.
Communication (messages and be on the lookout notices).	1 hour . .	Issuing broadcasts, form, context, and cancellation.
Detective sections . . . . .	2 hours . .	30-minute discussion by detective sections outlining their functions. (Homicide, robbery, auto theft, general investigative unit.)
Case assignments . . . . .	1 hour . .	Discussion regarding the assignment of cases to individual detectives; establishing by detectives of work priorities; recognizing workable cases.
Juvenile . . . . .	2 hours . .	Responsibilities under Florida State statutes—juvenile court, youth hall, etc.
Narcotics . . . . .	3 hours . .	Description of narcotics traffic in Dade County and familiarization with common items with which investigators will come in contact.
Arson . . . . .	1 hour . .	Investigation of arson and the utilization of arson in relationship to other crimes.
Sex offenses . . . . .	1 hour . .	Investigation and identification of sex offenders.
Airport and seaport activities.	2 hours . .	Discussion of specific problems of the airport and seaport and how they relate to the investigators.
Frauds . . . . .	2 hours . .	Individual and commercial frauds.
Burglary . . . . .	4 hours . .	Residential, apartment, motel-hotel, industrial (safe).
Forgery . . . . .	1 hour . .	Questioned documents and investigative techniques.
Interrogatories . . . . .	2 hours . .	Interrogation of suspects; interviews.



Stakeouts and surveillances.	2 hours...	Techniques and methodology for conducting stakeouts and surveillances; fixed and moving surveillance; foot, automotive, and aerial methods.
Search warrants.....	2 hours...	Recognizing the need for search warrants; obtaining search warrants.
Informants.....	2 hours...	Development and use; protecting the informant.
Lineup and mug shots....	2 hours...	Value; use of mug shots to identify suspects; techniques of display, mock lineup.
Stolen property.....	2 hours...	Pawn shops and fences.
Evidence and property...	2 hours...	Handling, identification, and control of evidence and property; receipts and records; chain of evidence; disposal.
Crime scene.....	8 hours...	General rules for preserving crime scene; conducting investigation of scenes; note taking; evidence. (Mock homicide scene, mock robbery scene, and mock breaking and entering.)
Search and seizure.....	2 hours...	Legal aspects of search and seizure without a warrant.
Physical evidence.....	2 hours...	Recognition and security of potential physical evidence.
Polygraph.....	1 hour...	Explanation of the operation and use of the polygraph.
Identi-kit and composite drawing.	1 hour...	Review of the purpose, procedure, and value of these identification procedures.
Psychology of personality.	3 hours...	Basic concepts of personality.
Ethnic groups.....	2 hours...	Composition of ethnic groups and individual characteristics.
Organized crime bureau..	1 hour...	An overview of the organized crime bureau and its relationship with the investigator.
Air and water operations.	1 hour...	Utilization by the investigator of helicopter, fixed wing aircraft, and marine patrol.
Criminal law.....	2 hours...	Review of recent decisions affecting law enforcement and their relationship to detective functions.
Case preparation.....	2 hours...	Organization of cases, preparation of evidence, and review of witnesses' participation; making the case ready for presentation to the State attorney.
State attorney.....	1 hour...	Functions of the State attorney's office; complaint filing procedure; improving State attorney/detective relationship.
Preliminaries and trials...	2 hours...	Purpose and procedures of the preliminary hearings; bond hearings, motions, et cetera. Participation of the detective in preliminary hearings and the trial; assisting the State attorney and courtroom demeanor.
Judicial view.....	1 hour...	Judge's view of the detectives' participation in courtroom activity.
Community relations....	½ hour...	Review of departmental policy regarding community relations; discussion of current programs.
Press relations.....	½ hour...	Review of departmental policy regarding press relations; detectives' role.

the funds for extensive training. It was, therefore, incumbent upon the public safety department to plan a school which would serve the entire region with indepth training on a decentralized basis.

### *Training Method*

Three training alternatives were considered. The first was traditional, expensive, and limited in scope. It involved bringing the students to the training facilities for lectures and classes where scheduling and time would present a problem; and both teachers and students would be handicapped. The second training alternative was to make use of technology and bring the training to the students. It was Chief Loughheed's idea to make use of video-tape equipment and a closed-circuit television system for this purpose. The third alternative was to combine the classroom approach with the technological methods.

Consequently, a curriculum was devised which included video-tape presentations, discussion groups, and behavioral science techniques. The course's content was of such depth and quality that the over 200 officers who completed it received five college credits. A series of five 2-week courses was scheduled by the department's training bureau at a local college. All present Dade County Public Safety Department investigators participated in the program, which was coordinated by an investigator with more than 15 years of police experience. The library of video tapes, as well as the facilities of the television laboratory, are shared with the other four counties in the region for their inservice training. Subsequent to the five sessions involving public safety department personnel, the same formal 2-week course was offered to appropriate police personnel from the more than 25 municipal police agencies in Dade County.



The syllabus for the investigative training school (which will be repeated at appropriate intervals) includes specific investigative techniques, general human behavior characteristics, and information retrieval processes (both interrogatory and resource techniques).

The first hour of training, which included opening remarks by various staff members of the public safety department, gives an overview of the detective bureau organization and states the goals of the course. The other units of training are scheduled in a flexible pattern (possible through the use of video-tape equipment) according to the availability of instructors and the needs of the particular class. As new members join the investigative units, they, too, will be provided with training via private showings of the instructional tapes until a class can be filled for the entire curriculum to be presented. Regularly scheduled refresher sessions are planned to update and expand upon the investigative training school. Pertinent portions of these presentations will also be recorded on video tape. (For a synopsis of the cur-

riculum taught during the 2 weeks, see preceding page.)

### **Video Tape**

Using video-tape equipment to record lessons and dramatize techniques allows for program flexibility. Scheduling does not have to be dependent on instructor availability; more time can be devoted to the preparation of the presentation and to lesson-planning; and departments can train individuals or small classes on a continuing basis, or at their own locations.

The video-tape training project was funded by a regional grant from the Law Enforcement Assistance Administration (LEAA). The video-tape equipment, personnel, and studio are housed by the Dade County Public Safety Department and are available to each of the other sheriffs in the regions either for the purpose of making training films or for showing them.

Utilization of video tapes for police training must be considered a new and fresh approach to the overall effort to improve police services. In order to be successful, however, the tapes must

measure up to professional standards.

Television and movies have produced a sophisticated audience which would soon lose interest in a flickering, passive presentation. The regional video project director has defined the basic technical controls and facilities necessary to produce quality results.

A minimum of two cameras is necessary. The cameras must be integrally connected for synchronized switching. Many secondary benefits occur when using a multicamera system. All necessary video and a.c. power is carried through one multi-conductor cable, thus, eliminating the need for several separate cables from each camera to the control panel. Also, incorporated in the cable is wiring for intercom facilities for communications between camera operators and the production director. Tally lights which indicate presentations are also a feature of multicamera operation. Separate remote camera controls located at the recorder positions insure proper levels for equal picture quality between camera changes.

It is also necessary to have a system so that various bits of information can



Chief of the Police Division  
Walter J. Loughheed and  
Major Black take over the  
controls during a video-tape  
session.



be combined for distribution to various agencies for playback. Since the inception of electronic editing, it is no longer necessary to record a complete presentation from the beginning to the end all in one session without stopping. Selected segments or scenes can be assembled into one complete recording. If mistakes are made or certain changes required, they can be done without rerecording the entire tape.

Any presentation viewed by means of a screen is subconsciously compared to what has been seen in theaters and on commercial television. This is not to say that, to convey a training message via video tape, elaborate studios and engineers must be used; however, the production must be handled in such a way as to hold the attention of the viewers.

For example, the presentation of a person standing in front of one camera talking for 10 minutes without changing positions or angles to emphasize points would soon become a bore. Obviously, such a lesson could just as well be presented by voice or a written handout.

Video-tape equipment offers the opportunity to use imagination and drama in police training. Educators have long maintained that the lecture is the most ineffective teaching method. For too long, the law enforcement profession has had to rely on lectures though, because instructors have had neither the time, training, nor facilities to prepare diverse lessons.

The investigative training school, which used video tapes, took advantage of the medium's wide possibilities. Mock homicide scenes were taped, for example, which dramatized the techniques of scene preservation and investigation. Such scenes are interrupted by class discussions in which the students are asked to identify possible evidence or suggest procedures. The tape is then resumed showing the ideal approaches. At the end of the

tape, the class can argue for or against the tape's presentation with a qualified instructor. In addition to the mock scenes, video tapes of factual reenactments are shown to the classes. In the tapes, actual subjects reenact the crimes they have confessed to committing, offering the students insight into the psychology of motivation and modus operandi. The detectives accompanying the subject emphasize the interrogatory techniques used in obtaining confessions and, also, demonstrate the practical applications of the *Miranda v. Arizona*, 384 U.S. 436 (1966), and related decisions. Two benefits result from this kind of lesson. The first is that students understand and remember the instructions better than if they had been just passive recipients of information. The second benefit is that the students, who have been trained and experienced as law enforcers, can improve the procedure with their original suggestions.

Another way in which the video tapes are used in the investigative training school is to ease the tensions which could result between news media, investigators, and the community when a major crime has occurred. Tapes of discussions between journalists are shown and commented upon by the class. Often the remarks of the journalists will trigger the investigators into discussing their feelings about the news media. The tape and the class discussion contribute to an understanding of the news problems and suggest means of solving, or avoiding, them.

### **Other Teaching Techniques**


Not all of the lessons in the investigative training school depend on video-tape presentations. It would be a mistake to use technical aids to the exclusion of all other methods, however valuable they are. In the classes dealing with psychology, for example, behavioral science techniques are

used. The students are involved in structured discussions aimed at revealing the workings of their own personalities. The self-understanding resulting from these discussions is transferred to understanding the general emotional factors of motivation. Investigators must be aware of human behavior patterns if they are to be successful in obtaining the help of witnesses or interrogating subjects.

Specific kinds of investigations such as frauds, sex offenses, or forgeries are taught by experienced members of the appropriate units. The lessons are planned to present variations and techniques used by perpetrators and means of apprehension. The instructors use written handouts, reference readings, lectures, and discussions to cover these subjects.

Other classes in the school depend on representatives from agencies such as the State attorney's office and the youth services division for instruction. Whenever possible the teaching staff is drawn from direct, authoritative sources.

### **Conclusion**

We feel that the investigative training school is a vital and innovative step in the direction of professionalization. Too often it is expected that the good patrol officer will automatically be good in all police functions. Although we agree that investigators should first be successful officers, we disagree that the transition can be accomplished without added training. To accomplish our goals of complete service to the community of Dade County, the public safety department has emphasized effective training at all levels. The investigative training school is representative of our philosophy that training must combine the most advanced teaching methods with the most advanced personnel in a pragmatic approach toward excellence. 



I appreciate the opportunity of being your guest this morning at the 80th Conference of the International Association of Chiefs of Police (IACP). Your organization means a great deal to me personally. I am extremely proud to have been a member for many years and a regular participant in its functions. As I look over this audience, I see many friends—as well as many others I've met on a professional basis.

The IACP is an organization of tremendous merit to America, and it can be extremely proud of its manifold accomplishments. It has been a vigorous and enterprising leader in our profession. I look forward, in my new position as Director of the FBI, to working closely with the IACP, its officers, its Executive Director, Mr. Quinn Tamm . . . who is both a good personal and professional friend . . . and its members.

This occasion, in many respects, is a homecoming and I want to tell you how happy I am to be here and to enjoy your hospitality both as an old-time member and as your guest today.

The IACP has achieved its splendid record of accomplishment largely because it has been receptive to change. The IACP is an organization which is creative, constructive, and innovative. It has a record of promoting the best interests of our profession. For that reason, all of us in law enforcement—local, State and national—are deeply appreciative.

Some months ago when I was still chief at Kansas City, I posed a question to a commanding officer and received a very poignant response.

"Major," I said, "how would you define the phrase, 'the good old days,' that we often hear the older policeman refer to when things are not going particularly well."

The officer looked at me, smiled and said, "I don't think there were any good old days if you honestly look at it from an overall viewpoint. What all of us should be doing is not worrying about what used to be, *but concerning ourselves with what can be.*"

To me, this officer's observation is exceedingly relevant to us today—that we as professional officers need to think less of the good old days, and more about what can and must be done if law enforcement is to remain relevant to the times

# RECEIPT

# CHA

*The following is a  
Clarence M. Kelley, D  
Investigation, at the  
International Association  
Antonio, Tex., on Septe*

and serve the needs of the communities we represent.

I know it almost borders on heresy to say that maybe police are not always adequately attuned to the times. I think that we as a profession have a most commendable overall record of keeping abreast of the times. However, just keeping up to date is not enough. We must look farther ahead. We must endeavor to anticipate change—and plan accordingly.

All too frequently, I believe, people in law enforcement—on all levels and jurisdictions—have not really recognized the unprecedented rate of change in our society and how we are being affected.

Just the other day I read some revealing remarks made by Alvin Toffler, the author of the recent best seller, "Future Shock." He commented that one of the greatest fallacies among many people today is the belief that the future will be pretty much like it is now . . . and that we can continue to do business tomorrow, next year, 5 or 10 years from now much as we are doing at present.

He then went on to assert that we as a Nation must be extremely careful not to prepare students for careers that no longer exist, that our society is changing so rapidly that if we train people exclusively on traditional methods without anticipating and incorporating changes—and this would apply to law enforcement—*they'll be obsolete before they actually become functional.*



# IVENESS O NGE

address given by Hon.  
tor, Federal Bureau of  
th Conference of the  
of Chiefs of Police, San  
er 24, 1973.

The whole concept of change—its rapidity, its complexity, its ambiguity—is often bewildering to us who are in command positions. The first reaction is to say, “I don’t see any change,” or “This type of change won’t affect me or my department,” or “I’ll just wait and the change will go away.” The natural tendency is to stay with the traditional, the proven, what we have now—and, I can assure you, such a reliance can only lead us into great trouble.

One of the first things law enforcement executives must develop is a perceptiveness to change—to recognize change the best we can, to identify its characteristics and ask, “How will this affect my department?” and “What, if anything, should be done about it?”

Now, I am sure you know that perceiving . . . recognizing . . . change is not the easiest thing in the world.

What may appear as a substantial change may actually be only a transitory whim, mood, or fashion, soon to disappear down the corridors of time. All too frequently, we, as administrators, lack empirically tested guideposts to calculate the depth, significance, and direction of change.

In the FBI we have an Office of Planning and Evaluation. Its task, among other things, is to constantly evaluate our programs, processes, and ways of doing things. What programs are working well and should be kept? What techniques are outdated, not performing effectively, and should

be modified or even totally eliminated? There is need for constant, impartial, and intelligent analysis by personnel who can make proper recommendations to the executive officer.

Frequently, law enforcement agencies have benefited from scrutiny by outside consultants. Objective appraisals by outside experts may well provide the spark for changes that can have lasting beneficial effects.

A primary pitfall to be avoided in such studies, however, is the acceptance of changes recommended merely to justify the expense of the survey. Surveys must not be used as administrative facades or sleight-of-hand magic to avoid hard decisions by police administrators.

Obviously, we do not want arbitrarily to discard what is good, what is working, what is performing well. But we must be willing to analyze, to test, to evaluate, to see *what can be*.

This receptivity to change must not be a hit-and-miss situation . . . something haphazard . . . something which arises strictly from our failures and breakdowns.

Let’s be honest with ourselves. Most of the substantive changes we have made as a profession in recent decades have been dictated by external pressures. Too often we have instituted changes under compulsion and coercion. Too often we have been hesitant and uncertain—and by such delays have made our decisions ineffective.

Rather, we need to inculcate into our personnel—at all levels—an attitude which encourages creative and innovative thinking. We need to encourage a perception of change as part of the thinking process of the officer as he carries out his daily assignments. We want him to seek more efficient and effective ways of accomplishing his goals. Actually, in the long run—and this is a basic point—the specific changes effected are often not nearly as important as *efforts to build an organization capable of continuing change*.

How does one combine in a single organization, especially a law enforcement agency, the ability to deliver services effectively and the ability to change constantly?

How does one combine those characteristics in a police organization which for a variety of reasons tends to work in the defense of the status quo?



Further, how does one accomplish this in an organization which, to a degree, will always be authoritarian and secretive?

I wish I could give you definite answers—but this is not possible.

I can only try to emphasize the nature of the problem of contemporary change for our profession . . . that in our rapidly changing, crisis-laden society, pressures are now so complex and many-sided, that unless we, as police executives, remain on our toes we may find our status in the community undermined.

As a profession, we have long accepted the fact that we are not universally loved. There are elements in the community today which do not like us. They gloat over our mistakes. They clap their hands in glee when we find ourselves in situations of embarrassment. A few—the extremists—injure, maim, and kill our officers.

We do our profession, and the community we serve, a great disservice if we do not keep our house in order, if we allow the cobwebs of obsolescence to interfere with our response to contemporary change. If we are not professional masters of our own households, we run the likelihood of outside influences moving in—often with ineffective results—to try to set things in order. The best way to avoid political . . . or any other unwarranted outside pressure . . . is to be on TOP OF THINGS, to have our agency relevant and doing its job effectively.

Frequently, the symptoms of organizational deterioration are difficult to identify. They can exist virtually unnoticed for a long time. We may think that our agency is fully and adequately prepared for any situation, such as sniper attacks or ambushes by terrorist-type groups, then find at a time of emergency that we are simply not equipped to handle the crisis.

The lack of innovation brings stagnation.

Internally, critical decisions are postponed, morale sags, goals are lost. Internal communications break down, employees are confused as to the exact nature of their duties, petty jealousies and bitter rivalries abound. Uncoordinated crash programs are instituted to solve problems that should have been faced months—even years—before.

Externally, the agency fails to serve the pur-

pose of its existence. Fewer cases are solved. Citizens do not receive the kind of protection they expect and should have. Pressure groups outside the department . . . because of its weakened condition . . . attempt to shackle its legitimate activities, as for example, through the establishment of unqualified civilian review boards.

If we are to meet this *critical challenge of change*, we must be alert to the symptoms of obsolescence and take immediate and effective remedial action.

From over 30 years in this profession, both as a local police chief and a member of the FBI, I know there are no universal panaceas.

There are no eternal truths in this field.

There are no foolproof rules which if followed will automatically eliminate rust, inefficiency, and obsolescence.

For that reason alone we would do well to approach the problem of change in our own individual ways. What will apply to one department may not apply to another. What will bring efficiency in one part of the country may not bring efficiency in another part of the country.

However, though there are no foolproof rules to identify and adapt to change, we can, through alertness and foresight, do much to anticipate what will happen. This is just good commonsense. We may not be prophets . . . and we will make mistakes . . . but practical experience teaches us that we can and should take certain steps.

The anticipation of change means one thing above everything else in law enforcement—*professional training*.

The very complexity of modern society . . . and the attendant shock of change . . . has made education a major industry in America today.

Never before have so many people . . . adults and children . . . been going to school in so many academic and vocational areas. They seek through knowledge to understand, control, and perhaps master, change. Otherwise, change will master them—and our society.

And never before have so many law enforcement officers . . . local, State and Federal . . . been receiving training in the work of our profession.

Many of you here today . . . those of my age and vintage . . . can well remember the quality



of training in your departments 30, 20, or even 10 years ago as compared with today.

As a profession, we can be proud of the progress we have made in the training of police officers. And the IACP has made a marvelous contribution in this field.

What I am trying to say is simply this: *One way to constructively master change is through professional competence and training.*

In the FBI—through our National Academy and police training programs—we are attempting, to the best of our ability, to prepare our students for what they can expect not just today, but tomorrow, next week, next year.

For example, we offer an elective course in our National Academy program on alcoholism and narcotics. In our society today alcoholism and drugs are problems which daily impinge, and in serious ways, on our work. Every officer needs to know *indepth* what they are all about. In this course, students learn about the effect of mind-altering substances on the human personality. Psychological profiles of abusers are developed and related to police work.

Then there are electives dealing with acts of terrorism, such as bombings, directed against the police. Officers are today, as never before, targets of terrorist groups which deliberately seek to ambush patrol cars, to bomb precinct stations, to kill our personnel. They chatter a constant stream of abuse against law enforcement. They encourage others to disobey the law and hurl epithets against the men in blue.

Who are these terrorists? What kind of mentality of hatred do they espouse? What are the tactics of the urban guerrilla?

Our courses seek to answer some of these disturbing questions. Ten or 15 years ago urban guerrillas and violence-prone extremists were peripheral in law enforcement concern. This is no longer true.

We must be professionally competent to deal with the guerrilla and terrorist threats within the bounds of respect for the rights of all individuals concerned. . . .

Look at police-community relations. Some years ago policemen were not directly concerned with problems arising from what might be called community tensions, minority frustrations, and

the like. The whole concept of "community relations" as a law enforcement concern had not yet arisen. But the 1960's brought drastic changes. Police departments found themselves immersed in tension with many groups in the local community. Riots, demonstrations, mass rallies, the general unrest of recent years suddenly deposited this newborn baby, so to speak, on our doorstep. As police executives we must deal with it—and the way we handle this challenge may well determine whether we have a good or troublesome relationship with various groups of people in our communities.

In recognition of this societal change, the FBI last fall hosted law enforcement administrators from throughout the Nation at the first national symposium on police-community relations.

As a result, three 2-week schools on police-community relations were held in the spring of 1973. . . .

This indeed is *training for the future*—which means mastering change and making our training relevant for the world of tomorrow.

Recently, I heard a story about a young pioneer of many years ago making his way westward. He came to a formidable mountain range. He tried to climb the mountain directly, but without success. Then he tried to the left and the right, but again he failed. The mountain ahead seemed to loom as an unsurmountable obstacle.

Then an oldtimer came along, a veteran who had made the trip to California many times.

"Son," he said to the young pioneer, "that mountain is only as tall as you think it is. Go get yourself an axe, a rope and a pick and you'll have the tools for getting the job done. If you've got a will, you've got a way."

And so it is with law enforcement . . . your job and mine.

The job of surmounting that big mountain of perplexity caused by the whirling changes in our society is only as big as you think it is.

Get your *professional tools*—the tools you and your brother officers need, and you will gain mastery of the future.

The spirit of law enforcement . . . the spirit of IACP . . . is to go forward . . . with the training and knowledge to enable us to better serve the people of this great land.



# CRIME REDUCTION:

## A Community Approach

By  
COL. CARL V. GOODIN  
Chief of Police  
Cincinnati, Ohio

The past several Christmas seasons in Cincinnati, Ohio, were greeted with substantial increases in armed robberies, purse snatchings, burglaries, and auto thefts. Key indicators such as the rise in the total number of robberies in 1972, the rise in the number of armed robberies, and the fact that since August 1972, armed robberies outnumbered strong-armed robberies caused deep concern for the upcoming holidays. The increase in the number of robbery-related homicides for 1972 over 1971 (eight in 10½ months of 1972 compared to four all year in 1971) and the physical violence against victims, including two robbery-homicides in the first 2 weeks of November 1972, pointed to the fact that a very dangerous, violent Christmas season lay ahead.

Faced with the monumental problem of protecting the masses of people on the streets and the fact that stores were open later for Christmas shopping, the Cincinnati Police Division took direct action. A temporary,



specialized unit was formed to combat the anticipated robbery increase. The unit was composed of 40 uniformed and 28 nonuniformed personnel drawn from various bureaus and sections of the police division. Task Force Six, which derived its name from "Signal Six," the police radio code designation for a robbery in progress, became operational November 20, 1972, and was disbanded

January 5, 1973. Realizing that 68 men and women alone could not combat the problem, a multipronged attack was launched.

A great deal of preparatory work was done. A comprehensive robbery analysis for the Cincinnati area was written and turned into a training bulletin for distribution to sworn personnel. All police officers, particularly district men, were advised of the impending problems and potential target areas.

The operations analysis unit of the research and development section identified 10 high probability areas of robbery for saturation patrolling. A spot map was coded showing the probabilities of robberies occurring throughout the city. A schedule of deployment times for Task Force Six was formulated based on previous robbery experience and updated continually. Posters of "points to remember" and daily time charts of robberies to keep the task force personnel aware of the present situation were prepared.

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*"Faced with the monumental problem of protecting the masses of people on the streets and the fact that stores were open later for Christmas shopping, the Cincinnati Police Division took direct action."*

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*"The local news media, interested in the actions of the police, gave excellent coverage of the division's goals and activities."*

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Prior to the implementation of the task force, the News Media Advisory Committee, a group of representatives from local newspapers, television, and radio stations who advise and participate with the police division on matters of interest to the public, were given copies of the robbery analysis to publicize the contents and inform the public about robbery prevention.

The local news media, interested in the actions of the police, gave excellent coverage of the division's goals and activities. The various news media reported tips on robbery prevention and interviewed members of the police force. In this manner, a great deal of attention was placed on the crime problems of the Christmas season. The public was informed of the existing situation and educated as to what they could do to help.

Interested citizens and storekeepers responded to the advice of the police and the news media. As a result, the police division received a great deal of cooperation in crime prevention and investigation.

Mr. Mark G. Doherty, Operations and Statistical Analyst, Cincinnati Police Division.



Since the job of stopping street robberies is extremely difficult, prevention of business holdups was the primary target for Task Force Six. Using guidelines from the robbery analysis, task force and district personnel visited more than 2,300 businesses to give store owners and clerks information on "target hardening" (making the business a less desirable place to rob) as well as what to do while being held up and the necessary action immediately afterwards.

The task force personnel were divided into two groups, uniformed in marked cars and nonuniformed in unmarked or undercover cars. The uniformed men were used for saturation patrolling in one of the 10 selected areas. The nonuniformed people were in two units; detectives from the robbery squad would patrol and immediately begin investigations of robberies, and plainclothesmen dressed in old clothes were used for stakeouts and patrolling areas in which the uniformed members of Task Force Six were not present. All task force personnel except supervisors were assigned in pairs for patrol or stakeouts. To achieve a saturation effect in the city, all Task Force Six members worked the same hours.

The city of Cincinnati is shaped like a V with the Ohio River forming the lower boundary. The most frequently used areas for saturation patrol were at the bottom of the V. While on duty, the uniformed men did not remain in one area more than 3 hours. Since the probabilities of a robbery occurring changed in the areas at different times of the day, the

uniformed men moved where the chances were best of an incident happening. The upper and wider portion of the V required a different deployment technique. Here there were small, scattered areas of high robbery potential. By choosing key street intersections, an unmarked or undercover car was assigned to a particular locale. By this deployment of the uniformed and nonuniformed men around the city, there was a quick response to any robbery scene.

Because prevention was the goal, the uniformed and nonuniformed personnel made many contacts with people in businesses and on the streets. Aggressive patrolling by uniformed men, particularly in areas with a high probability of robbery, resulted in a number of arrests of persons for carrying concealed weapons.

Never before had the Cincinnati Police Division dedicated this much manpower and equipment to combat a specific crime trend. Theoretically the idea was sound, but the concept was untested in Cincinnati. Thus, the antirobbery offensive began.

On Monday, November 20, 1972, Task Force Six personnel, accompanied by a tremendous amount of news coverage, became operational. It already was clear that, although district personnel had the initial burden of crime prevention, Task Force Six was the focal point of attention.

Within the first few minutes after Task Force Six became operational, a holdup of a small grocery store occurred. Two hours later, both suspects were captured by task force personnel and identified. Another person was arrested for carrying a concealed weapon.

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*"Aggressive patrolling by uniformed men, particularly in areas with a high probability of robbery, resulted in a number of arrests of persons for carrying concealed weapons."*

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On the first day, 7 felony and 11 misdemeanor arrests were made. Within the first 8 hours, Task Force Six had made its presence felt and its personnel were quickly adjusting to the new routine.

After the first week, the task force men and women had a smooth operation established. As problem areas were analyzed, appropriate action was taken. Several purse snatchings occurred in one section. The canine units were brought in and saturation patrol in unmarked cars was employed. A group of juveniles was caught and the purse-snatching problem in the area ceased. Of particular concern were several businesses that were hit frequently. Stakeouts were established which resulted in the arrests of several suspected robbers and persons carrying concealed weapons.

Once deterrent efforts had failed to prevent a robbery, apprehension of the criminals became important. Because robbers frequently return to their neighborhoods immediately after a "hit," some Task Force Six personnel were assigned key street intersec-

***"Once deterrent efforts had failed to prevent a robbery, apprehension of the criminals became important."***

tions in hopes of observing the getaway car. This method of searching for suspects worked successfully on several occasions.

Task Force Six was in existence 47 days. Sundays and holidays were off-days, since the least amount of robberies occurred on these days. The task force personnel made 219 felony arrests (juvenile and adult), of which 51 arrests were made for robbery offenses. One thousand five hundred and thirteen traffic citations and 1,419 warning tags were written. Six hundred and seven field interrogation reports were made, and 62 stolen automobiles were recovered. Two of the robbery cases closed by Task Force Six with arrests involved homicides of the victims, one of which occurred during the existence of the task force.

During the 47 days Task Force Six operated, 272 robberies, purse snatchings, and assaults to rob occurred. Recalling that robbery was on the increase in 1972, this compared to 368 (96 less than 1971) robberies during the same time span in 1971. The total robbery decrease was 26.1 percent for 1972 over 1971 with a 56 percent decrease in business holdups, the prime target of the task force. Only one robbery occurred in the area where Task Force Six personnel were patrolling, which resulted in the immediate apprehension of the two offenders. (For a breakdown on robbery statistics, see table I.)

There was a significant reduction in auto theft and a decrease in burglary during the task force tour of duty. What effect Task Force Six had on these crimes cannot be determined due to the many factors involved, but it is felt they played a role in the reduction.

A few of the smaller communities not under the jurisdiction of the Cincinnati Police Division had an increase in robberies which could be a

(Continued on page 31)

**Table I**

***Robbery Totals, November 20, 1972-January 5, 1973***

	(Actual) 1972	(Antici- pated) 1972	1971	Actual Number Increase/Decrease 1972/1971	Actual Percentage Increase/Decrease 1972/1971
Purse snatchings or strong-arm robberies (against females).....	106	124	120	-14	-11.7
Strong-arm robberies (against males).....	43	80	77	-34	-44.2
Armed street robberies (against females and males).....	53	55	46	+07	+15.2
Business robberies.....	44	104	100	-56	-56
Assaults to rob.....	26	26	25	+01	+04
<b>TOTALS.....</b>	<b>272</b>	<b>389</b>	<b>368</b>	<b>-96</b>	<b>-26.1</b>
<b>Total number of armed robberies.</b>	<b>97</b>	<b>154</b>	<b>149</b>	<b>-52</b>	<b>-34.9</b>



*The  
Legal*



*Digest*

# Consent Search and Advice of Fourth Amendment Rights

By

DONALD J. McLAUGHLIN

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

*“ . . . advice of rights may be the key factor in preserving the admissibility of evidence derived pursuant to a consent search.”*

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

Despite the emphasis of recent Supreme Court decisions on the need for and the desirability of conducting searches under authority of warrants, it is clear that consent searches still constitute a well-recognized exception to the fourth amendment warrant requirement.<sup>1</sup> But until recently, a problem regarding consent searches, raised by a frequently cited lower Federal court decision in 1966, had been unresolved by the Supreme Court. The issue is whether cautionary warnings must precede a valid consent to search.

## ***Fourth Amendment Warnings Required***

In *United States v. Blalock*,<sup>2</sup> a 1966 U.S. District Court decision, the defendant moved to suppress evidence seized in the course of a consent search. The defendant, a bank robbery suspect, was met by three FBI Agents as he entered his hotel lobby. The Agents identified themselves, warned him of his right to remain silent and his right to counsel, and frisked him, and then all four proceeded to his



*A consent to search is a waiver which the Supreme Court has defined as "an intentional relinquishment or abandonment of a known right or privilege."*

room. When the defendant denied knowledge of the robbery, one of the Agents asked if he would mind if they searched his room. He had no objection, the room was searched, and bait money was found and seized. The question before the court was whether a valid consent had been obtained by the Agents prior to the search.

The court held that a consent to search is a waiver of fourth amendment protection, and relied on an earlier Supreme Court decision to define the waiver as "an intentional relinquishment or abandonment of a known right or privilege."<sup>3</sup> Though the *Blalock* court acknowledged that such a waiver may be given lawfully, it declared that the Government must bear the burden of proving that the consent was both intelligent and voluntary. It described the former requirement as follows:

"... an 'intelligent' consent implies that the subject of the search must have been aware of his rights, for an intelligent consent can only embrace the waiver of a 'known right.' Certainly one cannot intelligently surrender that which he does not know he has. The Agents here ... did not warn him of his right to refuse a warrantless search. The Fourth Amendment requires no less knowing a waiver than do the Fifth and Sixth. The requirement of knowledge in each serves the same purpose, i.e., to prevent the possibility that the ignorant may surrender their rights more readily than the shrewd."<sup>4</sup>

Not only would *Blalock* require a "knowing" waiver, but also would impose an obligation on searching officers to give the subject a specific

warning of fourth amendment rights. The court stated: "To require law enforcement agents to advise the subjects of investigation of their right to insist on a search warrant would impose no great burden, nor would it unduly or unnecessarily impede criminal investigation."<sup>5</sup> It is apparent that the imposition of custody was not a significant factor in the *Blalock* decision. The requirement of warnings would apply to all "subjects of investigation" whether in custody or not.

### *Application of Rule*

The language, as well as the rationale of *Blalock*, is strikingly similar to that employed by the Supreme Court in the landmark decision of *Miranda v. Arizona*,<sup>6</sup> decided in 1966. *Miranda* established a rigid objective standard for determining the propriety of police conduct during custodial interrogation.<sup>7</sup> *Blalock* sought to do likewise for consent searches.

In the wake of *Blalock* and *Miranda* came a spate of legal commentary.<sup>8</sup> While most writers urged that a warning of fourth amendment rights prior to consent is constitutionally mandated by the Supreme Court's position in both *Johnson v. Zerbst*,<sup>9</sup> defining a constitutional waiver, and *Miranda v. Arizona*,<sup>10</sup> controlling the manner in which it is obtained, most courts, State and Federal, stopped short of announcing an explicit *Miranda*-type guideline for police in consent search situations. In some jurisdictions, however, the *Blalock* approach, i.e., fourth amendment warnings necessary for a noncustodial consent to search, was adopted. Two cases are illustrative.

In *Perkins v. Henderson*,<sup>11</sup> two uniformed deputies came to the home where defendant was staying to question him regarding a recent burglary. No search or arrest warrant had been issued. The officers testified that defendant was merely a suspect at this point, and there was not yet probable cause to sustain an arrest. Following a half-hour interrogation, the officers asked for and received permission to search defendant's car. He was not advised of his right to refuse consent. The defendant testified that he acquiesced because he "did not think he could do much about the search." The court found that defendant's acquiescence did not amount to a "voluntary and intelligent waiver" of fourth amendment rights and held that a valid consent to search is dependent upon a person's knowledge that permission may be freely and effectively withheld. The decision would have required at the least "a simple admonition by the officers that the search could not and would not be conducted without (defendant's) consent..."<sup>12</sup> A more recent State decision was more explicit. It held that "for a non-custodial consent to search premises or vehicle to be valid, the defendant need ... be advised of his Fourth Amendment rights."<sup>13</sup>

### *Custodial Consent*

Where a suspect is in custody and consent to search is requested, it has been held that a fourth amendment advice of rights is required. In *United States v. Moderacki*,<sup>14</sup> postal inspectors detained the defendant in a Wilmington, Del., post office when they observed his suspicious behavior. The defendant acceded to a request to accompany them to the inspectors' office,



and the Government conceded that at this point an arrest had occurred. The defendant was promptly given warnings of his rights under the fifth and sixth amendments. The defendant acknowledged an understanding of the rights and declined the right to contact a lawyer. The inspectors then asked him to empty his pockets. He complied. The pockets yielded evidence of a Federal gambling violation. The defendant moved to suppress the evidence on grounds that the search was unlawful, as proceeding from an involuntary consent. More specifically, he contended that he should have been advised of his fourth amendment right to refuse consent to search. Defendant's motion to suppress was granted. The court held that an explicit warning of fourth amendment rights is essential prior to a lawful consent, and that *Miranda* warnings do not suffice. The court stated that the "... key to a voluntary waiver is whether it was done knowingly. . . . It is obviously repetitive . . . for an officer, having once given the *Miranda* warning . . . to have to repeat relatively the same warning before searching his person. But only in this fashion can it be known beyond doubt that the suspect, in emptying his pockets, has done so with the full knowledge of what he is doing. . . ." <sup>15</sup>

It is noteworthy that during the period 1967-71 a few cases emerged which required that *Miranda* warnings be given to a suspect in custody prior to requesting consent to search. For example, in *State v. Williams*,<sup>16</sup> the Oregon Supreme Court held that a request to search is tantamount to a request that the defendant be a witness against himself, and accordingly, *Miranda* is applicable to custodial questioning aimed at obtaining consent to

search. A Federal court recently expressed a similar view, holding that fourth amendment rights are encompassed by the *Miranda* decision, and underscoring the close interplay of the fourth and fifth amendments.<sup>17</sup>

### Supreme Court Decision

By 1973, the issue raised by *Blalock* was still unsettled. Most Federal and State courts rejected the notion that *Miranda*-type safeguards must precede a request for consent to search, whether the suspect is in custody <sup>18</sup> or not.<sup>19</sup> But in May 1973 the Supreme Court laid to rest any doubts as to whether an advice of rights is a condition precedent to a noncustodial consent to search. The facts of *Schneckloth v. Bustamonte* <sup>20</sup> are as follows:

While on routine patrol at 2:40 a.m., a California officer stopped an automobile when he observed a headlight and a license plate light burned out. Six men were in the car. Bustamonte was a passenger in the front seat, along with one Alcalá, also a passenger, and Gonzales, the driver. Only Alcalá could produce a driver's license. He also said the car belonged to his brother. All occupants were asked to step out of the vehicle, and the officer issued a traffic citation for defective lights and failure of the driver to possess a license. Other police arrived. The first officer asked Alcalá if he could search the car, and Alcalá stated: "Sure, go ahead." According to uncontradicted testimony, Alcalá actually assisted in the search. Prior to the search no one had been threatened with arrest; nor had Alcalá been advised that he had a right to refuse consent. No indication that Alcalá knew of such a right appeared in the record. In the back seat, police found

three stolen checks which were later admitted in evidence at Bustamonte's State trial for possession of the checks with intent to defraud. Bustamonte was convicted in the trial court, the judgment was affirmed on appeal, and the California Supreme Court denied review. He then sought Federal habeas corpus relief, the case coming before the U.S. Supreme Court after a Federal appellate court vacated a district court order denying the writ.

The issue as framed by the State of California was narrow: whether valid consent to search requires a prior warning that it can be refused.<sup>21</sup> The Supreme Court in a 6-3 decision held that when the subject of a search is not in custody and the State attempts to justify a search on the basis of his consent, the fourth and 14th amendments require that it demonstrate that the consent was in fact voluntarily given, and not the result of duress or coercion, express or implied. Voluntariness is a question of fact to be determined from all the circumstances, and while the subject's knowledge of a right to refuse is a factor to be taken into account, the prosecution is not required to demonstrate such knowledge as a prerequisite to establishing a voluntary consent.<sup>22</sup>

The holding of the Court not only is responsive to the issue presented by the State of California; it goes considerably beyond that question. It is clear from the decision that in the absence of custody a warning of a right to refuse consent is not essential to its validity. The Court stated: "... to advise . . . of that right (to refuse) before eliciting his consent . . . is a suggestion almost universally repudiated . . . and we think, rightly so. For it would be thoroughly impractical to impose on the normal consent search

*"The court . . . held that a valid consent to search is dependent upon a person's knowledge that permission may be freely and effectively withheld."*



the detailed requirements of an effective warning.”<sup>23</sup> The decision did not limit itself to the issue of warnings, however. The Court asserted that consent is essentially a question of voluntariness, and knowledge of a right to refuse or withhold consent, while worthy of consideration, is but one factor bearing on voluntariness and need not be proven as a prerequisite to a lawful consent. The Court noted: “In short, neither this Court’s prior cases, nor the traditional definition of ‘voluntariness’ requires proof of knowledge of a right to refuse as the sine qua non of an effective consent to a search.”<sup>24</sup>

Justice Stewart, speaking for the Court in *Bustamonte*, made several significant points in supporting his position: (1) voluntariness, not knowledgeability, is the key to a lawful consent search;<sup>25</sup> (2) voluntariness will be measured by a totality of circumstances test; (3) awareness of one’s fourth amendment protection is simply one circumstance to be considered; (4) the requirement of a “knowing” and “intelligent” waiver of constitutional rights applies only to those rights which would “preserve the fairness of the trial process”; (5) the fourth amendment guarantee against unreasonable search and seizure is no such right; and (6) the considerations which gave rise to the Court’s holding in *Miranda* requiring a “knowing” waiver are inapplicable to consent searches.

The language of the opinion makes plain its reference to noncustodial consents. The Court noted:

“Consent searches are part of the standard investigatory techniques of law enforcement agencies. They normally occur on the highway, or in a person’s home or office, and under informal and unstructured conditions. The circumstances that prompt the initial request to

search may develop quickly or be a logical extension of investigative police questioning. The police may seek to investigate further suspicious circumstances or to follow up leads developed in questioning persons at the scene of a crime. These situations are a far cry from the structured atmosphere of a trial where, assisted by counsel if he chooses, a defendant is informed of his trial rights.”<sup>26</sup>

It is equally apparent that the Court has drawn a careful distinction between fourth amendment rights and those guarantees embodied in the fifth and sixth amendments, in terms of the nature of the guarantee and the application of the protection. In short, where the right involved is one which goes to the fairness of trial, such as the right to counsel or the right against compulsory self-incrimination, courts are obliged to apply a more stringent standard in determining a waiver. The waiver must be “knowing and intelligent.” But a consent to search is no such waiver, and its validity will depend on a different standard and a different test, i.e., voluntariness and totality of circumstances.

### Conclusion

In regard to noncustodial situations, reliance on consent to search does not require the prosecution to demonstrate that a law enforcement officer advised the person consenting that he had a right to refuse prior to the search. Nor is there a requirement to prove a “knowing and intelligent” consent. Yet, as a matter of policy, if not law, many officers and departments have routinely given warnings before obtaining consent to search, even where the suspect is not in custody. While warnings are not essential to validate a consent, they

strongly support an inference that the person consenting is knowledgeable of the fourth amendment protection he is yielding and “this is a factor to be taken into account” in determining the voluntariness, and hence the legality, of a consent. Needless to say, advice of rights may be the key factor in preserving the admissibility of evidence derived pursuant to a consent search. For this reason, departments may wish to consider retention of the policy of giving warnings in connection with such a search.<sup>27</sup>

The *Bustamonte* decision suggests that a requirement for advice of rights before consent where the subject is in custody is still an open question.<sup>28</sup> Recognizing the heavy burden borne by the prosecution to prove a custodial waiver of constitutional rights generally, a much more cogent argument for some procedural safeguards prior to custodial consent to search can be made. Unless the consent to search is sought during custodial interrogation aimed at eliciting a confession, in which case standard *Miranda* warnings and waiver would presumably suffice, it would seem the better practice to preface any postarrest request for consent with at least a cautionary warning of fourth amendment rights.

### FOOTNOTES

<sup>1</sup> *Vale v. Louisiana*, 339 U.S. 30 (1970); *Katz v. United States*, 389 U.S. 347 (1967); *Zap v. United States*, 328 U.S. 624 (1946); *Davis v. United States*, 328 U.S. 582 (1946). U.S. Const. Amend. IV provides in part: “The right of the people to be secure . . . against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

<sup>2</sup> 225 F. Supp. 268 (E.D. Pa. 1966).

<sup>3</sup> *Johnson v. Zerbst*, 304 U.S. 458 (1938).

<sup>4</sup> *Supra* footnote 2 at 269. U.S. Const. Amend. V provides in part: “. . . nor shall any person . . . be compelled in any criminal case to be a witness against himself. . . .” U.S. Const. Amend. VI states in part: “In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense.”

<sup>5</sup> *Id.* at 269-70.

<sup>6</sup> 384 U.S. 436 (1966).



<sup>7</sup> In *Miranda*, the Court held that a person in custody or otherwise deprived of his freedom in a significant way and who is to be interrogated must be afforded certain procedural safeguards. He must be warned that he may remain silent, that anything said by him may be used against him in court, that he has the right to counsel before and during questioning, and that he has the right to appointed counsel if indigent. The defendant is free to waive these rights, but absent an effective waiver, no confession thereafter obtained is admissible.

<sup>8</sup> See, e.g., Tiffany, McIntyre, and Rotenberg, *Detection of Crime*, 156-70 (1967); Wallenstein, "Consent Searches," 4 Crim. L. Bull. 509 (1968); Note, "Consent Searches: A Reappraisal After *Miranda v. Arizona*," 67 Colum. L. Rev. 130 (1967); Note, "Consent and the Constitution after *Bumper v. North Carolina*," 6 Calif. West. L. Rev. 316 (1970); Comment, "Consent Search: Waiver of Fourth Amendment Rights," 12 St. Louis U. L. J. 297 (1968); Comment, "The Need for a Warning Prior to a Waiver of the Fourth Amendment," 10 Santa Clara Law. 205 (1969); Note, "Constitutional Law—*Miranda v. Arizona* and the Fourth Amendment," 46 N.C.L. Rev. 142 (1967).

<sup>9</sup> 304 U.S. 458 (1938).

<sup>10</sup> 384 U.S. 436 (1966).

<sup>11</sup> 418 F. 2d 441 (5th Cir. 1969).

<sup>12</sup> Id. at 442.

<sup>13</sup> *Schorr v. State*, 499 P. 2d 450 (Okla. Crim. App. 1972).

<sup>14</sup> 280 F. Supp. 633 (D. Del. 1968).

<sup>15</sup> Id. at 636. The Government's contention that the search was also incidental to a lawful arrest was rejected by the court on grounds that the postal inspectors had no authority to arrest under these circumstances.

<sup>16</sup> 248 Ore. 85, 432 P. 2d 679 (1967).

<sup>17</sup> *United States v. Fisher*, 329 F. Supp. 630 (D. Minn. 1971). Also see *United States v. Pelensky*, 300 F. Supp. 976 (D. Vt. 1969) (presence of counsel is an effective check on unknowing relinquishment of fourth amendment rights by defendant under arrest).

<sup>18</sup> *United States v. Menke*, 468 F. 2d 20 (3d Cir. 1972); *Bretti v. Wainwright*, 439 F. 2d 1042 (5th Cir. 1971), cert. denied, 404 U.S. 943 (1971); *Rosenthal v. Henderson*, 398 F. 2d 514 (6th Cir. 1968); *Haire v. Sarver*, 437 F. 2d 1262 (8th Cir. 1971), cert. denied, 404 U.S. 910 (1971); *Carpenter v. United States*, 463 F. 2d 397 (10th Cir. 1972), cert. denied, 34 L. Ed. 2d 251 (1972); *State v. Oldham*, 92 Idaho 124, 438 P. 2d 275 (1968); *State v. McCarty*, 119 Kan. 116, 427 P. 2d 616 (1967), vacated in part on other grounds, 392 U.S. 308 (1968); *State v. Andrus*, 250 La. 765, 199 So. 2d 867 (1967).

<sup>19</sup> *United States ex rel. Combs v. LaVallee*, 417 F. 2d 523 (2d Cir. 1969), cert. denied, 397 U.S. 1002 (1970); *United States ex rel. Harris v. Hendricks*, 423 F. 2d 1096 (3d Cir. 1970); *Kilcrease v. United States*, 457 F. 2d 1328 (8th Cir. 1972); *United States v. Payne*, 429 F. 2d 169 (9th Cir. 1969); *United States v. Mallory*, 460 F. 2d 243 (10th Cir. 1972), cert. denied, 34 L. Ed. 2d 120 (1972); *State v. Custer*, 251 So. 2d 287 (Fla. Dist. Ct. App. 1971); *James v. State*, 223 So. 2d 52 (Fla. Dist. Ct. App. 1969); *Hohnke v. Commonwealth*, 451 S.W. 2d 162 (Ky. Ct. App. 1970); *Morgan v. State*, 2 Md. App. 440, 234 A. 2d 762 (Ct. Spec. App. 1967); *State v. Witherspoon*, 460 S.W. 2d 281 (Mo. 1970).

<sup>20</sup> 36 L. Ed. 2d 854 (1973). In addition to the consent search question, a far more explosive issue was before the Court; namely, the extent to which Federal habeas corpus relief should be available to a State prisoner seeking to exclude evidence from an allegedly unlawful search and seizure. Though the issue was not addressed by the Court, it prompted a long concurring opinion by Justice Powell, in which he argued that collateral review of State search and

seizure claims should be severely limited where the matters have been raised and adjudicated in State courts. Id. at 876-91 (Powell, J., concurring).

<sup>21</sup> 12 Cr. L. 4036 (Oct. 18, 1972).

<sup>22</sup> *Supra* footnote 20 at 875.

<sup>23</sup> Id. at 865.

<sup>24</sup> Id. at 867.

<sup>25</sup> Such a view comports with the Court's position in *Bumper v. North Carolina*, 391 U.S. 543 (1968). In *Bumper*, it was held that when a prosecutor relies on consent to justify the lawfulness of a search, he has the burden of proving that the consent was, in fact, freely and voluntarily given. Id. at 548. It is interesting to note that at no point in the *Bumper* opinion did the Court employ or discuss the phrases "knowing consent" or "intelligent consent."

<sup>26</sup> *Supra* footnote 20 at 865.

<sup>27</sup> An indication of how an appellate court reacts to

the desirability of giving an advice of rights prior to obtaining consent to search is contained in a recent State decision. The Texas Criminal Court of Appeals observed that while the validity of consent does not depend on prior warnings, it is nevertheless "good police practice." *DeVoyle v. State*, 471 S.W. 2d 77, 80 (Tex. Crim. App. 1971). The court had reference to *Miranda* warnings but the observation would apply equally to advice of fourth amendment rights.

<sup>28</sup> In 1970, Judge Friendly, speaking for the U.S. Court of Appeals, Second Circuit, recognized the possibility that the Supreme Court might require some type of warning prior to consent searches "at least with respect to persons in custody." *United States ex rel. Cole v. Mancusi*, 429 F. 2d 61, 66 (2d Cir. 1970), cert. denied, 401 U.S. 957 (1971), citing *United States ex rel. Lundgren v. McMann*, 417 F. 2d 519, 521-22 (2d Cir. 1969).

## ASSAULTS ON FBI AGENTS

During the first 6 months of 1973, 82 Special Agents of the FBI were assaulted in the line of duty in 47 separate incidents. There were 53 Special Agents assaulted in 31 incidents during the same period of 1972. For the first 6 months of 1973, as compared with the first 6 months of 1972, there was a startling 55 percent increase in assaults on FBI Agents.

Thirty-nine Agents were assaulted through the use of personal weapons such as hands, fists, and feet; 17 by firearms; 6 by vehicles; 4 by knives and 4 by blunt instruments. Eleven Agents were victims of threats made on their lives, and one Agent was attacked when an assailant threw a hand grenade into the living room of his home.

The nature of injuries incurred by Agents of the FBI in the first 6 months were more serious than in previous years. One Agent was shot and killed in the line of duty while pursuing bank robbery fugitives. He is the

24th Agent to lose his life in the history of the FBI.

Three Agents received gunshot wounds while engaged in gun battle situations. Fourteen Agents were reported to have received abrasions, lacerations, bruises, contusions, and human bites.

During the first 6 months of 1973, as in 1972, more Agents were assaulted while making arrests than in any other activity. Fifty-eight Agents were assaulted in arrest situations; eight in investigations; three while taking custody of prisoners; two in search of premises; two while off duty; one as retribution against an Agent; and eight in miscellaneous activities. The arrests during which the assaults occurred were made as a result of alleged violations of 11 different Federal laws within the investigative jurisdiction of the FBI. The number of assaults in arrest situations for bank robbery and military desertion were the greatest with 16 assaults in each of these violations.



The accent on physical fitness by many persons together with better access facilities into rugged recreational areas has, in recent years, led thousands of individuals to trail hiking and mountain climbing. Ski areas, too, are becoming so crowded that people queue up to use the lifts. Cross country skiing is growing in popularity as well, and the challenge of the high peaks is also there to tempt the unwary and the inexperienced.

Hood River County, Oreg., is particularly popular with outdoor devotees.

But, the area is comprised of rugged terrain, high altitude, low temperatures, crevasses, ice, snow, high winds, and the ever-present danger of avalanches. It is not surprising, therefore, that the percentage of accidents is increasing.

Search-rescue groups are a necessity in areas of this type. Hood River has two such groups—formed for the sole purpose of rescuing persons who have been injured or lost in the high areas of our mountains. Membership in these groups requires highly skilled, well-equipped, experienced individ-

uals in top physical condition. It also requires persons who are thorough, dependable, and willing to take the time necessary to go on a rescue and stay until the mission is completed. It is back-breaking and nerve-wracking work, and the members of these two groups—the Crag Rats and the Alpiners—have proven their ability.

The Crag Rats were organized in 1926 and have continued as an active mountaineering organization since that time. They have been associated with most of the mountain rescues that have taken place in the Pacific North-

## HOOD RIVER COUNTY RESCUE GROUPS

Members of the Crag Rats and the Alpiners after a successful rescue.







By  
**RUPERT L. GILLMOUTHE**  
Former Sheriff (1947-72)  
Hood River County  
Hood River, Oreg.

west during the past 47 or so years.

In the early days when communications were scanty at best—no telephones, no radios—the Crag Rats worked in zero visibility and adverse weather conditions as they participated in rescues on every mountain in the Northwest.

On January 1, 1927, for example, two young skiers from Portland were lost on the south slopes of Mount Hood. A large search group was organized with headquarters at old Battle Axe Inn (about the end of the wintertime road in those days). The searchers looked for 2 days, and finally on January 2, the Crag Rats found one of the young men in the lee of a log, barely alive but still conscious. The second was never found.

Subsequently, on July 17, 1927, a string of 10 Mazamas, a mountain climbing organization, fell and slipped for several hundred feet down the steep Sunshine Trail on Mount Hood and were stopped by a crevasse. One of the party, a doctor, was killed. The Crag Rats responded to the emergency and helped the survivors to safety.

Again, on August 2, 1929, the Crag Rats were on Mount Rainier in Washington to help recover the body of a man who had fallen into a crevasse. In September 1933, the Crag Rats were called to Mount Jefferson to bring down the bodies of two men who had slid into a crevasse on the east side of the mountain.

These and many other rescues were made to find the lost on the slopes of the high peaks, in the forests, and on the rivers of the vast wilderness areas of the Northwest. The success of the rescue corps is their belief in working as a team. One of the outstanding facts of their work is that not one rescuer has been injured in the thousands of hours spent in their rescue efforts.

The Alpines were formed in 1946 with the same goal in mind—the rescue of the injured or lost. While the Crag Rats used only their ropes, skis, and akias (a basket-type litter) in their rescues, the Alpines added a new device to their rescue equipment. This new aid to rescue work consisted of an aerial cable tram system by which a person can either be lowered in a bosun's chair or by litter. This cable system has been used successfully in rescuing injured persons from mountain crevasses, out of deep canyons, and across turbulent waters.

During the last 26 years, both the Crag Rats and Alpines have teamed

up, under the coordination of the county sheriff, to work as a unit with heartening success.

One of the most involved rescues took place in August 1971. A family—father, mother, and two sons, well-conditioned by long hikes on mountain trails—felt they were ready for the big one—the climb up Mount Hood. The day was clear, the sun was hot. Snow conditions were excellent when they started up the slope in the early morning hours, however, the heat of the sun softened the snow surface and the climbing became hazardous.

On the descent, even though properly roped together, the unexpected happened. One member slid out and due to the icy conditions, the other members could not use their ice picks to check their fall. They slid down the chimney into the glacier. In some places this fall was almost straight down, but in this case the fall began about the 10,000-foot level and ended at about the 9,500-foot level. One of the victims slid out around a rock and was caught, hanging head down.

Meanwhile, other climbers on the mountain witnessed the fall, and immediately sent a man to notify the authorities. At this time, a group of Crag Rats and other climbers were at another point on the mountain. One of the group had a radio, and was able to contact a ham radio operator in Van-

A "Crag Rat" at the scene of an airplane crash.

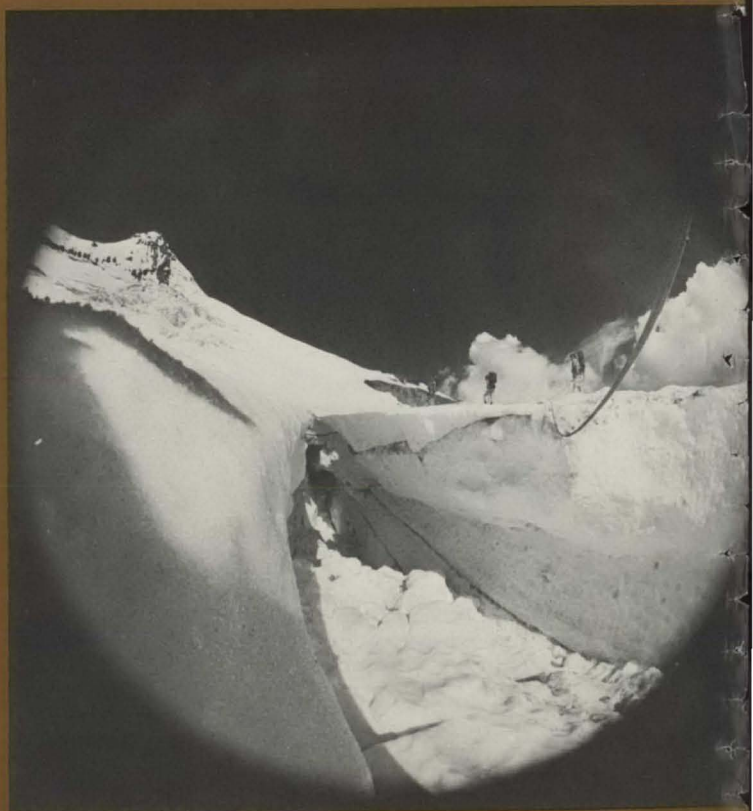






Members of the rescue groups ascend the snow-capped peak of a mountain.

To complete their mission, the rescue teams must face rugged terrain, high altitude, treacherous crevasses, blinding snow, high winds, and the ever-present danger of avalanches.





couver, Wash., who reached another ham operator in Goldendale, Wash. This ham operator in turn notified the Oregon State Police in The Dalles, and they contacted the sheriff in Hood River.

The sheriff took off immediately in a fixed wing aircraft for the scene to determine the altitude and to learn if the victims had fallen into a crevasse. At the same time, Crag Rats and Alpinees were alerted and directed to rendezvous at Cloud Cap, elevation 6,000 feet. A group of Crag Rats who were already at Cloud Cap were directed to the scene with their radio.

From the air, it was obvious that rescue had to be made as fast as possible. Forest Service personnel with helicopters were directed to Cloud Cap to transfer rescuers to the scene if snow conditions permitted. (Helicopters can start avalanches and wipe out injured and rescuers alike if conditions are adverse.) Since the copters available were small and could not get closer than 2,000 feet from the accident scene, rescuers were ferried to this spot, and rescue equipment was airdropped as close as possible. One akia missed its mark and fell into an 80-foot crevasse.

Rescuers reached the father, who was the most seriously injured. He was the first one rescued. Great care was taken to prepare him for the evacuation because he would be carried outside the helicopter, and draft from the propellers and the vacuum created under the victim would be extremely hazardous. A pickup site was established 600 or 700 feet below the accident scene as the safest place for the helicopters to land. The victim then had to be lowered down to the pickup site, over wide and deep crevasses and snow-ice fields. This operation alone took approximately 2 hours. The cable system was used along with ropes and men on each side to keep akias in line and right side up.

The first victim was evacuated the 38 miles directly to Hood River by helicopter, where he was pronounced dead on arrival. Three hours later, the second victim was evacuated to Parkdale, 14 miles away, and transferred to a waiting ambulance. The two helicopters used for these evacuations had to return to their base because they had no lights and darkness was falling.

We contacted the U.S. Army at Fort Lewis, Wash., and a big Huey helicopter was made available to us. It landed on the side of Mount Hood at midnight and picked up the last two victims—one alive, and one who had been killed in the fall.

Approximately 40 men were used on this rescue mission. Another 20 or so supported in other phases, giving about 800 man-hours in the total operation. Men left on the mountain had to walk out, bringing all the gear that was used.

In all the 26 years that I was coordinator in these rescues, this was the only time a person died while being rescued. We have brought out people with broken legs, broken arms and ribs, with head injuries, and many other types of injuries, all without serious incidents. In over 100 rescue missions off Mount Hood we have used helicopters four times. Victims rescued in other missions had to be carried off by brute strength.

These Crag Rats and Alpinees are self-trained and self-equipped. They have given thousands of man-days in search-rescue operations, all without pay, so that many can continue to enjoy the freedom of self-expression in their endeavors to conquer the mountains and the forest trails. The whole Northwest owes these mountain men deep gratitude.

It has been one of the most thrilling experiences to work with these men for they have assisted not only in rescues and searches but have also helped out in law enforcement emer-

gencies by manning road blocks and assisting in other police activities when called upon to do so.

They have one important creed: That every man return from a rescue sound in body, and to attempt no feat that might mean sacrificing a member.

FBI

## CRIME REDUCTION

*(Continued from page 22)*

result of displacement of crime. But most of the neighboring municipalities reported robbery decreases or the same activity as the previous year.

Task Force Six does not claim complete credit for the overwhelming success of the antirobbery campaign. Even the entire police division preparing and implementing a program aimed at a specific target does not deserve all the credit. The unique combination of publicity by the local news media, participation by the citizens of the community, restrictions on bail of certain offenders charged with numerous counts of robbery by the courts, and a good deal of hard work by the police succeeded in obtaining substantial reductions in crime.

As with any program, everything was not perfect. Had more overtime been authorized, task force personnel could have remained on duty for longer periods of time. Equipment failures resulted in lost patrol time, since all available radios and vehicles were in use. There were no reserve units. The topographical conditions of Cincinnati made deployment difficult. Although north-south roads are adequate, east-west streets, particularly connecting high probability robbery areas, are few in number.

Even with these complications, crime reduction was the best in many years, showing that an approach involving a total community effort can be successful.

FBI



# WANTED BY THE FBI



## PREFLIGHT SCREENING CURTAILS HIJACKINGS

Since preflight screening procedures have been instituted, a dramatic decline has occurred in aircraft hijackings. Between January 1, 1968, and January 5, 1973, there were 148 incidents of hijackings or attempted hijackings of American aircraft. From January 5, 1973, through October 1, 1973, there has been only one hijacking incident, and this involved a helicopter belonging to a flying service. The hijacker was apprehended by the FBI 2 days after the hijacking.

Beginning on January 5, 1973, all United States scheduled air carriers have been required to process all boarding passengers with detection devices and to search all items accessible to passengers in the aircraft's cabin. Since February 1973, all passengers boarding United States carriers in the United States have been required to do so in the physical presence of a duly authorized and identifiable law enforcement officer.

NCIC Newsletter  
3/73  
**ONLY 2 MINUTES**

When two Indiana State Police troopers observed an automobile with broken rear taillights traveling on an interstate highway in Indiana, they decided to stop the vehicle and issue the driver a warning ticket. Using information on the driver's license, they ran an NCIC check and found that he was wanted in a city some 500 miles away on charges of armed robbery and sodomy. Based on identifying information furnished by the passenger, an NCIC inquiry revealed that he was also wanted in the same city on charges of armed robbery and rape. The wanted men were held for authorities as a result of the two "hits" obtained in less than 2 minutes from the time the inquiries were requested.

**SHARON HAZEL WILLIAMS, also known as Sharon Mitchell, "Khadija" "Sister Cadidra"**

**State Firearms Control Assistance Act; Bond Default**

Sharon Hazel Williams is being sought by the FBI for failure to appear for sentencing after being convicted for furnishing false information during the acquisition of firearms, and for bond default. Federal warrants for her arrest were issued on November 16, 1970, and on December 31, 1970, at Los Angeles, Calif.

On January 30, 1970, Williams purchased three weapons in Los Angeles but furnished false information on firearms transaction records. She was convicted on October 22, 1970, and released on bail. Williams reportedly failed to appear for sentencing on November 16, 1970.



Left thumbprint.

Eyes.....	Brown.
Complexion..	Dark.
Race.....	Negro.
Nationality--	American.
FBI No.....	277,011 H.
Fingerprint classification.....	I 31 W IMM 18 M 28 W IMI

### Caution

Williams, a member of the Black Panther Party, may be armed and should be considered dangerous.

### Description

Age.....	27, born June 9, 1946, Los Angeles, Calif.
Height.....	5 feet 8 inches.
Weight.....	165 to 175 pounds.
Build.....	Large.
Hair.....	Black.

### 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.

**FBI Law Enforcement Bulletin**



## Pocketful of Danger

An item entitled "Danger" in the October 1973 issue of the Bulletin warned that loose revolver ammunition coming in contact with the recharging studs of some portable radios could result in the cartridges exploding.

Dr. Raymond L. Falge at the Law Enforcement Standards Laboratory (LESL) of LEAA's National Institute of Law Enforcement and Criminal Justice at the National Bureau of Standards, in response to a request by the FBI, conducted tests which demonstrated that a revolver cartridge primer cap did detonate under certain circumstances when the current from a nickel-cadmium portable radio battery was discharged through it.

Generally, these tests indicated that new and clean cartridges coming in electrical contact with the radio battery resulted in no explosion but caused the radio battery, which had a higher resistance than other elements in the circuit, to heat and lose its charge.

However, if a cartridge primer experienced poor electrical contact with a battery due to material adjacent to the primer producing more resistance than the battery, then the primer of the cartridge would heat and explode. The resistance necessary for such an explosion could result from common pocket items like lint and other fine debris.

Various personal/portable police radio transceiver design modifications are being considered to eliminate any risk of explosions with firearms ammunition. For the present, however, the National Institute recommends that police carry and store electrical items—including transceivers and batteries—separately from firearms cartridges.

The National Institute test report also noted that car keys and other metal objects may discharge personal/portable transceivers and their rechargeable batteries if used or stored together. Not only will this render the batteries inoperative but it may cause burns.

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## INTERESTING PATTERN

This interesting pattern is classified as a double loop-type whorl with a meeting tracing. It is composed of two separate loop formations with two separate and distinct sets of shoulders and two deltas.