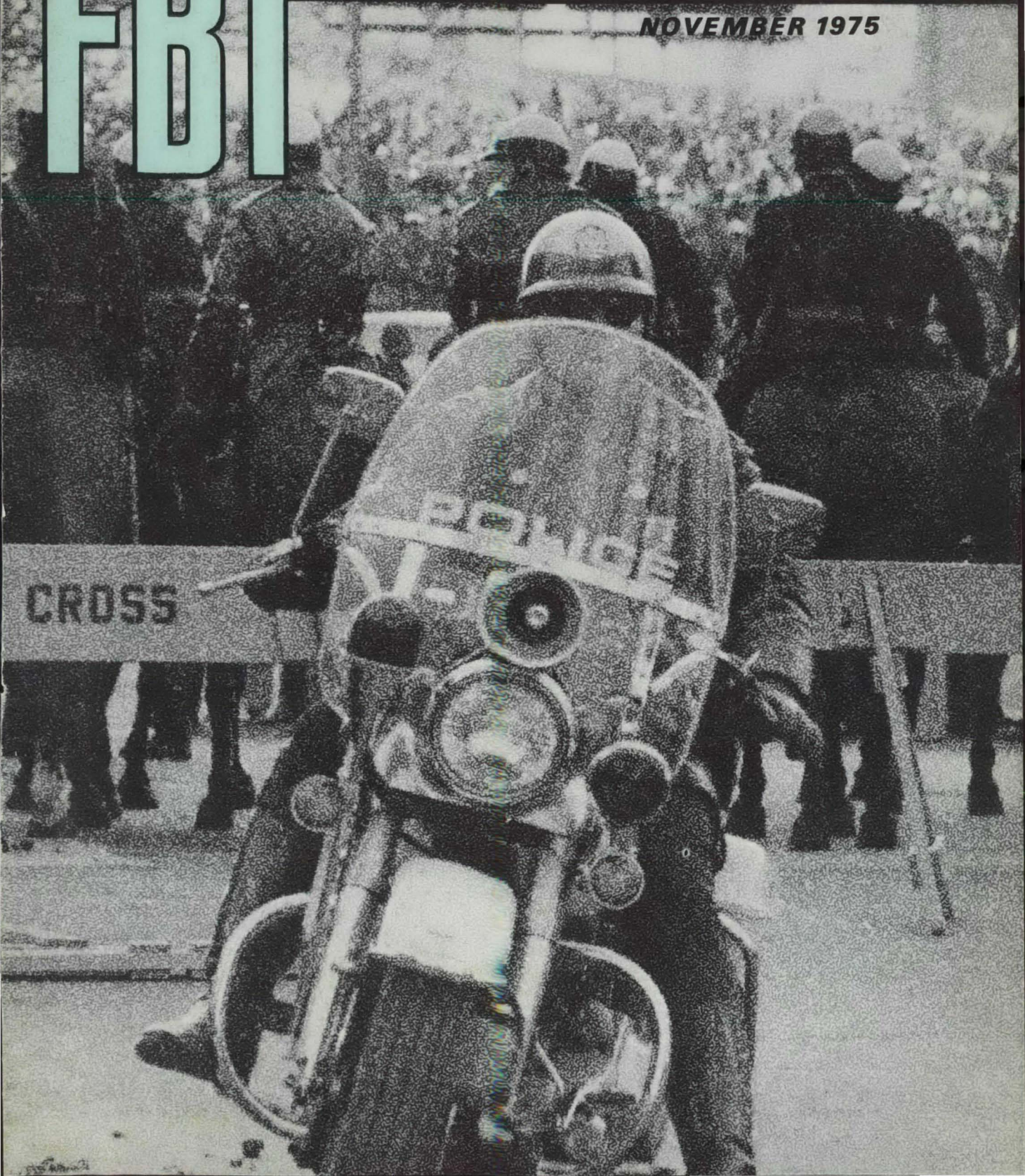


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# FBI

## **Law Enforcement Bulletin**

**NOVEMBER 1975**





# FBI

## Law Enforcement Bulletin

NOVEMBER 1975  
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#### THE COVER

Staunchly arrayed in the forefront of the struggle to maintain an orderly and just society, American law enforcement may take justifiable pride in its role and be thankful for its assets. See Mr. Kelley's comments on facing page. Photo by Police Officer Doug Malin, photographer, New York City Police Department, "Spring 3100."





## *Message from the Director . . .*



MORE THAN THREE AND A HALF centuries ago, Pilgrim settlers of this New World celebrated our first Thanksgiving Day. In their hard struggle to survive and build a better life, these early Americans paused to count their simple blessings—to give thanks for all that Providence had given them and to reaffirm their spiritual values. From this act of deep faith and gratitude has grown a tradition that has inspired succeeding generations of Americans.

As we in law enforcement prepare to observe Thanksgiving Day 1975, it is, I think, worthwhile to reflect in an equally positive spirit on our profession and its role in American life.

We cannot, of course, ignore the grim realities of our Nation's crime problem and the awesome challenges that it poses to all levels of our profession, to the criminal justice system of which we are a part, and to society as a whole. The shocking growth of lawlessness and violence throughout the country cannot be minimized, nor can we gloss over our obligation to seek more successful means of coping with record levels of criminal activity. We certainly cannot overlook the hazards, the hardships, the frustrations, the abuses, the unwarranted criticisms, and the multitude of other conditions that are regrettable, but inherent, aspects of a career in law enforcement.

Yet, despite these disturbing concerns, there is a great deal for which we in law enforcement can be truly and deeply thankful.

A few of these considerations come readily to mind. We can be thankful that the laws we are sworn to uphold and the governmental entities we represent are those of a free and just society,

worthy of our respect and devoted service. History has amply shown how easily police power may be twisted into a fearful instrument of oppression. In stark and welcome contrast to this ignoble purpose, American law enforcement is a fundamental function of good government, promoting the general welfare and vigorously safeguarding the rights and liberties of every citizen.

We can also be thankful that the badge we carry is valued and widely accepted as a symbol of trustworthy, courageous service—a shining reflection of the high dedication, integrity, and selfless sacrifice of the countless officers, past and present, who have contributed so greatly to our standing today.

We can additionally be thankful that our chosen profession is further distinguished, not only by a genuine commitment to excellence, but by solid achievement as well. In very recent years alone, great gains toward professional goals have been made in virtually all phases of law enforcement. Research and the imaginative application of science, technology, and other forms of knowledge have contributed greatly to this progress. As a result of these advances, today's peace officer is, on the whole, far better qualified, trained, and equipped than his counterpart of years past.

Lastly, we can be thankful that the overwhelming majority of our fellow Americans earnestly desire effective and responsible enforcement of the law. Although greater citizen involvement in efforts to resist crime continues to be a vital necessity and urgent national challenge, we must gratefully acknowledge our debt to the public for past assistance and support. It would be exceedingly difficult to overestimate the value of these con-




## MESSAGE

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tributions. In carrying out our increasingly difficult and complex responsibilities, we can have no more powerful ally than an actively concerned public, and no degree of professional commitment, competence, or determination will raise American law enforcement above the need for this basic alliance.

There is indeed much for which we can be appreciative, and as we observe this Thanksgiving from a law enforcement perspective, let us resolve to use to fullest advantage our blessings . . . to use to fullest advantage a renewed faith in ourselves, our profession, and the Nation we strive to serve.

NOVEMBER 1, 1975

  
CLARENCE M. KELLEY  
*Director*



## RAPE and the VICTIM A New Role for Law Enforcement

By

JOHN STRATTON, Ph. D.

Department Psychologist  
Los Angeles County Sheriff's Department  
Los Angeles, Calif.

Rape has probably been the least reported and the least successfully prosecuted of all crimes of violence. Societal attitudes toward the rape victim, the indignity of court procedures, alleged injustices in the court system, and the asserted indifference of law enforcement agencies and their personnel to the crime and its effect on the victim have all contributed to this situation.

The Federal Bureau of Investigation's Uniform Crime Reports of 1970 revealed that in 1960 there were 16,860 cases of forcible rape recorded in the United States and that in 1970 the figure had risen to 37,270—a 121.1-percent increase. However, these statistics must be considered in light of the fact that many rapes go unreported. Estimates of unreported forcible rapes range from 3 to 10 for every 1 reported.<sup>1</sup> In addition, the tendency of prosecutors to plea bargain to a conviction on assault or burglary, instead of on rape, further clouds any statistical evaluation of the actual number of forcible rapes in the country today.



*"Rape has probably been the least reported and the least successfully prosecuted of all crimes of violence."*

Exact numbers, however, have become less important than recent developments in societal attitudes toward rape and the rape victim. Partially responsible is the women's movement and a growing acceptance among the public generally of many of its broader ideals. Also responsible are the pervasive communications media—television, radio, newspapers, and magazines—which have generated a growing interest in the crime of rape and its effect on women by a multitude of factual and fictional articles, as well as documentary and dramatic films. That rape is an issue for exploration by these various media, in turn, means that the public is increasingly aware of both the crime and the victim. That awareness is now beginning to effect changes in the criminal justice system.

Part of these changes derive from difficulties that have been revealed within the criminal justice system, both in the courts and in law enforcement agencies. Neither the courts nor the agencies, however, are solely re-



sponsible for these difficulties, since both reflect the character, not only of the people within the system, but of society itself. Society has traditionally been inclined to see the rape victim as much responsible for the crime as the rapist. Such an attitude definitely contributes to a woman's decision not to report a rape. Many women who have dared to report their rape have had to face the suspicion and judgment not only of judge and jury but also of husband, relatives, and the community at large. And while husband and community questioned the reliability and chastity of the woman only in the privacy of homes and minds, judge and jury frequently brought such questions into the courtroom. Often, the woman rape victim was in the position of having to prove her own innocence, rather than the guilt of the rapist.

Recent court cases exemplify the increased media and public interest in rape and also spotlight difficulties within the criminal justice system. While it is generally accepted that change comes slowly to courts and court systems, attempts are being made to modify areas of alleged injustices to rape victims. A recently passed California law, for example, prohibits the attorney for the accused rapist to submit the prior sex history of the victim as evidence. Prior to the passage of the law, the public scrutiny of the "virtue" of the rape victim in court had been standard procedure.

Also under attack is the traditional "cautionary rule" to the jury. The cautionary rule throws doubt upon the validity of the rape charge itself by warning that there may be perjury by the rape victim. The cautionary rule has been a clear reflection of a persistent notion that a woman will often use a rape accusation as a tool of vengeance.

A bill recently presented to the California Senate would amend the



Sheriff Peter J. Pitchess

State rape laws to include mandatory sentencing for a second rape conviction.<sup>2</sup> Supporters of the bill feel that this would encourage prosecutors to seek a rape conviction, rather than one for assault or burglary. A decrease in plea bargaining is the hoped for result.

### ***Law Enforcement Behavior and Attitudes***

While such legislative change is admirable and indicates a growing awareness of and sympathy for the plight of the rape victim, it is helpful to the victim only at a point in time considerably later than the commission of the crime. The hours immediately following the attack are those which are most agonizing and are thus those which hold the most potential for effective work with the victim. These hours are, of course, dominated by the victim's interaction with a law enforcement agency. Police are usually the first officials to see the rape victim. Their attitudes toward the crime and the victim, therefore, weigh heavier than the amount of time they may spend in actually dealing with the person. If police officers reflect only suspicion to the victim's allegations: is she telling the truth? is she out to get the guy? did she enjoy the attack? did she "come-

on" to the guy? is it a legitimate rape? she will rightly feel doubly attacked.

Research studies with rape victims indicate that some women find police attitudes of cynicism, contempt, disbelief, and suspicion to be more common than sympathy.<sup>3</sup> Some police feel that unless a woman has been badly beaten, there has really been no rape; others blame rape accusations on female hysteria; another study indicates, ironically, that police are less likely to believe the rape victim if she is calm and lucid than if she is highly emotional or even hysterical.<sup>4</sup> Adding to the potential for psychological mishandling of the victim by the police is the failure of many law enforcement officers to recognize the rape victim as a victim of a violent crime against a person, with all of the accompanying stress and shock.

### ***A New Approach***

Increased media awareness of rape offenses and their victims has often been accompanied by criticism of police procedures. Many police departments have, as a result, taken a new look at the alleged injustices attributed to them and are beginning to better recognize and deal with the unique experience of the rape victim.

An example is the Los Angeles County Sheriff's Comprehensive Rape Investigation Program, instituted by Sheriff Peter J. Pitchess. One of the first of its kind in the country, the program uses female deputies as investigators in all rape cases. Deciding factors in implementing the program were recognition of the potential for natural empathy between a woman law enforcement officer and a woman rape victim and also studies which indicated that female officers possessed previously overlooked investigative potential, particularly in interpersonal skills. It was thought



that the natural empathy of woman to woman could provoke better communication between the law enforcement officer and the victim, which could mean a more efficient gathering of evidence, more willing cooperation from the victim, and consequently higher arrest and conviction rates.

The Comprehensive Rape Investigation Program, however, goes beyond the mere assignment of female deputies to rape investigation cases. At each sheriff's substation, a female deputy is always on duty to handle any rape reports, in addition to her other patrol functions. But the deputy is more than a female law enforcement officer dealing with a crime where the victims are predominantly female. She has also been through a special training program, and she will work with the victim from the time the crime is reported until the court proceedings are concluded. Both the object and the result of the program have been to ease the trauma and reduce the indignities suffered by the victim, to obtain more willing cooperation from the victim, and to increase the conviction rate for rape offenses. To a greater degree than many males, females are, according to a growing number of police administrators, more likely to have the combined qualities of authority, compassion, understanding, and empathy. And, most important for the traumatized victim attempting to describe an attack only hours after its occurrence, the female deputy does not sexually represent the rapist.

### Training for Deputies

The special training given the deputy emphasizes the necessity for a humane approach to the victim and for an effective interrelationship between medical treatment for physical trauma, collection of evidence for possible prosecution, and psychological counseling on both an immediate and followup basis. The training program is

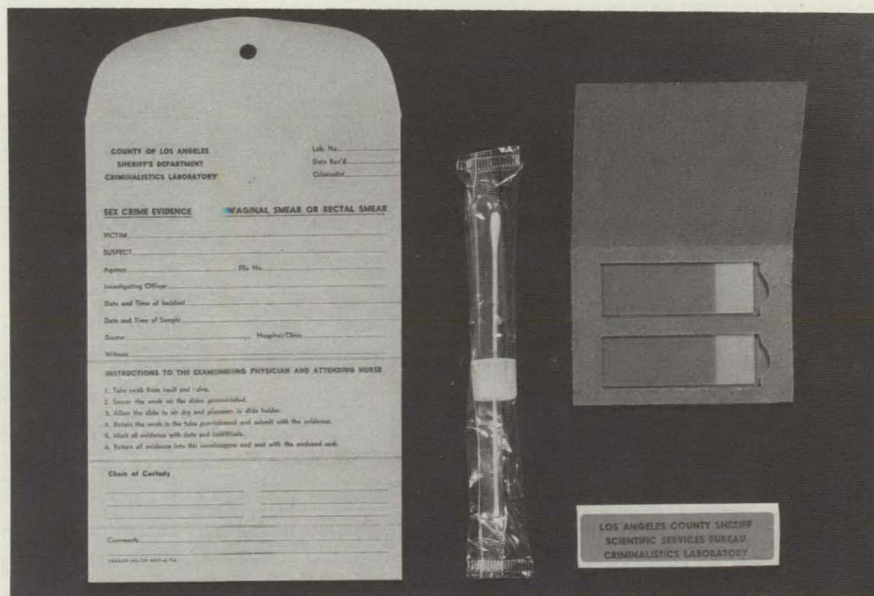
attended by all female deputies assigned to patrol stations, all station training officers, all deputies assigned to sex crime investigations, as well as personnel from other city and county police agencies. Thirty-six agencies have participated in the training program.

The program centers around definition and exploration of four basic areas: *issues involving rape, evidentiary material, the rapist, and counseling the victim.* Material on the *issues involving rape* relates basic statistical information, i.e., it is likely that rape is the least reported and least punished of all crimes and that estimates are that 3 to 10 forcible rapes are committed for each 1 reported. Commonly held societal myths about rape are also explored: all women secretly desire rape; nice girls don't get raped; women who at first resist later enjoy the rape; women ask to be raped by dressing provocatively; rapists are sexually unfulfilled men with uncontrollable sex drives; all rapists are pathologically sick and perverted men. Since law enforcement personnel often reflect the traditional bias of so-

ciety to distrust the rape victim but not her attacker, it is especially important that such myths be dealt with. Debunking myths also helps the officer to see the crime of rape in a more valid context: that of a crime of violence rather than a sexual crime. Too often, rape is seen as a sexual encounter. Because of moral questions, this can create difficulties for the officer dealing with the victim; the tendency is to see the rape victim differently than victims of other types of assaults. The emphasis in the training program on rape as a crime of violence takes it out of the moral arena. Without such a perspective, the investigator can become falsely entangled in moral issues and fail to deal as effectively with the victim.

Another important emphasis in the training program is on effective collection and use of *evidentiary material.* Effective means of gathering evidence, proper submission to the crime lab, and admissibility of evidence are discussed in detail. The Los Angeles County Sheriff's Department crime lab has developed a rape investigation kit to standardize the forensic elements of the case in preparation for proper

Rape investigation kit.





court prosecution. Kits have been distributed to all emergency hospitals utilizing the services of the department, and lab personnel have assisted hospital administrators in training medical personnel in the effective use of the kits. (See illustration.)

An additional area of study is *the rapist* himself. Again, facts and myths are closely examined. Contrary to societal views of the rapist as pervert and pathological criminal, he is often found to be married and have a normal sexual personality.<sup>5</sup> He also found that they differ from the societal norm only in their greater tendency to express violence and rage. Nor is the rapist a victim of his own sudden and uncontrollable sexual desires. Fifty-eight percent of individual rapes and 90 percent of group rapes were planned in advance. Over fifty percent of rapes occurred not in dark alleys, but in residences, and 93 percent of rapes occurred between people of the same race.<sup>6</sup>

But perhaps the most revolutionary aspect of the training deals with *counseling the victim*. Personnel are exposed to crisis intervention theory, counseling techniques, and facilitative interaction<sup>7</sup> with the victim. Again, the counseling emphasizes the necessity for humane interaction with the victim, who may be highly emotional and deeply distressed by the experience. Facilitative counseling stresses that the deputy investigating the case should communicate respect, empathy, understanding, and genuineness. Such communication is tempered with an effective use of authority and an ability to help.

Such counseling does not end, however, with the victim. Work with husbands, children, and parents, those who crucially affect the later well-being and self-image of the victim, is also done.

Finally, the program studies other factors which influence effective inter-

action with the victim: proper location for the interview, when to interview alone or with others, developing a climate where the victim feels free to talk about the attack, and effective explanation of the criminal justice process to the victim.

While the Comprehensive Rape Investigation Program has been in effect only since July 1, 1974, initial findings are positive and promising. Public reaction has been good, and the sheriff's crime lab reports that it has received 70 percent more evidence in rape cases than it did prior to implementation of the program. Hospital personnel have been cooperative in the collection of evidence and have been receptive to the need for uniformity in evidence gathering through the use of the specially developed kits. A preliminary survey of rape victims indicates their treatment by deputies was helpful and facilitative. Striking evidence of this is the experience of a recent rape victim who feels the criminal justice system was at fault when it let her attacker plea bargain himself into a burglary conviction.<sup>8</sup> She was distressed by her experience with the criminal justice system, but had only praise for the female sheriff's deputies who worked on her case. The deputies, in turn, considered her a strong and credible witness and demonstrated empathy with her particular situation. Such empathy spotlights an additional benefit from the program: deputies emerge from the training with more sensitivity to all victims of crimes against the person. Their new awareness enables them to work more effectively with the general public, which is an important part of the program itself. Female deputies frequently speak to civic groups and other interested organizations, and these dialogues are beneficial both in changing societal attitudes and in helping women develop a proper rape defense on the streets and effective testimony in court.

## Summary

This article has explored a growing public awareness of the violent crime of rape and its effect on the rape victim. It has also focused on attitudinal and procedural difficulties within the criminal justice system, both in the courts and in law enforcement agencies, and has described one agency's response to those difficulties. The Comprehensive Rape Investigation Program instituted by the Los Angeles County Sheriff's Department can have a threefold effect. It can combat a sometimes negative image of law enforcement, produce more convictions for rape offenses, and be of direct benefit to the victims themselves.

Hopefully the final result of the program will coincide with its original goals, as stated by Sheriff Pitchess upon its implementation: "The purpose of our approach will be to lessen the trauma and indignities that the rape victim suffers during the investigation and court proceedings. We hope that this will encourage more victims of rape to report such crimes and as a direct result will improve the rate of apprehension and conviction of such offenders."

Such results could be revolutionary in changing two of the most striking characteristics of rape: its reputation as the least reported of all crimes and the least convicted of all crimes.

## FOOTNOTES

<sup>1</sup> J. Csida and J. B. Csida, *Rape: How to Avoid It and What to Do About It If You Can't*, Chatsworth, Calif.: Books for Better Living, 1974, p. 17.

<sup>2</sup> California Senate Bill 574 introduced Mar. 13, 1975.

<sup>3</sup> Csida and Csida.

<sup>4</sup> A. Medea and K. Thompson, *Against Rape*, New York: Farrar, Straus and Giroux, 1974, p. 118.

<sup>5</sup> M. Amir, *Patterns in Forcible Rape*, Chicago: University of Chicago Press, 1971.

<sup>6</sup> *Ibid.*, pp. 44 and 215.

<sup>7</sup> The ability to develop an effective relationship which benefits both parties. In this context, the officer creates an atmosphere that reduces the trauma for the victim and, at the same time, is able to gather all necessary information.

<sup>8</sup> "Anatomy of a Crime—and Punishment," Los Angeles Times, Apr. 10, 1975.



# LET'S BE ADVOCATES\*



\* This is an address given by Hon. Clarence M. Kelley, Director, Federal Bureau of Investigation, before the 82d Annual Conference of the International Association of Chiefs of Police, Denver, Colorado, September 16, 1975.

I'm most pleased to once again have the privilege of addressing the delegates to the annual IACP conference. And I very much appreciate your kind invitation and gracious welcome.

This is the third time I've appeared before you as the head of a Federal law enforcement agency. Previously, it was my pleasure to come before you as a local police chief.

I consider it as my good fortune that I served in law enforcement at both the Federal and the local level. Thereby, I have attained a dual vantage point. This enables me to view, and to appreciate, the toils and troubles, the successes and advances of our profession.

And as I continue in this position, it becomes ever more apparent to me that there is a very close parallel in the challenges, the obstacles, the goals and aspirations of both *Federal* and *local* law enforcement agencies.

Today I want to stress the vital need for all of us—at the *Federal* and *local* levels—to be *advocates*—*advocates* mutually supportive in attacking problems we share, and in striving to achieve common goals. The most important of these goals, of course, is to better serve people anxious for, and deserving of,



safer streets and a more tranquil life.

And to accomplish that goal, we in law enforcement must convince the people we serve, that law officers—local and Federal—are *their* advocates.

It has been my pleasure to infuse into the FBI, I believe, a better feel for the problems of local law enforcement. I have endeavored, also, to spread this word to other Federal agencies. Whenever possible, I have encouraged efforts on the part of the FBI and others to help meet or alleviate those local problems.

I have been, and remain, a solid advocate for local law enforcement.

Having had an opportunity to make comparisons, I have been impressed by the fact that some local law enforcement agencies have surpassed Federal agencies in such areas as planning, research, and development.

In addition, we are now in an era in which Federal law enforcement has become the subject of intensified rule-making and role-defining. As FBI Director, I am vitally concerned with the problems created by the proliferation of legislative guidelines and restrictions—guidelines and restrictions such as those imposed by the Freedom of Information Act amendments (FOIA) and the Privacy Act.

You should be aware, if you are not already, that the problems being experienced by Federal law enforcement with these new guidelines and restrictions will also have both a direct and indirect impact upon all law enforcement.

The atmosphere in which the Federal FOIA amendments and Privacy Act were enacted al-

ready has prompted some States to consider similar laws to regulate local and State agencies. Other States may well follow suit.

The Federal Privacy Act, which becomes effective later this month, provides, for example, that no Federal, State, or local government agency can deny persons any right, benefit, or privilege because of their refusal to furnish their Social Security number. To law enforcement, this means that in a criminal case suspects may refuse to furnish their Social Security number if there is no Federal or State statute or regulation specifically requiring them to do so.

The Privacy Act could cause us problems also in continuing a free exchange of information between local and Federal agencies—a process we *all* know is so vital to effective law enforcement.

While there is no blanket prohibition against this exchange of information, the new Privacy Act imposes encumbrances which may well be expected to affect your departments as well as Federal agencies.

Federal agencies, for example, must publish their dissemination practices in the Federal Register; and every bit of information we disseminate must be made a matter of record.

We in the FBI remain resolute in our policy of protecting sources of information; but doing so will become much more complicated.

In short, the new rules, and others proposed, could certainly have a very narrowing effect on traditional and essential co-

operative practices among law enforcement agencies.

The irony of all this is that criminal activity has reached such magnitude today that Americans throughout the Nation consider crime their communities' most serious problem.

And cooperative efforts among law enforcement agencies at all levels of government are crucial in dealing with spiraling crime.

Still, legislative proposals which would further restrict Federal law enforcement activity continue to emerge amid expressions of fear of Big Brotherism and a "national police force."

This fear has been expressed, unfortunately, both within and without our profession.

As far as the general public is concerned, I can't believe many citizens honestly fear that the FBI is galloping down the road of totalitarianism.

Nevertheless, the mood of our country has been such that people are taking a hard look at the expansion and pervasiveness of governmental rules and regulations; and they are questioning the legitimacy of that intrusion into people's daily lives and activities.

And I think they *should*.

There is strong sentiment abroad in our country to place stringent limitations on Federal intrusion.

Against this backdrop, the FBI, because it is a highly visible law enforcement agency of Federal Government, often has become a popular target.

But anyone who knows me knows that not only do I have *no* aspirations to create or to lead a national police force, I find the concept unconscionable.



And I believe you know that were I to discover within the Federal Government any movement toward nationalizing law enforcement, directly—or indirectly, say through funding—I would be the first to sound the alarm loudly and clearly.

You know, I still have my police chief's hat in my office.

I have discerned no such tendency within the FBI. In fact, if there is one agency of Federal Government that has in its operations adhered faithfully to constitutional principles regarding the sovereignty of the States, it has been the FBI.

Nevertheless, Federal law enforcement is not without some blame for the barbs of Big Brotherism and "national police force" that have been hurled at us.

In the past, we may have been too aloof—perhaps condescending. Maybe we've contributed to the illusion we hold ourselves above local law enforcement.

But the truth is, the FBI has the highest respect for, and we are staunch advocates for, local law enforcement. We applaud local law enforcement's advances—your advances and your leadership.

We recognize, welcome, and encourage the growing number of fine local and State training academies, laboratories, and planning and evaluation programs throughout the country.

We are mindful, also, of the thoughtfully conceived, sincere local crime reduction efforts being mounted in many of your communities.

Recognizing the importance of such programs, we in the FBI

recently got our feet wet by assigning personnel to work full time with four local police agencies in a Crime Resistance Program. In this cooperative effort, we joined with the Police Foundation and police departments in Norfolk, Va.; Wilmington, Del.; De Kalb County, Ga.; and Birmingham, Ala.

Teams of FBI Agents and police officers in each of the four communities are working under the supervision of the local police chief to find ways to involve citizens in resisting crime.

Our objective is to assist, to participate, not to dominate, in this effort to combat crime.

No massive Federal funds are involved. There were no promises of miracles. There was no assurance that anyone could sit back and the FBI would solve their problems.

But, even so, our motives in this undertaking have been questioned. At a recent press conference I was asked whether this Federal involvement with local law enforcement could represent a trend.

Once again the specter of Big Brotherism was raised.

We have frequently disclaimed aspirations to impose a Federal superstructure on local law enforcement; but our words seem to be lost in the wind, unheard. I think that when denials are issued by a person whose motives are under suspicion the denials tend to heighten the suspicion.

I truly believe we could do our job better if this suspicion and fear were dispelled, and I believe local law enforcement is in an excellent position to help us accomplish that.

I hope you will give us your support, your advocacy. I hope you will help us bring the relationship of Federal and local law enforcement into proper perspective for the people and for Congress.

I believe some local police executives think, mistakenly, that the FBI's relationship with Congress is similar to that of their own local agencies with their city councils and police boards.

Having served at the local and Federal levels in law enforcement, I have become convinced that if anyone is capable of energizing people to work against crime and in support of law enforcement, it is you, using your influence in your communities.

You must be the catalyst.

Let's make it known that we are alarmed about crime—crime, not trite allegations that the FBI is a menace to States' rights.

Let's resolve to lead the attack against crime and to turn aside attacks against law enforcement.

We are all members of a magnificent profession—law enforcement. There is no other field to my knowledge in which can be found the dedication that abounds in law enforcement. I have seen that dedication and devotion in persons who retired from the Kansas City, Mo., Police Department and from the FBI. They say they wouldn't trade a moment of their careers with anyone on earth.

Something inspires such dedication. Perhaps it springs from the human aspiration for a mantle of greatness. In our profession, you achieve greatness by



making a contribution to peace and tranquility in our Nation. But it is a greatness without fanfare.

My high regard for career police officers is well known. I came to that high regard by observing firsthand their accomplishments. I have seen them give of themselves far beyond their expected level of performance.

People who stand tall, insofar as their contributions to humanity, are legion in our profession.

There are, to be sure, occasional aberrations—but relatively few considering that there are at least 445,000 law enforcement officers in the country making millions of contacts with the public each year . . . considering that these contacts are usually in emotion-charged situations.

I think our profession has grown up. I think we have achieved the status of a benign segment of society—an institution that can be trusted not only with lives, but with people's rights.

We must make this known to the American people. We must make it known that we are advocates, not adversaries, of freedom. We must communicate to them a better understanding of our responsibilities—Federal and local. We must convince them our sincere desire is to do well a job that clearly benefits humanity, and accrues no power and glory to us.

We must expect that there will be revisions of our responsibilities, new guidelines established by statute and regulations; but

they need not, and must not, be based on suspicion and cynicism, or misinterpretation of our motives and mission.

All of us in law enforcement must recognize that the more friends we have, and the better understanding the public has of our work, the better our chances are for meaningful legislation—legislation that will help us achieve our mission and not impede us.

And our ultimate mission, of course, is to provide the greatest degree of security possible for the American people.

Law enforcement service is costly, yes; but not nearly so costly as the loss of liberty through fear of crime. The right to move freely in one's own community, without fear of crime, is incalculable in terms of dollars and cents.

People generally don't recognize what a good thing they have in law enforcement—the value of their local and State agencies, the value of the FBI.

If we had a business with the employee dedication that most police officers have, and most FBI Agents, you and I would be millionaires many times over.

As thunder resounds before the storm, let us cry out in support of good enforcement to avoid the ravages of the storm of crime. Surely, we have no better causes to sponsor, no better goals to achieve than peace and tranquility in our homes, in our places of business—and on our streets.

We take great pride in our accomplishments. We know we are basically humanitarian in our approaches to our mission. But to be truly fair, we must recog-

nize we, too, have been restrictive at times, perhaps unduly coercive at certain points of our history, and not always as sincerely professional as we would have liked.

I believe the American people want to listen to us and to believe us. They need only to be assured by deed, and *then* by word, that they have good reason to vest confidence in us. Recent experiences militate against complete support of government. The broad brush of condemnation has unfortunately affected all of us.

We must persist, however, in our mission of doing the job as it should be done. We must continue in our efforts to improve both as servants of man and as his protectors. We must be an *advocate* in the finest sense of the word.

The rewards are great in such an approach. Not only do we want to do unto others as we would have others do for us, were they in our place, but we should aspire to the description we all cherish and work so hard to achieve—"He is a good and fair policeman."

How enormously our efforts against crime could be bolstered if this message could resound throughout the land—the message that law enforcement needs, and is deserving of, the people's support. But will that message ever leave these halls?

Where are the advocates of law enforcement? Where are the advocates of the people's right to be free from fear?

They are here, in this audience.

They are you.

Thank you.

FBI



# STRING TO FREEDOM.

According to the West Covina, Calif., Police Department, an inmate, using only string, recently opened a locked jail cell door and almost made good his escape. It was determined that the inmate had learned to manipulate jail door locks of this type while confined to a youth facility in California.

The vulnerable jail cell door lock consists of a double locking mechanism. In addition to the latch, a pin (photo A) located just above it is depressed flush with the door edge when the sliding cell door is closed against its jamb. In this position, the pin will normally not permit the latch bar to be raised except by key. However, due to wear on parts, many older cell doors (of this type), in a closed and locked condition, leave as much as one-eighth of an inch gap between the door edge and its jamb. As a result, the locking pin is not depressed sufficiently to prevent the latch from being lifted and the door opened. The inmate removed the string binding from the mattress in his cell and inserted it at the bottom of the cell door between it and the jamb (photo B). By sliding the string upward until it was under the latch bar and lifting up on it, while at the same time pulling back on the door to release the locking pin (photo C), the prisoner was successful in opening the door.

Several ways were found to correct the situation, and the West Covina Police Department chose to have a hole drilled beneath the latch bar (photo D) into which a pin fastened to the doorjamb fits, thus preventing the latch from being lifted and released by the string or similar methods.

Photo B

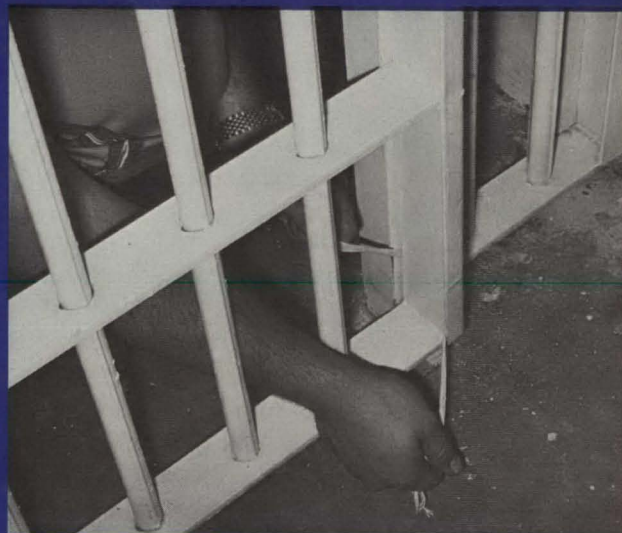


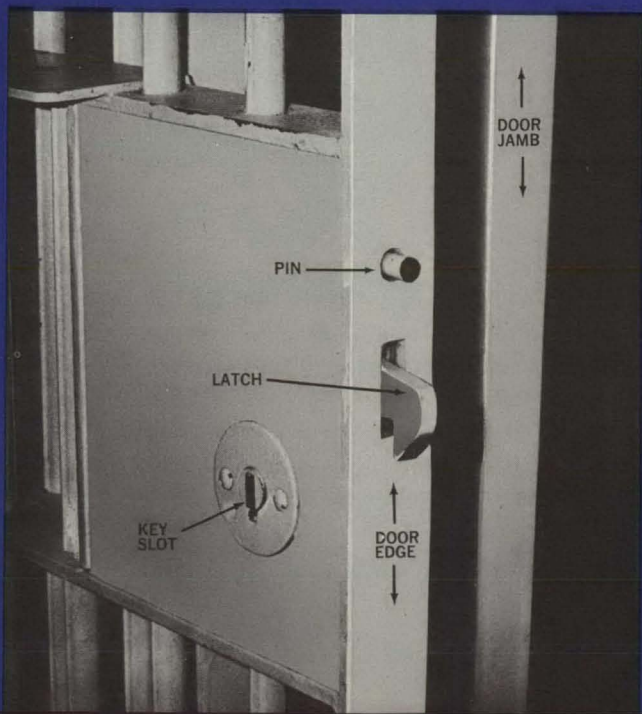
Photo C



Photo D



Photo A





# THE POLICE FAMILY—

**D**uring my 5th year of on-the-job training as a police wife, I received a long distance telephone call from an old friend, a practicing clinical psychologist in New Mexico. She had been asked to develop a program of counseling for law enforcement families.

"What is it like being married to a police officer?" she wanted to know. "What special family problems are created by a career in law enforcement?"

My friend's questions led me to a study of police family life that has proved personally rewarding in my journey toward adjustment.

At the outset, I enlisted the assistance of my mother, who is experienced in research relating to family life in the seventies. My husband and my minister father also got into the act.

Our study took us into the homes of police families where I found wives eager to share their feelings, their problems, and strategies they had developed for coping. We talked with police administrators and chaplains, with officers of varying ranks in a wide variety of assignments, in cities large and small.

Certain stress patterns, we discovered, are common to all police families, regardless of geographic location. Though these families are like sets of fingerprints, no two exactly alike, the similarities far outweigh the differences.

Everywhere we turned, we were received with enthusiasm. "An honest look at stress and the law enforcement family is long overdue," we were told repeatedly. "Perhaps in no other line of work does a man so need the support of his wife and family."

One officer warned, however, "Any study involving the relationship between the necessarily authoritarian police officer and the not so necessarily subordinate wife invades areas avoided not only by angels but by social scientists as well!" But by this time, our private investigation was well underway, and there was no turning back.

## *Lifestyle*

Early on, I had discovered that there are indeed some things about marriage to an officer of the law which the books I'd seen on married life did not cover. One of the first revelations was that I was involved

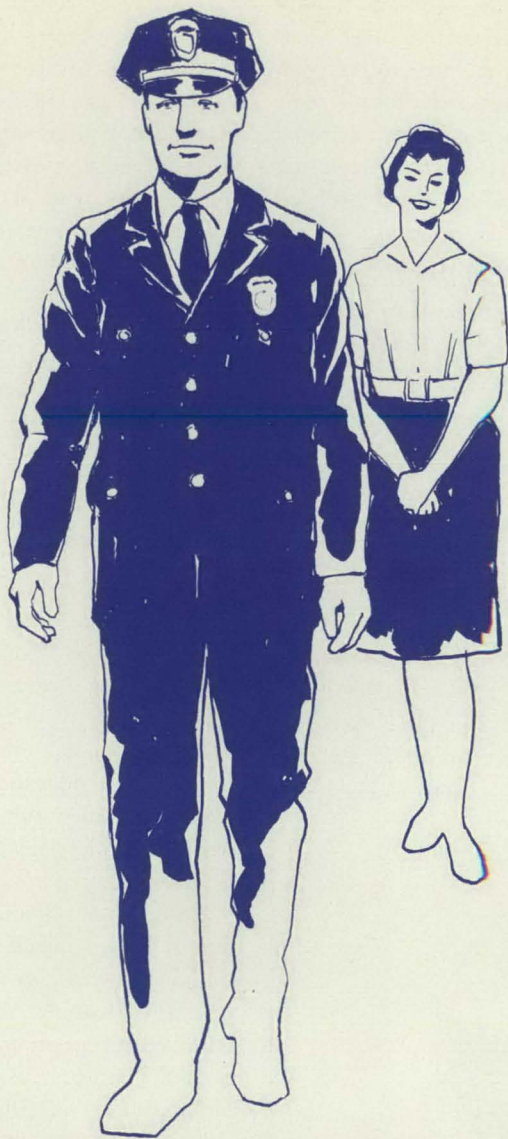
## A Wife's Eye View

By  
**PAT JAMES\***  
with **MARTHA NELSON**



\*Pat James is the wife of an officer of the Oklahoma City, Okla., Police Department and recently coauthored with her mother, Martha Nelson, a book, "Police Wife: How To Live With the Law and Like It."





from the very start in a triangle, a three-sided romance. My rival was, is, and apparently always will be my husband's work. Other wives confirmed my conclusion: this is all a part of the job. Some men must sail. Some must fly. Others must don the officer's badge. How is a wife to compete with a rival a man's dreamed of since he was 8 years old?

Like a lot of wives we interviewed, I had never, prior to marriage, known a police officer. The lifestyle of a

rookie officer's family was totally foreign to me.

At the time of our marriage, open contempt for the police was prevalent. It hurt me nearly every time I picked up a newspaper or watched the television news. I dreaded those neighborhood coffees when someone was

***"I was astounded at the complexity of the profession and the body of knowledge it encompasses."***

sure to inquire, "And what does your husband do?"

Some of us are guilty of vocational snobbery, I suppose. I was unaware of the rising professionalism in police work, the emphasis upon ethical awareness, the careful preemployment screening, and the heavy investment in training. Nor was I aware of the real courage that this calling requires, and least of all, that it is much, much more than just another job.

Scanning books for understandings of the scope and purpose of law enforcement, I was astounded at the complexity of the profession and the body of knowledge it encompasses.

Most young women enter marriage with romantic dreams of long evenings at home with their husbands. They have to learn the hard way the husband's work has a priority claim upon him. Nor do they usually realize how drastically a man's career choice can affect the family's lifestyle.

A great many young police wives today have the added adjustment of being married to a college student. For nearly 6 years, my husband's off-duty time was dominated by classes—that is, if court duty or overtime did not claim him first. Study had to be squeezed in somehow. Our home was often the scene of "student unrest"—an upcoming exam, a decision about whether to drop out for a semester, reaction to a prof who hated cops!

It is amazing how some men seem to thrive on such a schedule. Many wives I've talked with report their husbands are geared to be "on the go," and they restlessly wait out their days off, anxious to get back on the job.

### ***Stress Patterns***

I've also learned firsthand that while dealing with death may be part of an officer's daily routine, it hardly prepares him for the emotionally devastating experience of cradling the



head of a wounded partner or the horror of photographing a fellow officer in the morgue.

Most men can switch television channels or turn to the sports section of the newspaper when they've had their fill of violence, but we police wives know that until a case is solved, the facts lurk somewhere in an officer's subconscious like so many pieces of a jigsaw puzzle, even when he's trying to relax at home.

Add to these strains, the many forms of disrespect for constituted authority that time and again are leveled at the officer, his understandable frustrations over shortcomings of our criminal justice system and his own organization, and it is little wonder that we wives worry over signs of emotional distress which we detect in our husbands.

A training officer with 16 years' experience on the beat said to us, "Police families need to lead three lives."

He believes there should be a focus of concern beyond work and family for those whose lives are deeply affected by a career in law enforcement. This man and his wife found their own needs in this direction answered within their church, often spending many hours a week in church-related activities.

***"Constant shift rotation, interrupted plans, and haphazard holidays all combine to make family life difficult."***

We talked with other families who sought such an added diversion through camping, home-building projects, and business interests. Other officers fished, golfed, trained for the Olympics, and worked with Little Leaguers. We met couples who square danced, went to the shooting range together, traveled on their days off. Many wives spoke of their own ca-

reers as their particular form of salvation.

We wives agreed that understanding the necessity for diversion makes us a little less selfish when our husbands spend time with their hobbies, and a lot more determined to find time to get away from it all as a family.

Constant shift rotation, interrupted plans, and haphazard holidays all combine to make family life difficult. We all throw up our hands at the thought of cooking for an officer of the law. We wish some home economist would come up with a book on the care and feeding of a family on an unpredictable work schedule.

For most police families, money—or the lack of it—creates substantial problems. As I have found, the second paycheck is little short of an economic necessity. Decisions about HIS moonlighting versus HER working confront the young police family. With more and more wives choosing to work outside the home, serious problems can result if the couple's work schedules leave them with little time together.

Add to the financial stresses the temptation of illegal money. Unquestionably, the wife's own ethical awareness will strongly reinforce her husband's determination to remain in the ranks of honest cops. If it is true that temptations increase enormously when a man puts on the badge, then he increasingly needs the strong support of a wife determined to do what she can to help them live within their means. The couple must be committed to a decision never to get into a position where graft seems the only way out.

Of course, the most obvious stress police wives experience is that related to hazardous duty.

Most of us find that our fears and anxieties in this respect gradually, over the years, become less conscious, only to emerge when our men are several hours late, or as one wife said,





"When I see a widow holding a plaque instead of a husband's hand." When two FBI Agents are slain in South Dakota, when a Colorado State trooper is found dead in his patrol car, wherever and whenever a police officer loses his life in the line of duty, it triggers anxiety and a deep personal grief among police families everywhere. Yet, we found in our interviews that most police wives live optimistically. They learn to master their fears and rechannel anxiety into creative concerns.

A calm, composed police wife is not born, she is made. It takes time, and it helps tremendously to have a husband who accepts her fears as genuine and does what he can to help her deal with them sensibly.

### Public Opinion

A most difficult and ongoing stress the police family faces is created by negative public opinion. But, we met wives who not only know how to take it, but how to tame and shape it as well.

***"While men in many occupations are subject to public scrutiny, few families encounter the outright hostility that we in law enforcement do."***

While men in many occupations are subject to public scrutiny, few families encounter the outright hostility that we in law enforcement do. The wife must be prepared. Initially, it may originate within her own family, who may be far from pleased at their son-in-law's choice of career. Still secretly harboring her own uncertainties and the hope that he may yet change his mind about "this police business," the sensitive young wife may find this reaction from those closest to her terribly hard to bear. And it's no less difficult for her husband, proud to the point of embarrassment of his new uniform.



The best adjusted police wives, I believe, are those who accept personal responsibility for upholding their husbands' professional role, who understand the law enforcement task and are enthusiastic and cooperative. They expect to hear criticism of the police service. But they accept it for what it's worth and walk away knowing it comes with the job. They refrain from words and actions that are detrimental to the best interest of law enforcement, and they do all in their power to earn the respect and admiration of their family, friends, and community.

I believe a poised police wife may be one of the finest public relations representatives an agency may possess.


### Conclusion

While there continues to be much talk about the high incidence of divorce within the profession, many

thousands of wives across the country are proving that it is possible to live with the law and like it.

Adjustment to police family living requires understanding, and it is heartening to know that thorough orientation of recruit wives and ongoing counseling for families with tenure has been initiated by a number of agencies and is under consideration by others.

Some wives declare you never adjust completely. My personal journey toward adjustment has certainly been a test of my value system, determination, emotional stability, and maturity. I know that challenges still lie ahead. But, it has been highly beneficial for me to take an honest look at the work my partner is involved in.

Once I dreaded for people to inquire, "And what does your husband do?" Now I can't wait for them to ask. I'm proud to be married to a cop. 



## POLICE OPERATIONS

Ten years ago, at 5:20 p.m., Tuesday, November 9, 1965, the lights in New York City Police Headquarters flickered. Seven minutes later, they went out. It happened at the peak of the city's rush hour.

Ranking officers and men assigned to the New York City Police Department's Operations Bureau illuminated now by hastily lighted candles, began to answer telephones, which rang with ever-increasing frequency. The callers were police officers, for the most part, from precincts and commands throughout the city. They reported massive traffic tieups, stalled trains, persons trapped in motionless subway cars beneath city streets or in elevators between the floors of high-rise apartment houses or office buildings. They reported a city of 8 million people suddenly shrouded in near-total darkness.

Under the direction of the chief of staff, Operations Bureau personnel manning all available telephones proceeded to dispatch men and emergency equipment via the Communications Division to those locations immediately affected.

Police Commissioner Michael J. Codd, then a deputy chief inspector in command of the elite, 350-man Tactical Patrol Force proceeded to deploy his personnel throughout the power-drained city. He dispatched a tactical unit to the midtown area, including Times Square and Grand Central Station, by now teeming with multitudes of confused citizens. Additional units were directed to the heavily congested upper Manhattan area and to Brooklyn's business district where stranded persons by the thousands wandered about the darkened streets.

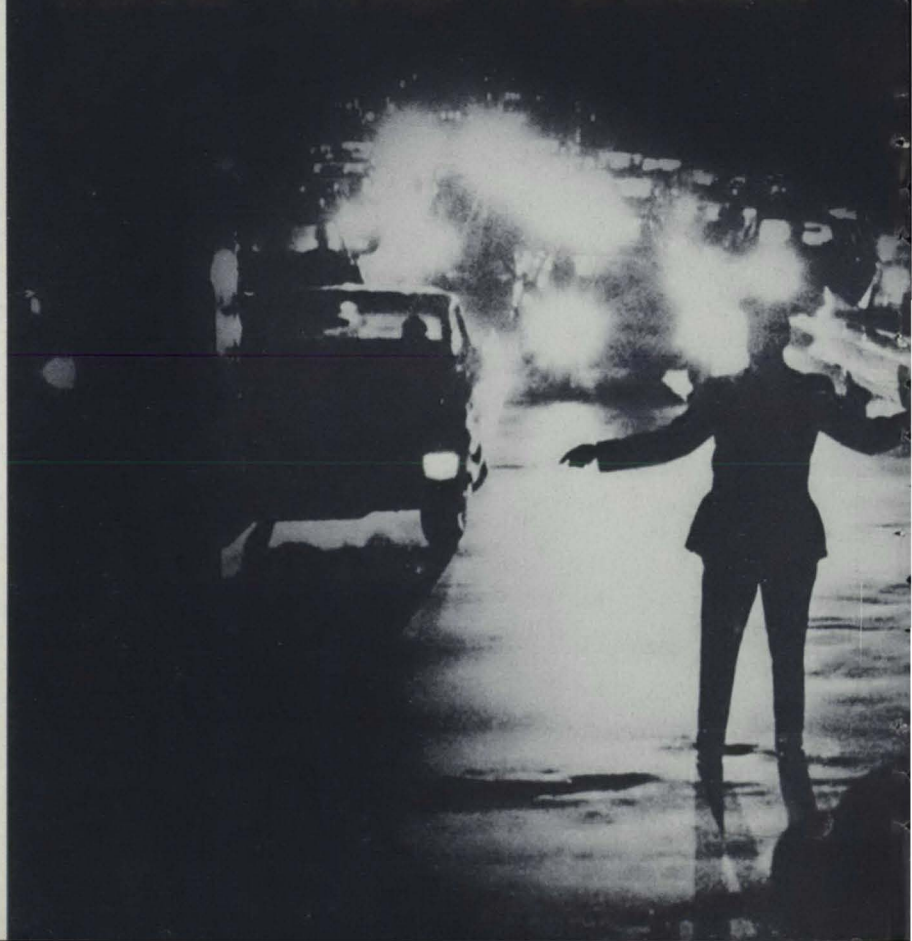
Within minutes of the power failure, the Operations Bureau hummed with increased activity. Portable lights were activated. Local radio stations were notified, and New York City's own radio station was requested to man an "open line" to receive and relay urgent messages to that portion of the public fortunate enough to possess battery-powered radios. Conventional cord radios were useless. There was no television. Automatic switching devices which activated auxiliary generators allowed most radio motor patrol units to transmit and receive through their respective communications units. The police radio trans-

mitter covering the lower half of Manhattan fell silent for several minutes. Lacking automatic switching capability, the generator was primed and started manually. Interruption of communications had been minimal.

At 5:30 p.m., word was received that the entire New York City Transit System was without power. No trains were operating. Commanding officers in Manhattan, the Bronx, Queens, and Brooklyn were directed to hold all personnel on duty and to deploy men at subway stations and elevated structures in an effort to evacuate trapped commuters.

Additional personnel from other

## POWER FAILURE AND THE POLICE





headquarters units were reassigned to the Operations Bureau to handle the mounting volume of telephone requests for emergency assistance. Although many police officers were already voluntarily responding from their homes, at 6:11 p.m. a radio message was broadcast ordering all off-duty members to return to duty.

### **Emergency Situations**

A survey of vehicular traffic revealed it to be extremely heavy at all locations. The city's signal lights were inoperable. Traffic Division members were directed to respond to heavily

congested intersections to expedite the movement of traffic. Its ventilation system crippled by the power failure, the long underwater Brooklyn-Battery Tunnel beneath the East River was closed in both directions. Hundreds of thousands of commuters, ordinarily homeward bound, milled about lower and mid-Manhattan in search of any means of transportation available. Floodlights were rushed into the Times Square area by Emergency Service Division personnel, who before this night was over would respond to more than 140 calls for assistance. Tactical Patrol Force officers were assigned and reassigned to deal with emergency situations as they arose. Again and again, members were called upon to alleviate choking traffic snarls. Police academy recruits were utilized to guard fire alarm boxes, to prevent false alarms, and to aid in the transmission of legitimate alarms. Night court was closed. Prisoners were returned to detention cells to be arraigned the following morning.

Reports of radio motor patrol cars and other motorized equipment running low on fuel began to trickle into the communications units. Precinct gasoline pumps had failed. The electrically fed pumping mechanisms were inoperable. Privately owned gasoline companies were contacted and a fuel truck dispatched to a centrally located Manhattan precinct where it remained throughout the night "gravity feeding" gasoline to near-empty police vehicles. To augment the supply, operators of radio motor patrol units were directed to obtain gasoline at private service stations and sign receipts for the fuel obtained.

At 6:55 p.m., the police commissioner, utilizing local radio stations,



By  
**JAMES F. HANNON**  
Chief of Operations  
Police Department  
New York, N.Y.

appealed to New Yorkers to remain off the streets, not to drive their automobiles, and to use their telephones only in emergencies. He assured the public that an adequate number of police were on duty and would deal with the emergency.

During a delicate brain operation, the St. Vincent's Hospital operating room lights failed when an auxiliary generator sputtered and stopped. Racing to the hospital with a generator, emergency service personnel arrived in time to supply light under which the surgery was successfully completed. Harbor precinct police officers led 2,500 persons trapped in a subway station beneath the Queensboro Bridge through an escape tunnel to safety.

(Photo by Nat Fein, New York Herald Tribune, 1965)



Well into the night, emergency service personnel responded to the Pan Am Building . . . to the RCA building . . . to the 102-story Empire State Building, and to numerous other skyscrapers, extricating hundreds of persons from darkened elevators suspended motionless in their shafts.

At 8:30 p.m., the commanding officer, Traffic Division, reported that traffic was still heavy, particularly on bridges spanning the Harlem and East Rivers . . . but it *was* moving.

At 8:48 p.m., the Governor ordered a general mobilization of the New York State National Guard.

At 9 p.m., it was reported that the lights in the Coney Island section of Brooklyn had been turned on.

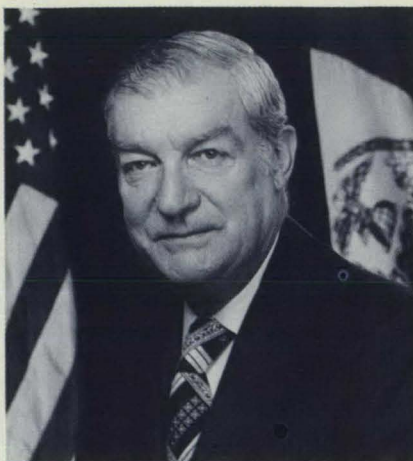
Although personnel were still being dispatched to various locations throughout the city for the purpose of expediting traffic, controlling crowds, and aiding in the evacuation of persons from still-darkened New York City Transit Authority subway tunnels, by 10 p.m. it became apparent that the brunt of the crisis was over. The pace was slackening.

By 10:30 p.m., lights were on in some sections of the Bronx and Queens, and power was expected to be restored in Manhattan in a few hours. Ninety percent of those trapped in subway facilities had been evacuated.

***"Men of the Emergency Service Division . . . responded to 149 calls for assistance and provided 39 hospitals throughout the city with life-sustaining auxiliary power."***

All commands were directed to dismiss off-duty members who had reported for duty.

During the early morning hours of Wednesday, November 10, the power-drained city showed definite signs of recovery. Traffic jams were ameliorated and finally corrected. With the approach of dawn came increasing reports of lights being turned on in out-



Commissioner Michael J. Codd

lying sections of the city. By 6 a.m., limited subway service had been resumed in all five boroughs. At 7:12 a.m., the utility company reported that alternate current had been restored throughout the city. Millions of New Yorkers had struggled through the worst power failure in the history of a metropolis. The crisis was over.

One week later, the power failure would be attributed to a giant generator at Queenston, Ontario, Canada, which failed, plunging an 80,000-square-mile area into darkness and depriving residents of four of the five boroughs of New York City of light and power. Only the Borough of Richmond was not affected.

Subsequent studies reveal that in addition to the volume of routine calls answered, precinct personnel responded to 282 elevator evacuations and complied with 89 requests for auxiliary power during a 15-hour period.

Men of the Emergency Service Division, bringing to bear their unique skills and specialized equipment, responded to 149 calls for assistance and

provided 39 hospitals throughout the city with life-sustaining auxiliary power.

In a joint effort coordinated by the deputy inspector, Emergency Service Division and Auxiliary Services Division police officers and volunteers facilitated the delivery of generators, blankets, and emergency items to a myriad of locations throughout the night and well into the morning.

In overtime alone, the power failure had cost the city over \$400,000.

### ***The Nerve Center***

In a crisis of previously unparalleled proportions, the New York City Police Department had coordinated an amalgam of city and other agencies and had dealt successfully with a potentially catastrophic situation. The police department had, in effect, served as the hub of the wheel, the nerve center, to which all urgent communications were initially directed, from which response and relief flowed.

At police headquarters promotion ceremonies held 2 weeks later, the police commissioner, commending members of this department for action taken during the crippling power failure, stated, "Within minutes all the resources of this department were organized and committed to coping with the crisis . . . innumerable crises, which the power failure had occasioned."

But despite the splendid response by police, other city agencies, and the public, difficulties had arisen. Although it is highly unlikely that a near-total blackout of such staggering proportions will recur, partial power failures have occurred since 1965 and most probably will again. As professional police officers, not only must we plan for them, we must deal with them.

A series of post-blackout critiques and conferences were attended by ranking officers of this department,



representatives from other city agencies, and executives of the utility company responsible for providing 8 million residents of this city with electrical power. Among the power failure contingency procedures discussed and implemented were the following:

A "hotline" telephone system linking the utility company and police headquarters was established, facilitating instant communication in the event of an actual or imminent power emergency.

"Load shedding" procedures involving the reduction of power in non-critical areas of the city over a fixed period of time were outlined by representatives of the utility company. In the event of the implementation of such procedures, this department would be notified beforehand enabling it to dispatch personnel and equipment to the area affected.

This department was provided with a citywide listing of vital generator stations and substations which could become targets for vandalism or sabotage. These lists were distributed to all precinct commands throughout the city. Should this department be apprised of a power emergency via the hotline, needed personnel from the precinct affected would provide security at these vulnerable facilities.

### **Power and Fuel Sources**

The 1965 blackout had pointed up the dire need for a dependable source of power readily available on an operational level. Neighborhood station houses had become the focal point of public activity, the havens to which the stranded and confused flocked for assistance. Yet, in many instances, precinct station houses were illumined only by kerosene lanterns or portable wet cell lights. The kerosene lanterns yielded insufficient light. Many of the portable lights malfunctioned. Only 11 of 79 station houses throughout the

city had been equipped with permanently assigned emergency generators.

As of May 1975, more than half of the city's station houses were equipped with permanently assigned auxiliary generators, varying in power output according to the electrical needs of the command concerned. Those precincts in which auxiliary generators have not yet been installed are equipped with transfer switches. Emergency Service Division generators, through the transfer switch mechanism, will supply ample auxiliary power to the precincts affected.

Since 1965, all communications units have been relocated and centralized in the new police headquarters in Manhattan, which houses two 600-kilowatt generators. In the event of an electrical failure, the auxiliary generators switch on automatically, providing sufficient current to power the entire citywide communications system, and provide lighting in pre-designated, priority headquarters units. Augmenting the number of permanently installed precinct auxiliary generators is a supply of portable 2½-kilowatt generators maintained and serviced for the Emergency Service Division.

Acutely aware of the vital part played by a reliable, readily available fuel source for its motorized equipment in a power emergency, this department has taken steps to provide such a source. Since 1965, most department field commands have been equipped with either automatic switching mechanisms affixed to auxiliary generators or the pumps have been adjusted to allow for manual operation.

### **Communications**

In retrospect, the draining of power from this sprawling metropolis on the night of November 9, 1965, had served a vital purpose. A kind of shadowy seminar in the value of an efficient communications system had been

conducted. It had revealed both strengths and weaknesses.

Although limited in number (this department had less than 300 portable radios in 1965), the walkie-talkie radio had proved an invaluable asset in intraprecinct communications. Transmission, however, was restricted to a few miles, and the officer patrolling the darkened street and in need of assistance had no way of communicating directly with his communications unit.

Since 1965, 5,650 portable radios capable of direct communication with the Communications Division and with the precinct have been distributed to all field commands. The installations in all commands of "repeater systems," which receive transmissions from the field at the precinct level and relay them to the Communications Division, have increased the range and scope of the walkie-talkie radio. Included in the department's supply of portable radios are 1,600 ultrahigh frequency radios, with a greater range and 55 frequencies as compared with the older type portable's 32. It is expected that in the near future this department will use the UHF radio exclusively.

In most instances, power failures are precipitated by excessive use of electrical equipment and do not affect the entire city or even an entire borough. More often, they are limited to sections of the city, a few square miles in area, within a perimeter policed by one or two precinct station houses. However, prior to 1969, the dispatching of radio cars to a particular location entailed the precinct switchboard operator notifying the communications unit, which then transmitted a radio message to the radio car patrolling the area affected. This time-consuming procedure proved to be impractical in an emergency situation. Additionally, the inability of the precinct to dispatch a radio car was a source of frustration



***"Any power emergency plan must . . . encompass a multifaceted operation directed toward the ultimate goal of optimum service to the public in a time of extreme need."***

to the complainant or group of complainants physically present at the station house, as was the case during the 1965 power failure.

Cognizant of the deficiency, the New York City Police Department, with the approval of the Federal Communications Commission, installed radio transceivers in all precinct station houses, facilitating instantaneous communication between station house and officers on patrol and obviating the necessity of channeling emergency requests through central Communications Division in an emergency situation.

Other than word-of-mouth, the sole medium of apprising the public of the status of the blackout during the 1965 power failure was the battery-powered radio. Vital information relative to the massive blackout, as well as mobilization directions to off-duty police officers, was broadcast throughout the night and well into the morning by the city's radio station at the request of this department. As a direct result of the emergence of the transistor radio as a premium item, in May 1966, department battery-powered AM/FM radios were distributed to commands throughout the city. In the event of another power emergency, newscasts can be monitored.

### ***Policing a Failure***

Although few departments, if any, will be called upon to respond to a blackout comparable in scope to that which gripped New York City a

decade ago, certain universals inherent in every power failure do exist and are applicable to a greater or lesser extent during every power emergency.

Any power emergency plan must, as dictated by past experience, encompass a multifaceted operation directed toward the ultimate goal of optimum service to the public in a time of extreme need.

The following considerations were paramount in the formulation of New York City Police Department guidelines for dealing with a power emergency situation.

**Manpower**—It is imperative that the chief be able to predict with a high degree of accuracy the number of police officers and nonsworn personnel that will be available at any given time.

Listings or index cards bearing home telephone numbers and addresses of all members of the command should be readily available to ranking officers in the event of mobilization of off-duty members.

Utilization of auxiliary police to augment the regular uniformed force should be considered, i.e., assignment to congested intersections, fire alarm boxes, etc.

Police capability to contact key personnel in the event of an electrical crisis emerges as a primary consideration in planning relative to power failures. For example, the availability of the utility company's chief engineer and the ready accessibility of his expertise may well alleviate a multitude

of technical problems arising during the emergency. Depending upon the scope and duration of the occurrence, the chief may require the services of extradepartmental agencies such as the fire department, department of public works, department of sanitation, department of social services, National Guard, etc. Consequently, any contingency plan must necessarily include procedures which provide rapid notification to, and response by, key personnel of appropriate agencies.

**Mobile and Ready Reserve Forces**—The successful policing of a power failure may well hinge upon the availability of mobile and ready reserve forces, together with departmental capability of deploying these forces during the initial stages of a blackout emergency.

To accomplish this end, our department utilizes a daily availability reporting system. Available personnel figures reflecting the number of personnel assigned to mobile forces and actually on duty are transmitted on a by-tour basis to the current situations section. These include manpower totals of tactical patrol unit, borough task forces, mounted unit, highway unit, and parking enforcement squad. Additionally, total personnel figures relative to a ready reserve, comprised of uniformed members attending police academy and local training, as well as those members attending firearms training at the outdoor firearms range, are transmitted to the current situations section.

It is the responsibility of the current situations section, an integral part of the Communications Division and manned around-the-clock, to coordinate all departmental units and other agencies in a police emergency. Should the department suddenly be confronted with a power crisis or multiple crises occurring simultaneously, the chief, through his current situations section, can swiftly dispatch needed

***"Police capability to contact key personnel in the event of an electrical crisis emerges as a primary consideration in planning relative to power failures."***



personnel to those locations affected. In addition, he is provided with a wide spectrum of options relative to the manner in which he can, depending upon concomitant circumstances, coordinate and deploy his personnel. For example, the traffic snarl might call for the services of the highway patrol unit, while the response of an Emergency Service Division unit to a situation requiring rescue or evacuation techniques would be appropriate.

The existence of mobile and reserve units, together with a knowledge of their working strength on a current basis, affords the police commander faced with a power crisis patrol-augmentation capability, without having to deplete or redeploy permanently assigned precinct personnel.

**Traffic**—A plethora of problems must be anticipated relative to vehicular and pedestrian traffic in the event of a massive power failure in a large city. The scope and duration of the difficulties will depend largely upon the existence of well-laid power emergency contingency plans and the extent to which those plans are utilized. Signal lights will cease to function. Monumental traffic jams will occur. Ensuing spillbacks will clog intersections and block pedestrian crosswalks, locking vehicles and their occupants in seemingly stationary and endless lines. Collisions will increase, many resulting in personal injury. Responding ambulances and police vehicles will be impeded by choking traffic snarls. The response of fire apparatus will be retarded. Stalled and overheated vehicles will precipitate disputes and altercations. Nothing on wheels will move and the city's streets will resemble paved parking lots.

Should the failure affect automatic toll devices, drawbridge mechanisms, or tunnel ventilation systems, the flow of hundreds of thousands of vehicles along arteries connecting the business district with outlying areas will suddenly stop. Millions will be trapped

within the metropolitan area, while others will be denied entrance. Still others will be stranded atop bridge spans or in tunnels beneath concrete or riverbeds.

Even waterborne traffic may be affected. In the absence of auxiliary power, elevating mechanisms affixed to piers which, depending upon water level, are raised or lowered to accommodate ferries will be rendered inoperable, and the huge crafts will wallow helplessly in their slips.

If the power failure is of a limited nature, the chief would not be called upon to contend with the total havoc depicted in the aforementioned paragraphs. He must, however, when formulating contingency plans, think in terms of the possible complete paralysis of vehicular and pedestrian movement.

Among the more salient considerations in a power failure traffic plan is the identification of congestion-prone locations, the evaluation and designation of those locations, together with

their numerical ranking on a priority basis, and the provision of appropriate maps and written directives in connection therewith.

The New York City Police Department utilizes one of three emergency plans, each dealing with action to be taken during an emergency of a particular nature.

In the event of a power emergency, the plan deemed most appropriate by the traffic commander or field commander concerned would be activated in all commands within the city, or if the emergency is restricted to a specific area, in those commands affected. Included in each plan are provisions for assigning personnel to predetermined emergency posts utilizing traffic safety devices, establishing detours, conducting helicopter surveys, and reporting incidents to a centrally located control center. This department has activated its emergency traffic plans during the crises that have arisen over the past 10 years with considerable success and has found that they have

Commissioner Codd (the Deputy Chief Inspector) and other police officials handle calls for assistance.





*"Subsequent to the 1965 blackout, updated directives mandating the proper maintenance of auxiliary equipment were issued."*

provided valuable tools in emergencies precipitated by either natural phenomena or technical malfunctions.

**Vulnerable Looting Locations**—Within the confines of any police command, there exist targets, or clusters of targets, of potential criminal activity: the gun shop, the liquor store, the jewelry store, etc., all displaying valuable and accessible merchandise, which becomes *more* accessible when the establishment is suddenly deprived of its alarm system or plunged into total darkness without warning. It may be impractical or impossible because of limited manpower for a field commander to provide 100-percent patrol coverage for all crime-prone locations. It is, however, incumbent upon him to establish a priority coverage list, utilizing crime frequency charts and other relative data to update this list periodically, and to make certain that all patrol officers are familiar with its contents.

**Auxiliary Equipment**—Subsequent to the 1965 blackout, updated directives mandating the proper maintenance of auxiliary equipment were issued. In those commands where generators had been installed, sufficient personnel, distributed through all squads, were trained so as to facilitate the activation of generators at any given time. Procedures relative to the testing of all auxiliary equipment were revised, and rigid compliance was directed. It was further directed that inventories of all nonelectrical light sources, including kerosene lanterns, be conducted and that replacements be made when necessary. The periodic testing of battery-operated radios and the carrying of serviceable flashlights by members on patrol on all tours were mandated. It was imperative that this

department have at its disposal operable auxiliary equipment sufficient to meet its needs in the event of another power emergency.

### **The Subway System**

A city beneath a city, a twisting labyrinth of catacomb-like tunnels and elevator structures, the New York City subway system with its 476 passenger stations spread over 720 miles of track, threads its way over and under streets and rivers to all five boroughs of New York City. Six hundred volts of direct current coursing through a single "third rail" propels 7,200 trains, each made up of 8 to 10 cars, carrying between 3 and 4 million persons daily to and from their jobs.

The New York City Police Department and the New York City Transit Police have concurrent jurisdiction over transit authority facilities. In many respects, the subway system, containing innumerable shops and stands, vending machines, and people on a 24-hour basis, represents a microcosm of the city above. Transit police emergency contingency plans, like those of the New York City Police Department, fall into a broad logistical spectrum. Included are provisions for notification to the transit police operations desk (the equivalent of our current situations section); the dispatch of personnel and equipment to predetermined, heavily traveled locations and to other locations where assistance may be needed; the establishment of liaison between transit police and transit authority technical personnel; the activation of buses and surface bus routes running parallel to those of subway trains, in the event the trains are immobilized; the estab-

lishment of field headquarters and press headquarters manned by ranking officers at the scene or at multiple scenes. And there is another dimension: the evacuation of countless commuters from a darkened tunnel complex which lies beneath millions of tons of steel and concrete.

The transit officer, by virtue of his work environment, is familiar with the topography of the transit system. In order to familiarize the New York City Police Department with the internal physical makeup of the subways and, in particular, with the location of emergency exits, the transit authority has made available to all New York City Police Department field commanders maps indicating the locations of emergency exits within the confines of their respective commands. It is the responsibility of all field commanders to disseminate this information to members of their commands, together with appropriate guidelines relative to evacuation procedures.

In addition to the physical aspects of evacuation of persons from the subway system in near-total darkness, behavioral aspects arise. How does the trapped commuter behave? How should the responding police officer behave?

Detective Specialist Harvey Schlossberg, Ph. D., director of the New York City Police Department's Psychological Services Section, hypothesizes, relative to the behavior of potential evacuees, "The immediate reaction would be fear which causes a kind of depressive mood. The defensive response to depression is a state of elation . . . there is overcompensation which is expressed as joy, happiness, joking, etc. . . ." From Dr. Schlossberg's comments, it would be safe to assume that, in the blackout situation, the police officer would be dealing with a nonhostile group whose collective attitude would be one manifested by "increased friendliness and the seeking out of others to be with."



"Police," continues Dr. Schlossberg, "should act as a source of information, stressing their awareness of the inconveniences and stresses, but spreading the word that everything is under control. . . . This represents a sort of ego-support approach. By reassuring and comforting, most people will relax."

New York City Transit Police, though lacking interdepartmental broadcast capability, utilizes its own internal radio frequency in communicating with members of its 3,500-man force assigned on foot in subway stations or above ground with its mobile units. During a power failure situation or other emergency, the recently adapted "dial-direct" telephone system between New York City Police Department and New York City Transit Police Headquarters affords instantaneous communications capability between the two departments on a headquarters level. Additionally, the New York City Police Department teletype operator can transmit directly to transit police headquarters by merely "keying in" transit police.

In an ongoing effort to maintain and further the close, mutually beneficial liaison existing between the departments, "police subcommittee" conferences are attended monthly by representatives of the chiefs of both departments.

### Coordination

The effectiveness of action, as well as the ultimate outcome of a power emergency, may well be determined by the existence of an efficient coordinating body. For it is this body which, in the event of a major emergency or disaster, sets in motion and oversees the proper meshing of multiple municipal gears in the machinery of emergency response. In New York City, the Emergency Control Board, comprised of the mayor of New York City, his

*"The primary prerequisites in providing the utmost in police service during a power emergency would appear to be the existence of workable power failure contingency plans and a 'can do' attitude. . . ."*

deputy mayor for operations, the board's director, and the heads of all city agencies, is responsible for coordinating the effort of all agencies during an emergency.

The initial tasks of the board, which may be convened by any of its members in the event of an emergency, are to evaluate the seriousness of the crisis, to recommend measures to be implemented, and to assess resources to be utilized in connection with the emergency.

The establishment of an alert post and a disaster control office by each city agency is mandated by Emergency Control Board directives. It is further mandated that the ranking police officer (except at a fire) be designated as disaster coordinator and that he coordinate the activities of all city agencies at the scene of an emergency.

Where the disaster is deemed by a board member to be of sufficient magnitude, the citywide Emergency Operating Center is activated. A ranking member (capable of making a command decision) from each city agency involved, designated as disaster control officer, will perform duty at the Emergency Operating Center for the purpose of establishing and maintaining liaison with nonmunicipal agencies concerned, i.e., the electric company, the American Red Cross, etc.

Equipped with both a 50-position switchboard and radio broadcast capability, the center can respond to emergency-related queries from citizens, as well as advise the public via radio through the mayor or his representatives on the status of the emergency.

The Emergency Control Board concept provides the entire city with a

vehicle by which efficient integrated response by multiple municipal agencies can be realized in the event of a crisis, and in addition, it serves as a conduit through which vital emergency-related data can be disseminated to the citizenry.

Obviously, there is no panacea, no patent medicine, or no 100-percent effective procedure in policing the power failure. The police chief can no more plan for all possible contingencies relating to a future power crisis than the physician can anticipate the degree to which his patient will suffer from a disease yet to affect him. However, the professional police administrator can, by familiarizing himself with past power failures that have occurred in his own and in other municipalities, establish probabilities and "rule out" improbabilities, in much the same manner as the doctor who applies knowledge gleaned from case histories.

As we have said, regardless of topography, population, budgetary limitations, and manpower, there are existent planning universals which apply, to a greater or lesser extent, in every jurisdiction. Among these, communications and response capability, congestion- and crime-prone locations, the availability of adequate auxiliary power, and the deployment of personnel all loom as paramount considerations in power failure contingency planning.

The primary prerequisites in providing the utmost in police service during a power emergency would appear to be the existence of workable power failure contingency plans and a "can do" attitude by the police officers who will implement them.



# Use of Police Dogs in Catastrophe Situations

By  
**JOHN C. KRSUL**  
Sheriff  
Cascade County  
Great Falls, Mont.



*"The K-9 corps has become as much of a tool of law enforcement as the use of our patrol cars."*

**M**any law enforcement agencies in this Nation are failing to make use of a valuable law enforcement tool when they do not employ dogs in the fields of search and rescue and searches for evidence.

This statement is not made on the basis of theory or projections but on analysis of actual operations in the field, some of which are conducted under the harshest conditions. Teams of dogs, trained at the Montana Sheriffs and Peace Officers Association K-9 Academy, have compiled an

enviable record of accomplishments.

The devastating and deadly floods in Rapid City, S. Dak., in June of 1972 provided an outstanding example of what the men and dogs trained at the Academy can do. Authorities in Pennington County called on us for help, and four of our deputies and their specially trained dogs responded.

Three police officers, and their dogs, from other cities also joined the search for victims. Each officer and his dog had been trained at the Academy. Before leaving the scene of the

tragedy, these teams were responsible for 13 official discoveries which produced 23 bodies, and they left indicators at the locations of nearly 30 more bodies buried under the debris and mud.

The search area assigned to the dogs and their handlers was virtually untouched by the usual search parties because it was filled with jams of trees, logs, and debris left when the floodwaters receded. Also, searches were extremely difficult because many ob-



jects—shoes, pillows, furniture, bed clothing, automobiles, and clothing of the residents—carried human scent.

At first, there was one officer and a dog with each crew of volunteers, but the number of volunteers dropped and eventually the officers and their dogs worked alone—leaving tiny yellow flag markers so crews would know where to excavate.

The performance of these K-9 teams in the flood disaster was only one of a long line of successes.

In 1968, a 6-year-old Michigan lad was missing in the rugged mountain country north of Yellowstone Park. A 90-man crew had searched on horseback, on foot, and from the air when authorities asked for the help of our K-9 corps. We sent three deputies and two dogs, and within an hour, our men and dogs had located the youngster at the 9,200-foot level of a nearby mountain and were in the process of bringing him down.

For their efforts in the case, the dogs subsequently received awards.

In January of 1970, a Central Montana rancher left his family home to walk 5 miles to the highway so he could catch a ride to Great Falls. When he failed to arrive, a search was instituted. After a 6-day ground search was unsuccessful, four of our deputies and their dogs were assigned to the case. Within an hour after they started the search, one of the dogs located the man's frozen body under 3 feet of packed snow. There were no signs of injury or foul play to the victim.

These teams have been highly successful in searches for evidence, and we have used them in every major case investigated in recent years.

In one investigation, a man mysteriously disappeared one November and his body was not found until the next spring. He had been shot a number of times, and his body had washed downstream some distance from the scene of the shooting. Our teams

searched upstream from the location of the body and found cartridge cases and other evidence at the site of the killing. A suspect was apprehended and charged in the death.

Earlier this year, a young woman was beaten to death in a rape attack. An officer and his dog, who had been trained at the Academy for another county, located vital evidence in fields near a road where the murderer had apparently flung it after abandoning the body. The killer was sentenced to death but has appealed this sentence.

Our dogs have found sealed cans of marijuana buried underground for several months, hidden in walls, bookcases, sealed packages, luggage, and automobiles—just about any place criminals think of to hide it.

More recent examples of the demonstrated abilities of the teams include the tracking and apprehension of a bank robber through the Montana city of Bozeman and the flushing into the open of a suspect who had wedged himself in the frame of a car to avoid detection.

In another instance which occurred in late April of this year, a farmer lost his wallet while plowing an area a half-mile long. A search by foot failed to locate the wallet which contained valuable papers. After a week had passed without the wallet being found, the farmer called the Cascade County Sheriff's Office, and a deputy and his dog were assigned to the case. Within 15 minutes after beginning the search, the mud-caked wallet was uncovered beneath nearly a foot of soil.

### **The Academy**

I first became interested in the use of trained dogs to assist in Cascade County law enforcement in 1960, when I had the opportunity to observe the Baltimore, Md., Police Department at work with its K-9 unit. In 1967, with the help of the Montana

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*"These [K-9] teams have been highly successful in searches for evidence. . . ."*

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Sheriffs and Peace Officers Association, we were able to send a sergeant and his dog to Baltimore for training, and the following year, a deputy trained at Innisfail, Alberta, Canada, with the Royal Canadian Mounted Police. He then joined in founding the Cascade County K-9 program.

Our Academy was constructed in 1972 near Belt, Mont., 31 miles from Great Falls. While close enough to Great Falls so that the conveniences of the city can be enjoyed, it also is far enough away to provide the isolation needed in training and the terrain which is ideal for instructional purposes.

The geography of the training site is important. The area surrounding our Academy has cliffs and rocky formations; steep hills and gentle slopes; thickets which are almost jungle-like in density; mature forest areas with a minimum of underbrush; and rolling and flat clear land.

Specially constructed devices simulate building situations with which the dogs will be faced.

The Academy is designed to provide living facilities, both for the officers and their animals, thus allowing the trainees to avoid costly and time-consuming travel to and from the site each day. Also, by staying at the Academy, the officer can spend a maximum amount of time with his dog.

The Academy, which operates on a year-round basis, also has conference rooms and areas for instruction.

### **Training**

It is recommended that the trainees provide their own dogs, preferably





A short leash is used while tracking through heavy brush or other heavy cover.

German Shepherds between the ages of 9 and 14 months. These dogs have a heavy protective coat, great strength and stamina, and their intelligence allows them to learn quickly and to retain the lessons learned. The training is both rugged and varied, and the animals must be able to sustain their efforts over extended periods of time.

The German Shepherd has proven to be the most versatile performer among service dogs. Animals of this breed have demonstrated both gentleness, particularly with lost children they have found, and aggressiveness in holding criminals at bay.

Trainers like to have dogs under the age of 14 months, since any bad habits, from a law enforcement stand-

point, can be changed much easier in the younger animals. Older dogs also provide a shorter service life to the officer. The animal should be of moderate temperament and willing to please its master.

The dogs are checked completely by a veterinarian, including an X-ray of the hip sockets to check for dysplasia.

K-9 training is not easy for either the dog or his handler. It is arduous—both physically and mentally. Therefore, both members of the team must be fit and active. Their search may be long and lead into very rough terrain, perhaps involving hours of exposure to bad weather.

When training begins, the first lesson is obedience. Two methods are

used—hand control and voice control. Three main voice tones are used by the handler, and the dogs respond to these tones. The sharp tone is used to command; the soft tone is used to praise; and a lower, louder tone is used to reprimand and scold. Using an extended arm, the handler can signal the dog to sit, heel, come, and lie down. These commands are repeated for short periods each day to insure the best results.

After the basic obedience commands are learned, the dogs are introduced to the agility course where they learn to scale walls and enter windows. They also learn broad and high jumps and work on fixed and free catwalks, ladders, and inclined walks.



This course prepares the dogs to meet the various types of obstacles encountered in fieldwork. The exercises tend to build their physical strength and keep them in top condition.

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***"Detection of narcotics, explosives, and other forms of evidence have been added to the dog's role in tracking."***

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It is during these exercises that retrieval training begins. Articles used range from an expended .22 caliber shell casing to the clothing of a lost person.

In the final stages of training, guard and apprehension work is undertaken. After training is completed, the

dogs—and their handlers—are ready to perform almost impossible tasks. Their record speaks for itself.

What we do at our Academy is really not new. It got its start in "Olde England" when the bloodhounds, so named because of their ability to track even the scent of blood, became as much a part of the legend of famous crimefighters as Sherlock Holmes. The difference today lies in the refinements in training, new techniques, and the application of scientific principles which can be applied to amplifying the police dog's role in modern law enforcement.

Detection of narcotics, explosives, and other forms of evidence have been added to the dog's role in tracking. Also added have been the tasks of guard duty and crowd control.

Another exceedingly valuable role

of the dog is his presence in a patrol car. Wrongdoers may sometimes desire to "take on" an officer by himself, but there are very few who will try it when the officer is accompanied by a dog.

### ***Training Opportunities***

The Montana Sheriffs and Peace Officers Association K-9 Academy training is open to all law enforcement officers, regardless of their places of residence. The 14-week course costs \$1,000, with refresher courses available at \$100 per week. The Academy isn't a profitmaking concern. The fees simply underwrite the costs of operation.

Meals and housing for the handler, kennel space and food for the dog are included in the cost of the course. Training is continuous and qualified applicants may enter at any time space is available.

We are extremely proud of the job our officers and dogs have done in search and rescue, evidence searches, and tracking. The K-9 corps has become as much of a tool of law enforcement as the use of our patrol cars.

Training of our officers and dogs is a continuous thing. New methods are being found, but the focus still is on the outstanding qualities of our German Shepherds.

The dogs also provide us with a communications pipeline to our present-day youngsters. Demonstrations of the abilities of the dogs for high school assemblies are frequently sought by school officials. Not only does this give the youngsters insights into the skills and capabilities of the dogs and their handlers, it provides the students with the opportunity to become personally acquainted with a law enforcement officer. This makes quite a difference.

Our program started slowly because people had to be convinced. They are convinced now.

A K-9 team searches terrain for missing person.





*"The Speedy Trial Act . . . calls for a gradual reduction over a 4-year period in the time between arrest or service of a summons, indictment, and trial. . . ."*

## The Speedy Trial Act of 1974

By

ROBERT F. OLMERT

Special Agent

Federal Bureau of Investigation  
Washington, D.C.

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

After several years of consideration, the Congress in December 1974 enacted Public Law 93-619, the Speedy Trial Act of 1974, which was signed into law by President Gerald R. Ford on January 3, 1975.<sup>1</sup> The initial reaction of the law enforcement officer may well be, "So what! I am an investigator. This concerns the courts and prosecutors." However, the Speedy Trial Act does concern law enforcement, and the officer should be aware of its requirements.

It is the intention of this article to

examine the statute, its history, and its effect upon law enforcement.

### *The Statute*

The Speedy Trial Act became effective July 1, 1975, and calls for a gradual reduction over a 4-year period in the time between arrest or service of a summons, indictment, and trial, until by July 1, 1979, all persons charged with a Federal crime are to be brought to trial within 100 days after arrest or service of a summons. The chart on



## TIMESPAN

<u>Period</u>	<u>Arrest or Summons to Indictment</u>	<u>Arraignment</u>	<u>Beginning of Trial</u>
7/1/76 to 6/30/77.....	60 days.....	10 days.....	180 days.
7/1/77 to 6/30/78.....	45 days.....	10 days.....	120 days.
7/1/78 to 6/30/79.....	35 days.....	10 days.....	80 days.
7/1/79.....	30 days.....	10 days.....	60 days.

this page depicts the time limits set up by the law.

The failure to file an indictment or information against any individual within the required period after arrest or service of a summons shall result in dismissal of the charge, which may be dismissed with prejudice. The court will consider three factors in deciding whether or not to dismiss with prejudice. They are:

- (1) the seriousness of the offense,
- (2) facts and circumstances which led to the dismissal, and
- (3) the impact of a reprosecution on the administration of justice.

Failure to bring a defendant to trial within the specified time period will permit a defendant to move to have the indictment or information dismissed. Again the court will consider the above three factors in determining whether or not the charges should be dismissed with prejudice. Failure of the defendant to move for dismissal prior to trial or entry of a plea of guilty or nolo contendere shall constitute waiver of the right to dismissal authorized by the statute.

During an interim period commencing 90 days after July 1, 1975, and ending on June 30, 1976, each judicial district must put into effect a plan to assure priority in trial of cases involving detained persons who are being held in detention solely because they are awaiting trial and released persons awaiting trial who have been

designated by the Government attorney as being of high risk. Trial of such persons must begin no later than 90 days following the beginning of their detention or designation as being of high risk. Failure to commence trial of a detainee within 90 days, through no fault of the accused or his counsel, will result in his release from detention. Failure to commence trial of a high-risk person within 90 days will result in the automatic review of the condition of release.

The fixed timetable for bringing a defendant to trial is by far the most important part of the Speedy Trial Act. However, the act contains several other provisions worthy of note.

Within 60 days after July 1, 1975, each U.S. District Court is to convene a planning group. This group will conduct a continuing study of the administration of criminal justice and assist the court in preparing a plan to insure the disposition of criminal cases in accordance with the requirements of the act. Prior to July 1, 1976, each U.S. District Court is to submit its plan for the periods July 1, 1976, to June 30, 1977, and July 1, 1977, to June 30, 1978, to a reviewing panel consisting of the members of the judicial council of the circuit and either the chief judge

of the district court whose plan is being reviewed or another active judge of the court.

Upon approval, the plan is then forwarded to the Administrative Office of the United States Courts which is to report annually on the operation of all such plans to the Judicial Conference of the United States.

These plans are to include a description of all methods which have expedited or are intended to expedite disposition of criminal cases. Fourteen specific items are to be covered in each plan.

The Administrative Office of the United States Courts, with approval of the Judicial Conference, is to submit periodic reports to Congress, as well as recommendations for additional legislation, if needed.

In the event a particular district court is unable to comply with the time limits required by the act due to the status of its court calendar, procedures are established whereby the time limits set up to insure speedy trial may be suspended for 1 year. This does not alter the time limits imposed requiring prompt indictment after arrest.

Title II of the act authorizes establishment on a demonstration basis in 10 judicial districts, other than the District of Columbia, of pretrial services agencies to provide supportive services to defendants released pursuant to the provisions of this act. Five of the pretrial services agencies will be under the authority of the Division of Probation of the Administrative Office of the United States Courts. The second five will be operated by a board of trustees consisting of seven members. The trustees are to include a U.S. District Court judge, the U.S.

*"Failure to bring a defendant to trial within the specified time period will permit a defendant to move to have the indictment or information dismissed."*



## *"Speedy trial is fundamental to our system of justice."*

attorney, two members of the local bar active in defense of criminal cases, the chief probation officer, and two representatives of community organizations.

The purpose of these pretrial services agencies is to "[c]ollect, verify, and report . . . information pertaining to the pretrial release of [defendants] . . . and recommend . . . conditions for each [defendant]. . . ." They are also to provide assistance in medical, legal, and social problems. In addition, they will supervise persons released to their custody and may, in this connection, establish and operate halfway houses.

Such information as is collected by the pretrial services agencies may only be used for bail determination and is generally confidential. However, each pretrial services agency is authorized to set up its own regulations governing the release of its files. Agency staff personnel and other qualified persons (not defined) are allowed access to the files for research related to the administration of criminal justice. Access may also be given to probation officers for the purpose of preparing a presentence report (since an individual under jurisdiction of a pretrial services agency is usually awaiting trial and is presumed to be innocent, it is assumed probation officers will only examine files of those whose trials are completed) and to law enforcement agencies for law enforcement purposes. Such information as is made available shall not be admissible as to the issue of guilt in any judicial proceeding unless the releasee commits a crime in obtaining his pretrial release such as by making

false statements to personnel of the pretrial services agency.

### *History of the Legislation*

What caused the Congress to pass this new statute? Speedy trial is fundamental to our system of justice. Framers of the Constitution believed in prompt justice and in the sixth amendment provided:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial. . . ."<sup>2</sup>

This became applicable to the States by the due process clause of the 14th amendment.

Since the adoption of the Bill of Rights to the Constitution, neither Congress nor the courts have given as much emphasis to its application as has been given several other clauses of the Constitution used repeatedly to protect individual rights.

Growth of large urban metropolitan areas after World War II brought many problems, including the rise in crime and the concomitant slowdown in the criminal justice process.

It soon became obvious to all that a criminal back on the street awaiting trial on pending charges was likely to return to his old habits and commit additional crimes.

This problem was recognized by both the legal profession and the courts. In May 1967, the American Bar Association Project on Minimum Standards for Criminal Justice issued its draft of Standards Relating to Speedy Trial. In April 1972, the Supreme Court sent to Congress pro-

posed amendments to the Federal Rules of Criminal Procedure which were approved. Among the amendments adopted was Section b to Rule 50 of the Federal Rules of Criminal Procedure designed to speed up the criminal justice system. The new rule called for each district court to set up a plan for the prompt disposition of criminal cases, including time limits for pretrial procedures, trial, and sentencing.

As pointed out above, for 181 years the Federal courts said little about speedy trials. *Barker v. Wingo*,<sup>3</sup> decided in 1972, was the first truly comprehensive analysis of the sixth amendment's right to a speedy trial. Barker and an accomplice were both charged with murder. The accomplice was tried first in the hope he would later implicate and testify against Barker. The accomplice was tried five times before conviction and Barker waited more than 5 years before being brought to trial. The State sought and received 16 continuances of Barker's trial without opposition. The Supreme Court upheld Barker's conviction saying he was not denied the right to a speedy trial.

The Court held that a defendant's constitutional right to a speedy trial cannot be established by any inflexible rule but can be determined only on an ad hoc balancing basis in which the conduct of the prosecution and of the defendant are weighed. The Court said the following are some of the factors to be considered in this balancing process:

- (1) length of delay,
- (2) reason for delay,

*"In the light of this Federal precedent, legislatures in States without a comprehensive speedy trial plan may take another look at their laws."*



- (3) defendant's assertion of his right, and
- (4) prejudice to a defendant.

The Court refused to set hard and fast rules saying to do so would be usurping the function of the Congress.

With this decision, the door was opened for Congress to legislatively define speedy trial and limit delays.

The current law may be said to be the result of the efforts of former Senator Sam J. Ervin, Jr., of North Carolina, who was ending a long career in the Senate and as chairman of the Subcommittee on Constitutional Rights of the Senate Judiciary Committee. In testifying in support of the bill before hearings in the House of Representatives, Senator Ervin said: "Let us not fool ourselves; only Congress, not the courts, or for that matter the Justice Department, can make the sixth amendment work. . . . Only Congress can impose . . . a self-enforcing scheme for speedy trial."<sup>4</sup>

### Impact Upon Law Enforcement

What impact will this legislation have upon Federal law enforcement? Will civil trials be delayed? Of course, it is too early to completely predict, but some consequences are obvious. It is certain that additional Federal prosecutors will be required. Some estimates range as high as 800. It can further be anticipated that additional Federal judgeships will have to be created. Some analysts have raised the possibility that the act may cause Federal prosecutors to exercise their discretion and decline prosecution in more cases than is now the practice to avoid crowding court calendars.

The Federal law enforcement officer will have to insure there is close cooperation and coordination between the prosecutor and himself. Investigative reports must be complete and submitted promptly to the prosecutor. As trial nears, witnesses, including lab-

oratory technicians and other experts, must be scheduled and their appearance insured. The answers to these potential problems and others that may develop can only be found through experience.

For the local and State law enforcement officer, the act also has significance. The majority of States already have at least limited legislation or court rules relating to speedy trial.<sup>5</sup> In the light of this Federal precedent, legislatures in States without a comprehensive speedy trial plan may take another look at their laws. Even without additional State legislation, the experience of the Federal courts under the act could lead to another U.S. Supreme Court analysis of the sixth amendment's speedy trial requirement and retreat from the *Barker* decision to a position more closely aligned with Federal law and the American Bar Association standards.

For many years, law enforcement leaders have said crime control depends on three related elements: prompt detection, speedy trial, and realistic sentencing of those convicted. While at first glance the provisions of this act appear to place added burdens on law enforcement, the extra effort and funds required to comply with the act will be well worth the price if speedier trials help bring about the desired purpose—the reduction of crime and the danger of recidivism.

### FOOTNOTES

<sup>1</sup> 18 U.S.C. 3161, 88 Stat. 2076.

<sup>2</sup> U.S. Const. Amend VI.

<sup>3</sup> *Barker v. Wingo*, 407 U.S. 514, 92 S. Ct. 2182 (1972).

<sup>4</sup> Hearings before the Subcommittee on Crime of the Committee on the Judiciary, House of Representatives, 93d Cong., 2d sess., Sept. 12, 18, 19, 1974.

<sup>5</sup> More than 35 States have attempted to eliminate pretrial delay by either legislative enactment or court rule. A few permit absolute discharge for failure to bring a defendant to speedy trial and a few States permit dismissal with prejudice for misdemeanor cases. However, the majority of States do not permit complete discharge of criminal defendants for the failure of the system to bring a defendant to trial. U.S. Code Congressional and Administrative News, 93d Cong., 2d sess., 1974, pages 7457-58.

Re: Press Release dated  
9/18/75

## BOMBING INCIDENTS

During July 1975, there were 185 bombing attacks throughout the United States and Puerto Rico. This is compared to 204 bombing attacks during July 1974. As a result of the 185 bombings, 6 persons were killed and 21 were injured. Two persons were killed and 20 were injured during the same period in 1974.

According to preliminary figures for the first 7 months of 1975, a total of 1,178 bombing incidents was reported as compared to 1,122 in the same period of 1974. Two hundred and six people were injured and 31 were killed in connection with the 1,178 attacks. Property damage from bombings was in excess of \$22,033,000 as compared to approximately \$4,060,000 during the same period last year. One bombing incident accounted for \$14 million of the 1975 figure.

Of the 1,178 incidents, 791 involved explosive bombs and 387 were incendiary in nature. A total of 1,371 devices was used, and 871 were explosive and 500 incendiary.

The leading targets were residences with 328 attacks. Commercial operations and office buildings were targets of 262 attacks, 151 attacks were against vehicles, 98 against schools, and 45 against law enforcement personnel, buildings, and equipment.

Regionally, the Western States reported 449 bombing attacks, the Southern States 279, the North Central States 259, the Northeastern States 149, and Puerto Rico 42.



# WANTED BY THE FBI



Photos taken 1973.

**WAYNE J. RUX, also known as Ray Bowman, Jerry L. Emery, Chuck Harper, Mark Huddleston, Jerry Matthews, Ray Rux, Wayne Lee Rux, Robert Glenn Solberg, Jerry E. Wells**

## Bank Robbery; Parole Violator

Wayne J. Rux is currently being sought by the Federal Bureau of Investigation for bank robbery and parole violation.

## The Crime

On November 5, 1968, Rux was paroled from McNeil Island Federal Penitentiary where he had been serving a sentence for bank robbery. Since his release from prison, the subject has reportedly been involved in several armed robberies in Garden Grove and Sacramento, Calif.; Tucson, Ariz.; and Atlanta, Ga. A Federal warrant was issued on July 28, 1971, at Washington, D.C., charging Rux with violating the terms of his parole from

a Federal penitentiary. A second Federal warrant was issued on September 21, 1973, at Sacramento, Calif., charging Rux with bank robbery.

## Description

Age ----- 37, born November 16, 1937, in San Francisco, Calif.  
 Height ----- 6 feet 2 inches.  
 Weight ----- 175 to 180 pounds.  
 Build ----- Slender.  
 Hair ----- Brown.  
 Eyes ----- Brown.  
 Complexion ----- Medium.  
 Race ----- White.  
 Nationality ----- American.  
 Scars and marks --- Tattoos: "W. R." left forearm, "WAYNE" right forearm.

Occupations-- Gambler, laborer.  
 Remarks --- Reportedly travels with wife, who may also be armed, and a Yorkshire terrier.

Social Security Nos.  
 Used ----- 465-52-8574,  
 531-50-6264.

FBI No. ----- 774, 325 B.

Fingerprint classification:  
 16 M 5 U 000 16  
 I 17 U 000

NCIC classification:  
 DM 16 16 17 16 PI 13 16 14 16

## Caution

Rux, characterized as a gambler, has in the past worked as a laborer and allegedly is in possession of a briefcase full of handguns. He should be considered armed and dangerous.

## Notify the FBI

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

Left thumbprint.





1. Memo from S.A. Miami to Director  
dated 8/15/75 on Possible Article for FBI Law  
enforcement Bulletin Research (External Affairs)

## WHAT'S BEHIND A NAME?

The Miami Beach, Florida, police recently arrested a pair of professional burglars and upon searching their vehicle, a 1971 Cadillac, made an unusual discovery. The nameplate located on the driver's side of the dashboard was easily removed to expose a storage area which contained a .38 revolver, narcotics implements, and a pair of gloves. This method of concealment was reported to be commonly employed by criminals.

Area behind nameplate can be used to conceal weapons or narcotics paraphernalia.



### FOR CHANGE OF ADDRESS ONLY (Not an Order Form)

Complete this form and return to:

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

NAME

ADDRESS

CITY

STATE

TITLE

ZIP CODE



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

**OFFICIAL BUSINESS**

ADDRESS CORRECTION REQUESTED



POSTAGE AND FEES PAID  
FEDERAL BUREAU OF INVESTIGATION

JUS-432

**THIRD CLASS**



## QUESTIONABLE PATTERN

The pattern presented at left possesses the necessary requirements of a whorl—two deltas with a recurve in front of each. Therefore, the pattern is classified as a plain whorl with a meeting tracing.