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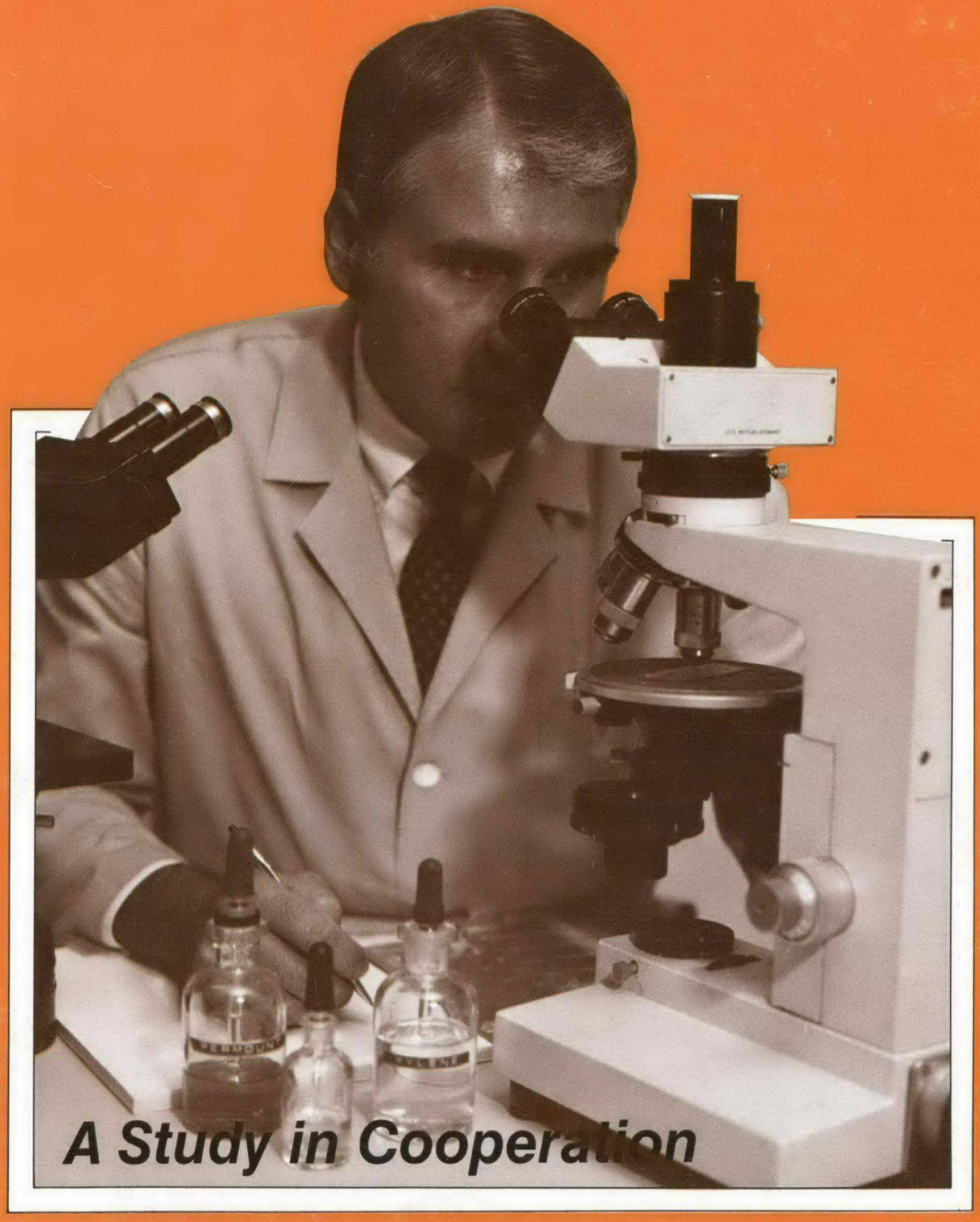

A Study in Cooperation

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The Cover:

A compound microscope was used to examine fibers submitted as evidence in the "Bobby Joe" Long murder case (see article p. 12).

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A Hostage Psychological Survival Guide

"... only complete familiarization with and preparation for terrorism can equip anyone to survive a confrontation with dignity."

By
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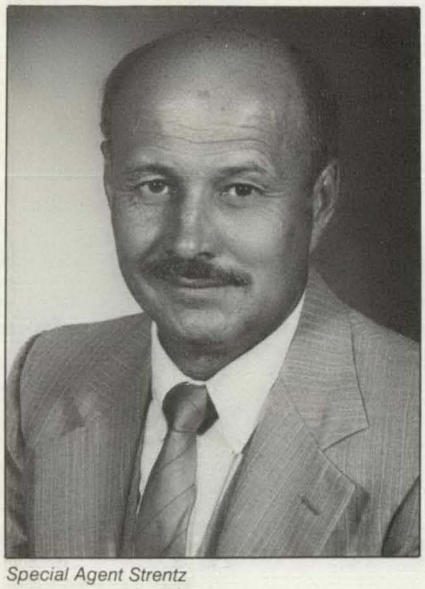
The time has come to prepare the American public to come to grips with the all-too-real possibility of being involved in a terrorist hijacking. In the past, terrorists concentrated their attacks on American Government facilities, but as these have become more secure, terrorists are increasingly shifting their target to other Americans traveling abroad.[1] If involved in a terrorist incident, how should one react? What can be done to survive such a confrontation? This article seeks to answer these questions and prepare the reader to meet a terrorist episode if and when it should occur.

As a member of the Behavioral Science Instruction/Research Unit, FBI Academy, specializing in hostage-taking situations, I believe that only complete familiarization with and preparation for terrorism can equip anyone to survive a confrontation with dignity. Thus, a brief review of the history of modern terrorism, including a replay of the 1972 Lod episode, will precede a discussion of why Americans specifically have been targeted and the issues of prevention and preparation. To prepare for specific terrorist episodes, the importance of coping with the abduction, when it occurs, and with the various psychological reactions hostages can expect to experience will be examined in detail. By coping with these reactions in a constructive manner, the enormous amount of stress a hostage will necessarily experience will be reduced.

History of Modern International Terrorism

As the excited passengers on Air France 132 from Rome waited for their baggage before starting their visit to the Holy Land, few paid any attention to the Oriental travelers who were opening their bags in the luggage area. If any saw these men remove the Czech submachine guns and hand grenades, they were unable to stop them. In a matter of seconds, the expectations of the passengers on this sacred pilgrimage were shattered by shooting, explosions, screams, and terror. Within moments, 28 people were dead and 76 were wounded.[2]

Japanese Red Army (JRA) terrorists had entered center stage, and in effect, began a war that would be waged around the world—a war where ragtag terrorists would kill and capture civilians in vain attempts to gain redress for alleged grievances. The lines of these battles are not as clearly drawn as they are in conventional conflicts; in fact, governments are forced to fight seeming shadows. All too often civilians are involuntarily pressed into service as



Special Agent Strentz

front-line fighters by enemies who surprise them as they travel, work, or holiday around the world.

The episode at Lod on May 30, 1972, marked the beginning of truly international terrorism. The Palestine Liberation Organization (PLO) planned this massacre in the Federal Republic of Germany. Its scenario cast Israel as the scene of the operation, Americans as the targets, the JRA (paying for its training in the Middle East) as agents, and Czech weapons as the tools. Interestingly, these weapons were delivered in Italy by an Algerian and paid for by Libya.[3] Subsequently, the JRA would not massacre out of hand, but it would initiate several international hostage situations which ranged from 3 to 7 days in length and would hold as hostage over 500 civilians and airline personnel for ransom.

Since Lod, multinational killings, kidnapings, and hostage operations have become more common. The intent of terrorists is to create confusion within the established policies of various nations and to solicit international publicity by including victims from as many nations as possible. These twin objectives were certainly evident during 1985 with the hijacking of TWA 847, with the aborted scenario that ended with the takeover of the *Achille Lauro*, and with the shootings at the airports in Vienna and Rome.

Until national security councils establish practices that can effectively deal with the fluid international terrorist, those who are potential hostages must prepare themselves to fight in an undeclared war and to survive with dignity. Because international terrorists are too weak to attack a sophisticated or hardened target, they have chosen innocent, unarmed, and untrained civilians as hostages. Since we in the civilian sector are targets, we must make whatever preparations we can to prevent, if possible, or at least to soften the effect of being taken hostage.

Americans as Targets

According to the Federal Aviation Administration (FAA), over one-half of all airline passengers in the world today, everyday, are Americans—and American carriers log over 1,500 daily departures from foreign airports.[4] Understandably, then, once one leaves the security of American shores, the chance of involuntary abduction increases substantially. Moreover, lax security procedures in various airports put some of these flights more at risk than others. Today, more Americans are being held or have been held hostage by international terrorist gangs than all other nationalities combined.

Preparation

Although the prevention of hostage situations is our long-term goal, there are practical measures that can be taken by those who are involuntarily taken as hostages.

Americans can—and often do—routinely read about the local groups, their customs, and religious beliefs in the countries in which they travel. It is important, however, to go one step further when traveling to hot spots in the world—learn the local issues and find out about the existing dissident groups. Such information is available through

"The most dramatic and dangerous phase of any hostage situation is the moment of abduction...."

many private and public sources.[5] Additionally, the U.S. Department of State issues travel advisories which publish political, medical, and other reasons for not visiting some parts of the world. Research into local problems may encourage one to take another flight—or to visit a more tranquil region. Certainly, avoidance is the best preparation. However, those who must or will travel to troubled areas will benefit from a quick reading or review of local, political, religious, and social issues, for such a review will psychologically prepare them to deal with a different mentality and value system.

REACTING TO THE TERRORIST EPISODE

Coping with Abduction

The most dramatic and dangerous phase of any hostage situation is the moment of abduction, when victims must make an instant and correct decision regarding resistance.[6] Without exception, resistance is *dangerous*. The terrorists have planned this abduction and have tried to choose circumstances favorable to them; certainly, they have the element of surprise on their side. They will be tense; their adrenalin will be rushing to muscle groups; they will be physically and verbally abusive. If anyone tries to escape, the action must be swift, fierce, and effective. Effective resistance or quick escape requires strength, knowledge of vulnerable parts of the body, a willingness to apply this strength to those parts, and the skill to succeed. Any half-hearted or ill-conceived defensive measures will only make a bad situation much worse, so any attempt of escape should not be made unless you possess the above qualities. Victims who resist heavily armed abductors may needlessly die or be injured, and they may cause others to be harmed.

For unprepared, law-abiding citizens, this initial phase is traumatic. With your world so suddenly turned around, you may experience near paralyzing fear.[7] Unexpected, rapid reversals will cause you to feel abandoned and unreal. Because the mind cannot accommodate radical change quickly, it uses the automatic defense of denial to make the transition.[8] Consciously you will react by perceiving the situation as a dream, a nightmare which isn't really happening. When Patricia Campbell Hearst was abducted by the SLA and dragged past the unconscious, bleeding body of her boyfriend, she screamed amidst the shooting and shouts, "No, not me! No, not me!"[9] This reaction was a conscious manifestation of her denial, her subconscious hope that someone else, not her, was the victim of this terror. Everyday feelings of omnipotence and invulnerability are quickly replaced by the opposite extremes of confusion and defenselessness.[10]

Preparing for Psychological Reactions

Research has shown that stress-related trauma can be minimized by preparation[11]—by learning (1) to expect certain reactions in oneself and (2) to assume consciously certain roles that will minimize the stress and maximize one's chances of surviving the hostage situation. Abductors, however, are counting on severe reactions and have practiced routines that will increase trauma.

Consider the story of two people camping in the wilderness who hear a bear—a hungry bear—outside their tent and fear for their lives. In this high-stress situation, one frets and gives up hope, while the other begins to put on a pair of tennis shoes. The first questions this activity and says, "Why bother? You cannot outrun that bear." The second responds, "I don't have to outrun that bear; I only have to outrun you." A fairly heartless story which nevertheless points out that any kind of preparation will improve one's chances of survival—and potentially will help one improve others' chances as well.

Several studies on past hostage situations have examined the hostages themselves, comparing and contrasting

HOSTAGE PSYCHOLOGICAL REACTIONS

Survivors	Succumbers
Had Faith	Felt Abandoned
Contained Hostility	Acted Out Aggression
Maintained Superior Attitude	Pitied Self
Fantasized	Dwelled on Situation
Rationalized Situation	Despaired
Kept to Routines	Suspended Activities
Controlled Outward Appearance	Acted Out of Control
Sought Flexibility and Humor	Behaved Obsessive/Compulsive
Blended with Peers	Stood Out as Overcomplaint or Resistant

"Hostile reactions to your captors can and must be masked."

those who "survived" with those who "succumbed."[12] These studies defined **survivors** as those who returned to a meaningful existence with strong self-esteem, and who went on to live healthy and productive lives with little evidence of long-term depression, nightmares, or serious stress-induced illness. They defined **succumbers** as those who either did not live through the ordeal, or upon release or rescue, required extensive psychotherapy to deal with real or imagined problems. Almost without exception, these studies found that "survivors" reacted one and the same way and "succumbers" acted another.

Few people ever forget the hostage experience, but their ability or inability to turn their ordeal into a positive growth experience tends to separate victims into two different groups. For this reason, the profiles of hostage psychological reactions are described in detail to demonstrate the differences and teach potential victims how best to handle themselves if they find themselves in a hostage situation.

Choosing to Play a Subordinate Role

A primary concern in the selection of coping strategies is to identify which behavior will best enable one to play most comfortably the role of a hostage. We spend our lives engaging in socially prescribed behaviors. These are called social roles, and each of us plays a variety of them daily. We do not interact with a peer the way we act toward strangers. Each society directs how one interacts with parents, pilots, peers, partners, Popes, and police. Each role carries certain responsibilities and expectations. The role of son may be different from the role of daughter, even though each share the role of child, family member, citizen, and a score of other prescribed behaviors. When interacting with a parent, one must play the role of child to ensure healthy communication and respect. If a child fails to play this role when interacting with a parent, we say he or she is disrespectful and administer appropriate punishment. Similarly, hostages have a role—a role they must play to allow the hostage takers their role and thus avoid unnecessary conflict. Failure to play a subordinate role in the presence of an authority figure is called insubordination and will lead to conflict.

When dealing with hostage takers, you must recognize that they have placed themselves in the role of authority. You may not agree with this self-proclaimed status, but in this instance, you must acknowledge that might makes right. Therefore, on the surface, you must present a face to them of subservience—that is, defer to their authority and play the role of hostage—even while within yourself you are maintaining an awareness of your superiority and employing coping reactions that will reduce the stress of the situation. As Shakespeare wrote, "All the world's a stage/And each of us a player on it." In a hostage situation, you are cast into the role of hostage and would do well to learn the part and play it well. Proper playing means survival; improper playing could end your acting career and cause others to die.

SUCCESSFUL COPING STRATEGIES

Have Faith in Yourself and Your Government

Depression is a common affliction and sometimes seems like an insurmountable obstacle. To survive an abduction, however, a positive mental attitude is absolutely required. Fortunately, there are many reasons for hostages to have faith in their country and in themselves. An American hostage in particular is never alone; he or she can always be certain that the Government, at a variety of levels, is monitoring the flight while working toward a negotiated release or a rescue.

It is a Federal felony for a person to take hostage a citizen of the United States anywhere outside the United States.[13] This means, in part, that the FBI opens a case on each national who is abducted or hijacked and prepares material for prosecution in U.S. district court with the intent of taking to trial those identified as the abductors. The *Achille Lauro* incident of October 1985, showed the American public and the world how this process can work and what resources the Government will expend in the process to protect its citizens and bring terrorists to justice. American hostages around the world, therefore, should concentrate on the positive resolution of the abduction rather than on their hopeless plight. Hostages cannot afford to wallow in depression with feelings of being abandoned and isolated.

Happily, most other nations of the world use similar procedures to free their abducted citizens—as the Germans demonstrated in 1977 and the Israelis in 1976. Only Iran, when its embassy in London was taken in the spring of 1980, told its staff to be prepared to die for Allah. Even here, though, the British Government

mounted a successful rescue operation. Thus, the record is clear— responsible governments of the free world will allow no hostage to be abandoned.

Contain Your Hostility Toward Your Captors

Hostile reactions to your captors can and must be masked. Most often, the psychological defense called "suppression and isolation of affect" arises naturally as such a check. This reaction keeps aggressive feelings inside rather than letting them burst out as hostile words and deeds or as demands for comfortable conditions. The name *London Syndrome* is now used to describe the reverse of this defense. During the Iranian Embassy siege in London, the Iranian Abbas Lavasani refused to compromise his dedication to the Ayatollah and continuously and passionately argued the righteousness of the Islamic revolution. Intent on martyrdom, he prolonged political discussions despite the pleas of fellow hostages for silence and was finally killed by his captors. The opposite of *London Syndrome* was demonstrated by those Americans who survived the Bataan Death March in the Philippines in World War II. These men concentrated on surviving and refused to engage in senseless arguments with their captors.[14]

Take a Superior Attitude

A superior attitude will help you rise above your hostage situation, so long as you do not implement the attitude into hostile actions toward your abductors. And, indeed, most hostages have every reason to feel superior; after all, they have been taken just because they are valuable to their Government. No matter how the terrorists may try to demean you, you can and must remain secure in the knowledge of your value to your Government.

Fantasize to Fill Empty Hours

In interviews and in writings, many former hostages speak of the happy ability to escape mentally from their trauma by engaging in fantasy.[15] Some speak of building homes in their imagination, while others plan trips to various places. Some reduce stress by daydreaming the hours away; others, by withdrawing into sleep. All agree that occupying empty hours—and thus dealing with the real enemy of boredom—is one of the major problems of the experience.[16] By constructive fantasizing, by withdrawing into the pleasures of the imagination, you will be able to gain some sense of control, fill the empty hours, and distract yourself from the dangerousness of the situation. Fantasy is an excellent escape from the trauma of being held hostage.

Rationalize the Abduction

No matter what the circumstances of the abduction, you must never blame yourself or dwell on what you should have done; you must force yourself to rationalize and accept your actions. You must focus on the fact that you are alive and a hostage and avoid using 20/20 hindsight to see how you could have avoided becoming a hostage in the first place.[17] Except, perhaps, in the eyes of the fanatics, you are clearly better off as a live hostage than as a dead martyr. You must accentuate the positive, give thanks for being alive, and resolutely adjust to the demeaning hostage status. Hostages can learn to play mental games with themselves and each other: How could things be worse? Say, "I/you could be dead or disabled"—not, "things would be better if I/you had stayed home and gone to work for the railroad."

When all is said and done, hostages must recognize and accept that they cannot change their status; they must instead adjust to the circumstances and make the best of a difficult situation.

Keep to Routines

Keeping to normal, everyday routines will greatly relieve stress. I have interviewed flight attendants who found great consolation as hostages by cleaning the galley; other hostages have deliberately written letters and kept logs. Some flight engineers have navigated their most perfect course; pursers speak of achieving a perfect accounting of items served and money received; and pilots detail the variables of smooth flights and landings.

Captives should use routine activity to occupy their minds because it helps them mentally escape from the stress of captivity— but they must be careful not to threaten their captors at the same time by inadvertently gazing fixedly in their direction.

Physical exercise, such as dynamic tension activities, provides a multitude of benefits: It occupies time, keeps you healthy, and allows you to function better physically and mentally. It also enables you to sleep better and gives you a sense of goal setting and accomplishment.

Setting goals is an important way to mark progress. Be careful, however, to set realistic goals of, say, achieving a certain number of situps over a few

"Fantasy is an excellent escape from the trauma of being held hostage."

days. Don't beg the question by setting goals for events that are outside your control. Don't set a goal, for example, for your release within an arbitrary period of time. You can control the fitness goal—but your release lies in the hands of others. When your artificial goal is not realized, you will trap yourself into depression.

Other important routines concern service and care of others. Survivors who have a strong sense of obligation to others are so occupied with helping or caring for these that they have little time to dwell on their own misery. This phenomenon was true for doctors in past POW camps, and it is true now for any hostage who feels comfortable caring for people or taking a leadership role.[18]

Control Your Outward Appearance

A mature, stable, and controlled appearance—no matter what the inner turmoil— conveys a sense of confidence that may help settle the terrorist down. If you project a facade of mature, professional, and decisive behavior, chances are good that your abductors will respond with a degree of respect or at least without anxiety. The Australian Leon Richardson, on the other hand, controlled his outward appearance in an unconventional but highly successful way; by artificially projecting extreme depression, he manipulated his captors into cheering him up to keep him from committing suicide, an act that would have spoiled their plans.[19] Such sophisticated roleplaying takes a special person, however. Be comfortable with the appearance you wish to project, and at the same time, follow your routines rigorously, both to reduce anxiety and to demonstrate a strong sense of self to your captors.

Strive to be Flexible and Keep Your Sense of Humor

Our POW servicemen in Vietnam who were routinely tortured learned that physical conditioning and flexibility are crucial in captivity. In a civilian setting, a flexible personality that will allow you to laugh at personal idiosyncrasies and find humor in little things is similarly crucial. Even so superficial an activity as assigning your captors secret, totemic, and humorous names will greatly relieve stress on a continuing basis.

Blend with Your Peers

My last recommendation—to blend with your fellow captives—requires team work. Although some situations may call for a role of leadership to be taken, some terrorists routinely select leaders for abuse. If you are comfortable in a leadership role or have skills that can improve the situation, you may choose to take a leadership position and so help others to survive with dignity. On the whole, however, your chances of surviving improve when you blend with everyone else.

The medical doctors mentioned earlier, the ones who aided others in POW camps, in a sense took leadership roles and actually helped themselves survive the trauma more easily than otherwise.[20] But the other extreme, the person who stands out in the crowd by crying, by being overly polite and helpful, or by doing more than the abductors require, is immediately setting him- or herself up as an easy mark to be exploited. The only hostage in the United States to be shot at a deadline by the hostage taker was overcompliant. This bank teller cried, held her hands high over her head while her peers walked with theirs arms at their sides, and said "yes, sir!" while the others said "okay."

We recommend that you do what you're told, but do it slowly, to ensure safety and not convey a sense of extreme fear or enthusiasm. Doing more than what your abductors order is not a good survival tactic, unless, of course, hostage safety, airplane safety, or your personal safety is endangered. Allow the terrorists to do things wrong—don't volunteer to help unless you are ordered to do so, and then only do the minimum.

Determine **now,** while you are calm and unstressed, what kind of a person you are. Imagine, based on experiences you've had in the past, how you think you'll react in a hostage situation, and play your survival strategy accordingly. If you habitually are fatalistic in your daily actions, plan to blend in with your peers and concentrate on not standing out in the crowd in any way. If you are one that strongly believes in controlling your own fate, think now what kinds of things you might do as a leader that will help yourself and your fellows.

Above all, however, remember that when the moment of abduction comes, you must be prepared to play a subservient role, at least initially, to allow the terrorist his moment of glory. Think of

ways to make yourself comfortable with a subservient role: You might think of yourself replaying military basic training or recruit training; you might recall roles you played during a sorority or fraternity pledge; or you might play "junior partner" in a large business. Be prepared to assume the subordinate role without hesitation, but at the same time, plan your long-range goals based on what you know you can and cannot do.

TRAINING TO SURVIVE

Once you understand the range of psychological reactions to a hostage situation and determine within yourself how you personally will probably respond, training you to survive is a fairly easy operation.

You will be interested to know at this point about the field training exercises (FTXs) conducted over the last several years that have involved the training, taking, and holding of volunteer hostages for prolonged periods of time. These FTXs, in combination with related research, demonstrated that pre-hostage training is most effective when the training is specifically geared to the personality and social role of the trainee.[21]

For the purpose of the study, the volunteers were segregated into two classes designated *internals* and *externals*. A self-reported, pre-incident questionnaire was completed by each volunteer to determine who among them considered themselves masters of their fate—that is, those who were "internals"—and who among them considered their lives widely affected by factors outside their personal control—that is, those who were "externals." It was postulated that internals would experience less stress if they received training on how they could manipulate a situation, and that externals would experience less stress if they learned how to escape mentally from the reality of the situation. Both postulates were supported in the findings. At the same time, it was established that some training was better than no training when one was forced to deal with the stress of being a hostage.

A variety of authors discuss the hostage experience as a series of stages through which the individual passes.[22] All agree that the initial stage is a reaction of shock over the sudden threat. This response has the immediate effect of optimizing physical strength, as adrenalin rushes to the muscle groups, and consequently impairing mental capability as the blood drains away from the brain. Naturally, then, a person with some pre-planned course of action will fare much better than one who must suddenly construct a plan for survival when he or she is half in shock. After the "shock phase," researchers so far disagree on the sequence and content of the following stages, but all agree that advance preparation helps one keep one's head and prevents the heightening of stress reactions.

Again and obviously, the most effective way to deal with the problem or possibility of being taken hostage is to avoid the experience altogether. However, those who cannot avoid travel to hot spots of the world can take comfort in the growing body of knowledge available to the civilian sector that will enable you to think about the role of the successful hostage and play this role adroitly to avoid unnecessary conflict. You can also examine the listing of survivor psychological tactics and compare these with the profiles of those who have not fared well in hostage situations. **Remember:** It's not what the terrorists do to you and your fellow hostages; it's what *you* do about what they do to you and your fellows.[23]

In summary, this article and the articles referenced will enable you to be that camper with the tennis shoes who does something positive and who copes so effectively with stress. You will be strong enough to assist yourself **and** your untrained fellow hostages to survive with dignity.

FBI

Footnotes

[1]Edward F. Micklous, *Transnational Terrorism: A Chronology of Events, 1968–1979* (Westport, CT: Greenwood Press, 1980), pp. 321–324.

[2]Ibid.

[3]Ibid.

[4]Personal interview with Mr. John M. Hunter, Office of Security, Federal Aviation Administration, July 8, 1985, Washington, DC.

[5]Risks International Inc., 120 S. Royal Street, P.O. Box 115, Alexandria, VA 22323 (703) 836-6126, a private corporation fee charged.

[6]Lt. Comdr. Douglas Derrer, USN MC, "Terrorism," *Proceedings/Naval Review*, May 1985, p. 198.

[7]John E. Nardini, "Survival Factors in American Prisoners of War of the Japanese," *The American Journal of Psychiatry*, vol. 109, October 1952, pp. 241–248.

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[10]Richard H. Rahe, MD, and Ellen Genender, "Adaptation to and Recovery from Captivity Stress," *Military Medicine*, vol. 148, 1983, pp. 577-585.

[11]Thomas Strentz, "Preparing the Person with High Potential For Victimization as a Hostage" in *Violence in the Medical Care Setting: A Survival Guide*, ed. James T. Turner, PhD, Ed. (Rockville, MD: Aspen Press, 1984), pp. 183–208.

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[13]Title 18 USC sec. 1203.

[14]Supra note 7.

[15]Sir Geoffry Jackson, *Surviving the Long Night* (New York: Vanguard, 1973); Claude Fly, PhD, *No Hope But God* (New York: Hawthorne, 1973); William Neihouse, *Prisoner of the Jungle* (New York: Vanguard, 1980); Diego and Nancy Asencio, *Our Man is Inside* (Boston, MA: Little Brown and Co., 1983); supra note 9.

[16]Supra note 4.

[17]Karen Horney, *Collected Writings* (New York: Norton, 1972, pp. 64–5.

[18]Supra note 7, at 247.

[19]Richardson, supra note 12.

[20]Nardini, supra note 7.

[21]Strentz, supra note 12.

[22]Strentz, supra note 11; Rahe and Genender, supra note 10, at 114; Derrer, supra note 6.

[23]Rahe, supra note 12, at 9.

FBI Law Enforcement Bulletin Article Submissions

The purpose of this journal is to promote an exchange of professional information among the various components of the criminal justice system. Guidelines have been established to assist those interested in submitting articles to the *FBI Law Enforcement Bulletin.* Following these guidelines will ensure prompt consideration of all manuscripts submitted to the *Bulletin.*

AUTHOR — The exact wording of the desired byline, including any advanced degrees, and the current business mailing address of the author, or authors, should accompany manuscripts submitted to the *Bulletin.*

FORMAT AND LENGTH — Manuscripts must be typewritten and doublespaced. Three copies should be submitted. In general, articles should be approximately 3,000 words long, but adequate treatment of subject matter, not length, should be the primary consideration.

PHOTOGRAPHS AND GRAPHICS — A photograph of the author, and when applicable, his or her police chief should accompany manuscripts. If possible, other suitable photos, illustrations, or charts supporting the text should be furnished. Black and white glossy prints reproduce best. In addition, special effort should be made to obtain a quality black and white glossy photograph, vertical format, for possible use as a cover.

PUBLICATION — All manuscripts submitted to the *Bulletin* are reviewed for relevancy, innovativeness, timeliness, and overall appeal to the readership. Favorable consideration will not be given an article which has been published previously in a journal or national circulation or is being considered for publication in another such magazine. In response to requests, the *Bulletin* will consider reprinting articles of national interest to the *Bulletin.* No promises of publication or commitments regarding publication dates can be made.

EDITING — The *Bulletin* reserves the right to edit all manuscripts.

SUBMISSION — Authors may contact the Special Agent coordinator for police training at the nearest field office of the FBI for help in submitting the articles, or manuscripts may be forwarded to: Editor, FBI Law Enforcement Bulletin, Federal Bureau of Investigation, Headquarters, Washington, DC, 20535.

Teleconferencing System History

"The teleconferencing project is an unqualified success measured in terms of the initial objective—disseminating information uniformly and without delay."

By
MITCHELL C. KELSEY
Training Coordinator
Police Department
Glendale, AZ

The City of Glendale, AZ, has grown quickly in the last few years to a population in excess of 130,000 people. This kind of rapid expansion requires equally fast-paced growth in the public safety sector, in order to provide a consistently high level of service to citizens.

To maintain superior response times, the police and fire departments have strategically placed substations throughout the city. Since each department has a headquarters building and three satellite stations (two that are as far as 12 miles away), clear, effective communications became increasingly difficult to sustain. The police department, in particular, was acutely aware of the need to notify police personnel of time-sensitive information accurately and with consistency.

In looking at methods of overcoming communication lag, most of the more-popular technology was ruled out because of the expense involved and overall inability to meet our needs. The city encompasses more than 50 square miles, making the challenge of bringing information to all personnel from any point a substantial one.

Teleconferencing

In April 1984, the Glendale Police Department consulted with technicians of a cable communications group concerning the feasibility of using the cable system for direct audio and video communications in a teleconferencing network. The network would consist of three substations as target reception areas, with the headquarters classroom designated as the origination point and mini-studio. Considerations included:

1) Both audio and video upstream (sound and picture),
2) Reliability—would the cable system function regularly to carry our signal 90 to 95 percent of the time,
3) System security—reasonable measures taken to ensure the channel remained uncompromised, and,
4) Ease of operation by those who would use it most, the uniformed officer.

The system met all those needs. It would in fact carry the signal (computer controlled) to any point(s) the department named. The reliability factor of the system to this day averages better than 98 percent; down time is almost nonexistent.

System security was the largest concern. Our requirements were met in two ways—through inherent system design and add-on equipment. First, the system is computer-controlled. Each person who desires to receive cable must have the cable converter (receiver) in their home "authorized" to receive cablecasts. Once every 24 hours, the host computer sends out a signal to all converters to check for authorization. If a particular converter has been tampered with and is receiving an "unauthorized" channel, all cable information to that converter is shut down. The

EDITOR'S NOTE:
While the potential benefits of video teleconferencing to public safety employees (both police and fire) are recognized, use of a commercial cable television system should be adequately controlled to preclude the broadcast of ongoing police investigation that might be sensitive. The absolute security of an ongoing criminal investigation must be considered paramount.

Officer Kelsey

Chief Rose

converter is rendered useless and must be serviced by a technician.

Second, the channel allocated for police use has been treated as a "premium" channel, and as such, has a scrambler (HVP-head-end video processor) dedicated to it. The signal is descrambled by the converter, if authorized. An unauthorized converter receiving a scrambled channel receives audio and video that just can't quite be tuned in.

Startup equipment was borrowed from the cable company and the city's Office of Cable Communications. The equipment consisted of a camera, camera control unit, microphone mixer, monitor, microphone, time base corrector, VHS VCR for playback of tapes, and a modulator. A head-end video processor and demodulator was in use at the cable company's "head end." One channel was assigned to the police department for a 3-week test period. Another 3-week test was conducted with the fire department at a later date.

The design allows the primary shift commander to conduct standard briefings. At each substation are a TV monitor and authorized converter. Incoming shift personnel, along with their sergeants, watch the monitor and participate in the briefing through an interactive capability in the network's design. A conference call is initiated in the main classroom with the aid of a speakerphone. As the briefing takes place, personnel watching the monitors hear not only what the shift commander has to say but also comments from those in any of the substations as well. The conference call permits questions and comments to return over standard phone lines to the speakerphone. A microphone at the studio is dedicated to picking up the questions and comments from the speakerphone, sending information to the microphone mixer and subsequently over the network.

The teleconferencing project is an unqualified success measured in terms of the initial objective—disseminating information uniformly and without delay. Turnaround time of reports vital to the police function has been reduced considerably. A prime example involves stolen vehicles. After taking a report of a stolen vehicle, the officer would return to his or her primary duty station to complete the report. Once this was done, it was normally sent to headquarters to be reproduced. Copies were then transported to all substations for distribution to beat officers.

With the advent of teleconferencing, the officer simply relays the information during the next briefing at the duty station. At the conclusion of the scheduled briefing, when the shift commander asks for any comments or information from the substations, the additional briefing information is then transmitted, eliminating the delay usually encountered when information is relayed using traditional methods of paper flow.

Another example which illustrates the versatility of the network involves an undercover officer who has been wired with a body bug during a transaction involving stolen property. An audio/video recording was made from a surveillance vehicle. The officer was dealing with suspects unknown to him. Nicknames of the four involved were all the identifiers he had. The officer played the tape at a briefing, hoping to obtain additional information from beat personnel. In the past, he would have had to go to each substation to reach his intended audience. With the time base corrector and mike mixer, the tape was run at the end of a briefing, mixing the officer's narration with the tape's audio track. Before the tape could be

"... the uniqueness of the system allows for a 'live' cablecast from any point in the city that has a cable hookup."

rewound, he received phone calls from fellow officers who knew all four suspects through field interviews.

Once the viability of the network was established, funding for two separate networks, one for police and one for fire, became the central issue. Although police and fire functions occasionally overlap, their major goals and objectives differ. Therefore, it was decided that each would have its own network. Reviews of the license agreement with the cable company revealed a section that would cover costs incurred. The estimate for two systems was approximately $50,000. Although the project could have been done for less, versatility and quality would have suffered.

After specifications were finalized, purchase orders were completed in August 1984. By February 1985, all equipment had arrived and limited teleconferencing was begun. Use of teleconferencing expanded as more and more personnel became trained in the use of the equipment and by June 1, 1985, it was on-line 24 hours a day, 7 days a week.

Teleconferencing Today

Experience over the last 2 years has dictated changes in training methods. Although video is hardly the panacea for all training ills, we have learned to use it to the fullest, without alienating our audience.

Training tapes are now available over the system on a regular basis. Officers in outlying sections no longer need to come to the main facility for most training. Additionally, we no longer need to budget for duplicate video equipment for each substation. On particularly heavy training months, a schedule of tapes available for viewing and the times they may be seen is distributed. Duplication of materials is vastly reduced, as well as travel time to a training facility.

It was learned that the city's Office of Cable Communications had a sophisticated "character generator" (teletext machine) with an unused channel. With help from the cable company, this unused channel was put to use on the teleconferencing network. For technical reasons, we needed a constant video signal for the HVP to lock onto to ensure continued use. The character generator (CG) channel proved immensely useful beyond supplying us with the necessary video signal. We now program nonsensitive briefing information on the CG in the form of "pages of text." The CG is in operation 24 hours a day, paging through information determined to be of briefing value. At times of live briefing, a switching mechanism turns off the CG information as the video camera is turned on. Once the briefing is completed and the camera turned off, the CG returns with the time, date, and continued briefing text. For those personnel who miss a briefing for whatever reason, they need only to watch the CG over a dedicated monitor at a viewing station. Sensitive information is never placed on the CG, nor is it cablecast on the system. Individual squad briefings are used to avoid compromising information.

Because of certain characteristics of the cable system, or selectiveness of converter authorization, staff members can monitor briefings in their homes. For example, a patrol captain who had been away for a period of time could simply turn on his TV at home to pick up the CG information or even "tune in" at the proper time for a current briefing in order to prepare himself for the next day's activities.

Finally, the uniqueness of the system allows for a "live" cablecast from any point in the city that has a cable hookup. With this upstream capability, city disaster coordinators can go "live" to citizens who have cable to bring them information on any emergency or disaster.

Future Teleconferencing

Although we have had but a short time to experiment with this method of bringing information to public safety employees, it has more than met our expectations. As the system is modular, we are able to expand on it at will. Updates to the system are being planned to remain current. One new police building under construction and another on the drawing boards require us to remain creative in meeting future needs.

The amount of money invested so far is just that, an investment. The communication gap has been narrowed considerably. If the police chief wishes to address an important issue and reach the largest number of employees, it is a simple task to have him appear on the network. Officers in the outlying areas feel more a part of the mainstream of the department. Morale increases when personnel believe their views can be seen and heard.

However, the real beneficiaries of this project are the citizens of the City of Glendale. They will profit from an increased level of service. In addition, they will have some of the most well-trained and responsive police officers and firefighters in the Nation—with cable and video technology leading the way!

Anyone wanting additional information on teleconferencing should contact Mitchell C. Kelsey, Training Coordinator, Glendale Police Department, 7119 N. 57th Drive, Glendale, AZ 85301, (602) 931-5500.

FBI

The "Bobby Joe" Long Serial Murder Case: A Study in Cooperation

(Part 1)

By
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Tampa, FL
and
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Hairs and Fiber Unit
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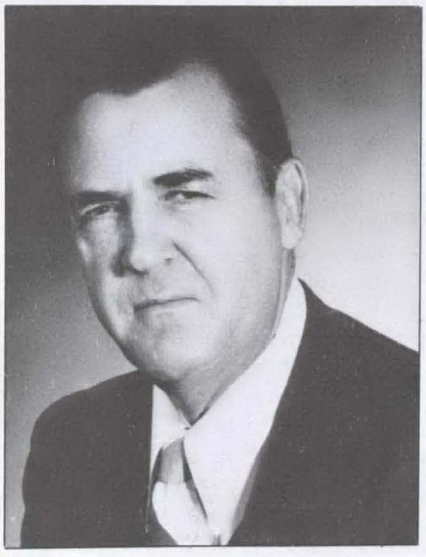
On May 13, 1984, the Hillsborough County Sheriff's Office (HCSO) responded to the scene of a homicide in southern Hillsborough County, where the body of a nude female had been discovered. This was the beginning of an intensive, 8-month investigation into the abduction, rape, and murder of at least 10 women in 3 jurisdictions in the Tampa Bay area. This investigation would ultimately involve personnel from the HCSO, the Federal Bureau of Investigation (FBI), the Tampa Police Department (TPD), the Pasco County Sheriff's Office (PCSO), and the Florida Department of Law Enforcement (FDLE).

Never before had the HCSO been involved in a serial murder case of this magnitude. During one period of time in the 8 months, the killer was averaging a murder every other week. This series of grisly killings would eventually end due to the efforts of the homicide detectives who pored over each crime scene striving to find any and all physical evidence, the expertise and skill of the examiners in the FBI Laboratory who analyzed this evidence, the close cooperation and continuous exchange of information between the law enforcement agencies involved, and the fact that the killer released one of his victims alive, yielding physical evidence that would ultimately tie all of the cases together.

The first body, nude and bound, of a young Oriental female was discovered by young boys late in the afternoon, in a remote area of southern Hillsborough County. This victim was identified as Ngeun Thi Long, a 20-year-old Laotian female. She was employed as an exotic dancer at a lounge located on Nebraska Avenue in the City of Tampa. She normally worked the evening shift and was known to use alcohol and drugs. Long was last seen in the apartment complex where she lived. This was in an area near the University of South Florida, where many of the residents were transient. She had been missing for approximately 3 days.

Long had been dead for approximately 48 to 72 hours. She was lying face down with her hands tied behind

Captain Terry



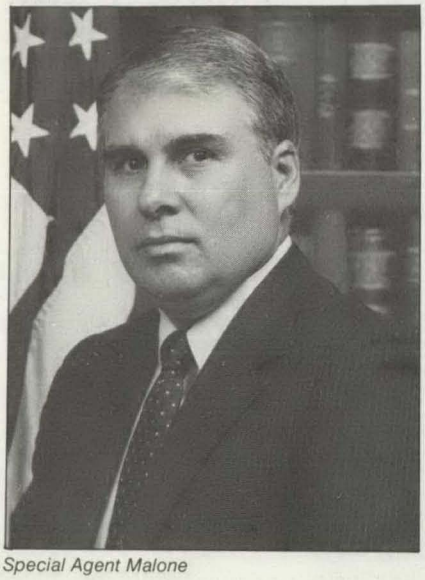
Sheriff Heinrich

her back with rope and fabric. A rope was also observed around her neck which had a "leash-like" extension approximately 14 inches in length. It was noted that the ropes around the wrists and neck were different in nature.[1] Under the victim's face was a piece of fabric which may have been used as a gag. The victim's feet were spread apart to a distance of over 5 feet, and it appeared as if the body had been deliberately "displayed" in this manner. The victim's clothing and personal belongings were never found. During the autopsy a large open wound was discovered on the victim's face. Decomposition was extensive in this area, but the cause of death was determined to be strangulation. Tire impressions were found on the roadway leading to the body. It appeared that three of the tires were of different brands and all were worn.

Hillsborough County had been averaging about 30 to 35 homicides per year, and while some prior victims had been bound, none had been bound in this manner. Prior to the death of Long, the HCSO had completed a difficult homicide investigation in which the forensic work had been done by the FBI Laboratory. The close cooperation between the HCSO and the FBI Laboratory resulted in the successful conclusion of the case and the conviction of the individual who had committed the murder. Thus, the decision was made to fly the evidence in the Long murder to the FBI Laboratory in Washington, DC, accompanied by a HCSO homicide detective.

The hairs that were removed from the evidence were examined and found to be either the victim's hairs or unsuitable for comparison. The serology examinations were also negative due to the decomposition of the body. The knots in the ropes were examined and were identified; however, these knots were extremely common and not unique to any particular profession or occupation. The tire casts of the tire tread impressions were examined and photographs of these impressions were kept for future reference.

The fibers which were removed from the items in this case were also examined, and this evidence would provide the first important lead in the case. Eventually, it would prove to be the most critical evidence of the entire case. The equipment used for the fiber examinations consisted of a stereoscopic microscope, a comparison microscope, a polarized light microscope, a microspectrophotometer, a melting point apparatus, and eventually, an infrared spectrophotometer. A single lustrous red trilobal nylon fiber was found on a piece of fabric found near the victim. Because of the size, type, and cross sectional shape of this fiber (see fig. 1), it was determined that this fiber was probably a carpet fiber. Because the body had been exposed to the elements for a substantial period of time, and fibers which have been transferred are very transient in nature,[2] it was surmised that most of the carpet fibers which had originally been transferred to the victim's body had been lost. Since the victim's body was found in a remote area, she had probably been transported in a vehicle, and the carpeting of this vehicle is probably the last item she had been in contact with. Furthermore, since there is normally a transferrence of trace materials (i.e., fibers) when two objects come into close contact,[3] it was also surmised that the killer was probably driving a vehicle with a red carpet. Vehicular carpets readily shed their fibers, and these types of fibers are commonly found on the bodies of victims at



Special Agent Malone

crime scenes. These fibers could then provide a critical "link" in determining whether a serial murderer was operating in the Tampa Bay area.[4]

The above information was provided to the HCSO, with the caution that the fiber information should be kept confidential. Experience has shown that if the existence of fiber evidence is publicized, serial killers might change their pattern and start disposing of the bodies in such a manner that this fiber evidence is either lost or destroyed. The most famous example of this is the Wayne Williams case.[5] The possibility also existed that if the killer knew of the existence of the red carpet fibers, he would probably get rid of the vehicle that was the source of this evidence.

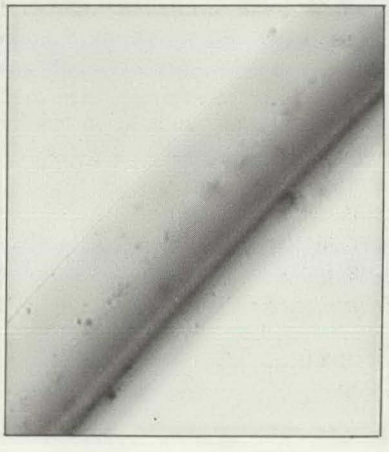
Two weeks later, on May 27, 1984, at approximately 11:30 a.m., the body of a young white female was discovered in an isolated area of eastern Hillsborough County. The victim was found nude, with clothing near the body. The victim was on her back, with her hands bound at the waist and a ligature around the neck. Her throat had been cut, and she had sustained multiple blunt trauma injuries to the head. The victim had been at the scene for approximately 8 to 10 hours. The victim's hands were bound to her sides with a clothesline type of rope. The ligature at the neck was made of the same type of rope and was tied in a type of hangman's noose. There was a 3- to 4-foot length of rope extending from the noose. The victim also had what appeared to be a green man's T-shirt binding her upper arms. Hair and fiber evidence were collected from the victim's body.

Several tire tread impressions were located in a dirt roadway that passed approximately 8 feet from the victim's body. These impressions appeared to have been caused by a vehicle turning around in the area next to the victim's location.

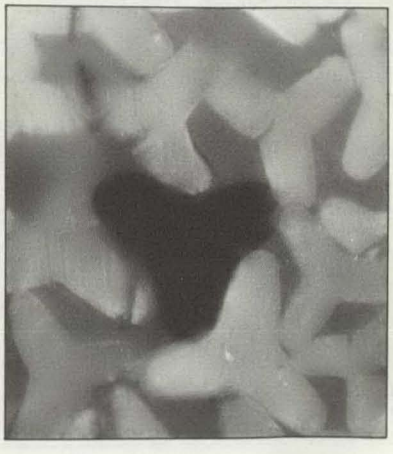
The responding homicide detectives believed this homicide was related to the Long case. Since the victim was unidentified, a composite drawing of the victim was made and released to the media. It was through this effort that the

Figure 1

Logitudinal View



Cross Sectional View



"During one period of time in the 8 months, the killer was averaging a murder every other week."

victim was identified as Michelle Denise Simms, 22 years old and a native of California. She was last seen the previous night talking with two white males near Kennedy Boulevard in an area that is popular for working prostitutes. Simms had previously worked as a prostitute.

The evidence collected from where Simms was found was immediately flown to the FBI Laboratory. Since this had been a "fresh" site, the chances of recovering significant evidence would be tremendously improved. The tire casts were examined and one of the impressions from the right rear area was identified as being from a Goodyear Viva tire, with the white wall facing inward. The tire impression from the left rear area could not be immediately identified, as it was not in the FBI Laboratory reference files. However, the HCSO was provided with the name of an individual in Akron, OH, who was a tire expert, and the tire casts were flown to Akron, where the tire impression was identified as being made by a Vogue tire, an expensive tire that comes only on Cadillacs. A Vogue tire was obtained and photographed in detail.

The fibers removed from the evidence revealed red lustrous trilobal nylon fibers, which matched the Lana Long fiber. In addition, a second type of fiber, a red trilobal delustered fiber, was found, indicating that the killer was driving a vehicle containing two different types of carpet fibers.

Grouping tests conducted on semen stains identified on the clothing of Michelle Simms disclosed the presence of the "8" and "H" blood group substances.

The hairs from the body and clothing of Michelle Simms were examined. Brown, medium-length Caucasian head hairs were found that could have originated from the killer. Human hair is valuable evidence, and in addition to providing information on race, body area, artificial treatment, or other unusual characteristics,[6] it can be strongly associated with a particular individual when matched with a known hair sample from the individual.[7] With this information, the HCSO was able to build a "physical evidence" profile of the killer, which was distributed to other law enforcement agencies; however, the information on the carpet fibers and cordage was kept confidential.

On June 24, 1984, the body of another young white female was found, the third victim in this series of homicides, although this would not be known for a few months. The victim was found in an orange grove in southeastern Hillsborough County. The victim was found fully clothed, and the body was in an advanced stage of decomposition. The total body weight of the victim, including her clothes, was only 25 pounds. There were no ligatures present, and the victim was not found near an interstate as the first two victims had been. During the initial stages of the investigation, the victim's boyfriend failed a polygraph examination and appeared to be an excellent suspect. Evidence from the case was sent to the FBI Laboratory; however, no request was made for this evidence to be compared to the evidence from the previous two homicide until much later.

The victim was identified as Elizabeth B. Loudenback, 22, of Tampa. Loudenback was employed as an assembly line worker and was last seen at approximately 7:00 p.m. on June 8, 1984. She was known to frequent the area of Nebraska Avenue and Skipper Road in northern Hillsborough County, but had no criminal history.

The hairs from the Loudenback case were examined with negative results. Serology examinations were also negative due to the extensive decomposition of the body. The fibers, examined later, were determined to be both types of the red carpet fibers evidenced in the two previous cases. If this examination had been done initially, it would have been immediately known that Loudenback was, in fact, the third victim. When the evidence arrived at the FBI Laboratory, it was not assigned to the examiner who had worked the first two homicides. One of the most important aspects of handling a serial murder investigation is to have the same crime scene technician at all crime scenes and the same forensic examiners at the laboratory, so that one individual can become totally familiar with the forensic portion of the investigation, in order to recognize patterns and associations which might be present.

On October 7, 1984, the nude body of a young black female was discovered near the Pasco/Hillsborough County line, lying next to the dirt entrance road of a cattle ranch. The victim's clothing, except for her bra, was found next to the body. The bra had been tied in a knot and was found hanging from the entrance gate. The head area was in an advanced state of decomposition, much more so than the remainder of the body. The autopsy revealed a puncture wound to the back of the neck, but a gunshot wound to the neck was the cause of death.

The victim was identified as Chanel Devon Williams, an 18-year-old black female. The victim had been previously arrested for prostitution. She was known to frequent a gay bar on Kennedy Boulevard in Tampa. She had been last seen on the night of September 30, 1984, by another prostitute with

whom she had been working. The pair were working the area of Nebraska Avenue when Williams' companion was solicited by a "john." They were approximately two-tenths of a mile from the motel where they were conducting their "business." Williams' companion rode back to the motel in the "john's" car, and Williams was instructed to slowly walk back to the motel in order to check on her companion. Williams never made it back to the motel.

The homicide detectives who responded to the place Williams was found began looking for similarities to the previous homicides. Other than the fact that the victim was found nude in a rural area and that Williams was a prostitute, there were no other apparent similarities.

At this point in the investigation, the HCSO requested a criminal personality profile be done by the FBI[8] on the Long, Simms, and Williams cases, and one other homicide in which another female had been shot. A profile was returned (see fig. 2), indicating strong similarities between the Long case and the Simms case. However, due to various differences (race, lack of ligatures, and cause of death), it was believed that the Williams case and the other above-mentioned case were not related.

The evidence from the Williams case was sent to the FBI Laboratory a second time, and both types of the red nylon carpet fibers were found on various articles of her clothing. A brown Caucasian pubic hair, which would ultimately be associated with Robert Long, was also discovered on the victim's sweater. Grouping tests conducted on semen stains identified on Williams' clothing disclosed the presence of the "A" and "H" blood group substances. This was inconsistent with the grouping results found in the Simms case; however, this could be due to their working as prostitutes.

Figure 2
FBI Criminal Personality Profile

Race	Caucasian
Age	Mid 20's
Personality	"Macho" Image Assaultive
Employment	Difficulty in Holding Job
Marriage	Probably Divorced
Vehicle	"Flashy Car"
Weapons	Likely to Carry Weapons
Personality	Inclined to Mentally and Physically Taunt and Torture
Victims	Randomly Selected Susceptible to Approach
Geographics	Confine Activity to Given Geographic Region

On the morning of October 14, 1984, the body of a white female, nude from the waist down, was discovered in an unpopulated area of northeastern Hillsborough County. The body was found in an orange grove approximately 30 feet from a dirt road, apparently dragged from the roadway. The body had been placed on a gold-colored bedspread, and a blue jogging suit was tied outside the blanket. The bedspread had been tied at both ends with common white string. The victim's hands were bound in front with a red and white handkerchief. Her right wrist and legs were bound with another white string. The victim's feet were bound with a draw string, and there were ligature marks on the victim's throat. She had been struck on the forehead and strangled.

The victim was identified as Karen Beth Dinsfriend, a 28-year-old cocaine user and prostitute. Dinsfriend had been working the area of Nebraska and Hillsborough Avenues and was last

"One of the most important aspects of handling a serial murder investigation is to have the same crime scene technician at all crime scenes and the same forensic examiners at the laboratory...."

seen during the early morning hours of October 14, 1984.

Upon arriving at the scene, the detectives strongly suspected that Dinsfriend's death was related to the previous homicides. The ligatures were almost a "signature" of the offender. Red fibers were found when the body was examined at the medical examiner's office.

By this time, all homicide detectives of the HCSO were assigned to the case. Other assaults, suicides, and unrelated homicides were assigned to property detectives. Six tactical deputies were assigned to do night surveillance in the suspect's "hunting grounds," the area of Nebraska Avenue and West Kennedy Boulevard in North Tampa. The patrol divisions were again given alerts and were continually sending in field interrogation reports (FIR), which were checked. A personal computer was purchased specifically for this investigation and was used to record information on vehicles, vehicular tags, information gathered from talking to prostitutes, and information derived from the FIRs. At this point, the HCSO again went "public" to warn the community about these related homicides. However, the fiber information was kept confidential.

The evidence from the Dinsfriend disposal site was sent directly to the FBI Laboratory, and it yielded valuable evidence. The knots in the ligatures were similar to the knots from the previous cases; a brown Caucasian pubic hair, eventually associated with Robert Long, was found on the bedspread; and semen was found on the bedspread and sweat shirt and tests again disclosed the "A" and "H" blood group substances. The bedspread was tested and found to be composed of gold delustered acrylic fibers. These fibers would also provide a link to Long's vehicle.

Both types of red nylon carpet fibers were again found on most of the items and were microscopically compared to the previous carpet fibers. The color produced by the dyes from the red carpet fibers was also compared using the microspectrophotometer. The microspectrophotometer is one of the most discriminating techniques which can be used in the comparison of fibers.[9] Since these carpet fibers both microscopically and optically matched the red carpet fibers from the previous five cases, it was strongly believed that all of these fibers were consistent with having originated from the same source, and therefore, all of the cases were related.

On October 30, 1984, the nude mummified remains of a white female were discovered near Highway 301 in northern Hillsborough County just south of the Pasco County line. No clothing, ligatures, or any other type of physical evidence were found at the scene. Due to the amount of time the body was exposed to the elements and the fact that the victim was nude, no foreign hairs, fibers, semen, or any other type of evidence were discovered. This victim would not be identified until after the arrest of the suspect, Robert Long, who referred to the victim by her street name, "Sugar." Using this information, the HCSO was able to identify the victim as Kimberly Kyle Hopps, a 22-year-old white female, last seen by her boyfriend getting into a 1977–78 maroon Chrysler Cordoba. Hopps would eventually be associated with Long's vehicle through a comparison of her head hairs with hairs found in his vehicle.

On November 6, 1984, the remains of a female were discovered near Morris Bridge Road in Pasco County just north of the Hillsborough County Line. The bones of the victim were scattered about a large area; however, a ligature was found. Another ligature was discovered on an arm bone. A shirt, a pair of panties, and some jewelry were also found. Human head hairs, presumed to be from the victim, were also recovered.

On learning of the discovery of this body, the Hillsborough homicide detectives met with the Pasco County detectives, and because of the ligatures, believed that this case was related to their homicides. The two agencies worked together to identify the victim, Virginia Lee Johnson, an 18-year-old white female originally from Connecticut. It was learned that she split her time between Connecticut and the North Tampa area, working as a prostitute in the North Nebraska Avenue area in Hillsborough County.

The evidence from the Johnson site was sent by the PCSO to the FBI Laboratory. Again, due to the extensive decomposition, the body yielded very little physical evidence; however, in the victim's head hair from the crime scene a single red lustrous carpet fiber was found, relating this case to the others. Eventually, Virginia Johnson would also be associated with Robert Long's vehicle through a transfer of her head hairs.

On November 24, 1984, the nude body of a young white female was found on an incline off of North Orient Road in the City of Tampa, involving yet a third jurisdiction in the homicides. The

victim had been at the scene less than 24 hours. A wadded pair of blue jeans and a blue flowered top were near the body. The victim was wearing knee high nylons; the body was face down with the head at the lower portion of the incline. Faint tire impressions were observed in the grass next to the roadway, and a piece of wood with possible tire impressions was found. It appeared that the killer had pulled off the road and had thrown the body over the edge and onto the incline. Examination of the body revealed that fecal matter was present on the inside of the victim's legs and on the exterior of the clothing. The body had a pronounced ligature mark on the front portion of the neck. There were also ligature marks on both wrists and on both arms; however, no ligatures were found.

This victim was identified as Kim Marie Swann, a 21-year-old female narcotics user, who worked as a nude dancer. She was last seen walking out of a convenience store near her parent's home at approximately 3:00 p.m. on November 11, 1984.

When the Tampa Police Department responded and noted the ligature marks on the victim, they immediately called the HCSO and requested that they also respond. This homicide was also believed to be related to the previous seven homicides.

The evidence from the Swann disposal site was sent to the FBI Laboratory. The tire tread impressions on the board bore limited design similarities to the tire impressions from the Lana Long and Michelle Simms homicides. Again, red nylon carpet fibers were found on the victim's clothing. The head hair of the victim was examined and would eventually be associated with the suspect's vehicle.

Even though the three jurisdictions now directly involved in the eight homicides continued to work separately on their own cases, there was continual exchange of information among these agencies, which enabled the HCSO to learn that the Tampa Police Department sex crimes detectives were working an abduction and rape of a 17-year-old white female. This exchange of information would ultimately lead to the big "break" in the case, a case which had completely captivated the attention of the Tampa Bay area and one which was beginning to attract national attention as well.

(Continued next month)

FBI

Footnotes

[1]Ropes and cordages were found in 7 of the 10 homicides cases. All of these were compared with another. Even though cordages found in one case were sometimes found to be of the same type, there were no instances in which cordages from two or more were different cases were found to be similar. However, these cordages and knots did provide a "link" in the patterns which would associate these cases together.

[2]C.A. Pounds and K.W. Smalldon, "The Transfer of fibers between clothing materials during simulated contacts and their persistence during wear," *Journal of the Forensic Science Society*, vol. 15, 1975, pp.29-37.

[3]This is known as the "Exchange Principle of Locard" and was first published in Edmond Locard in 1928.

[4]One of the major problems in investigating a serial murder case is determining whether the murders are related. In cases where a vehicle is used, fiber evidence is probably the best type of evidence to provide this "link." Therefore, these types of cases should be examined by a laboratory with a well-equipped hair and fiber facility.

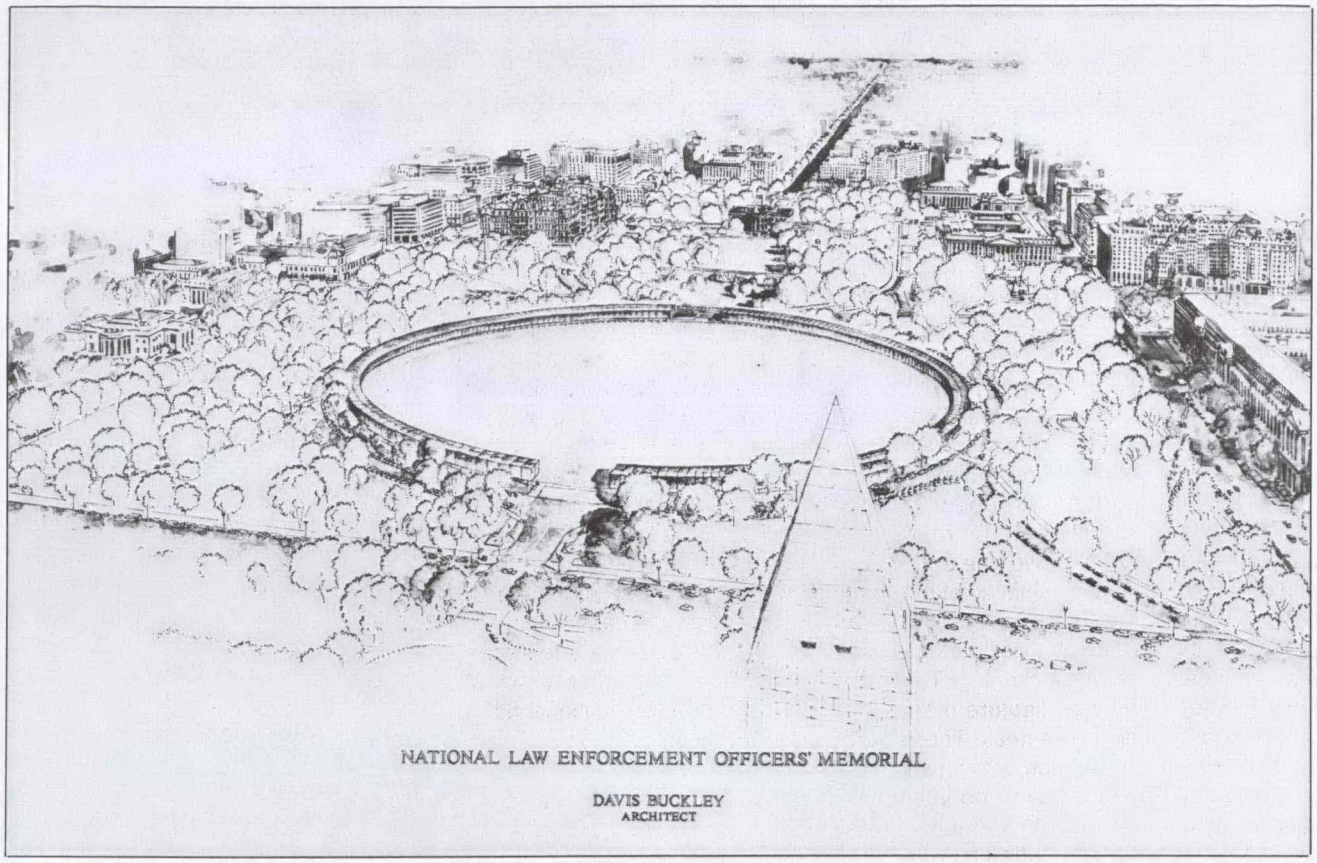
[5]Harold A. Deadman, "Fiber Evidence and the Wayne Williams Trial," *FBI Law Enforcement Bulletin*, vol. 53, Nos. 3 and 5, (Part I) March I984, pp. 12–20; (Conclusion) May 1984, pp. 10–19.

[6]"Microscopy of Hairs," FBI Laboratory Technical Supplement, Issue 2, January 1977.

[7]B.D. Gaudette and E.S. Keeping, "An Attempt at Determining Probabilities in Human Scalp Hair Comparison," *Journal of Forensic Science*, July 1974, pp. 599-606; D. Gaudette, "Probabilities and Human Pubic Hair Comparisons," *Journal of Forensic Science*, July 1975, pp. 514–517; Preliminary Report, Committee on Forensic Hair Comparison, *Crime Laboratory Digest*, July 1985, pp. 50-59.

[8]A request for a criminal personality profile can be made by any duly authorized law enforcement agency through any of the FBI's 59 field offices. Each of these offices has an Agent who is specifically trained by the Behavioral Science Unit of the FBI Academy to provide this service. A profile can be an extremely valuable tool; however, it is intended to be a supplement and not a substitute for a thorough and extensive criminal investigation.

[9]H. Suchenwirth, "On the Value as Evidence of Micro-Spectral Photometric Measurements of Traces of Textile Fibers," *Archive for Criminology*, vol. 142, Nos. 1 and 2, 1968; R. Macrae, R.J. Dudley, and K.W. Smalldon, "The Characterization of Dyestuffs on Wool Fibers with Special Reference to Microspectrophotometry," *Journal of Forensic Science*, vol. 24, No. 1, 1979, pp. 117-129; K.K. Laing and M.D.1. Isaacs, "The Examination of Paints and Fibers by Microspectrophotometry," Home Office Central Research Establishment Report Number 359, British Crown Copyright, 1980.



"I Answered the Call of Duty"

By
EDWARD J. TULLY
Special Agent-Unit Chief
Education and Communications Arts Unit
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Quantico, VA

Since the founding of our Nation 2 centuries ago, thousands of law enforcement officers have been killed in the line of duty. The exact number is not known, and many of their names have been forgotten. This year, next year, and for the foreseeable future, we will lose more good men and women. These deaths, and those that will come, give birth to an everlasting heritage which we, the living, must honor.

Many of our dead gave their lives in saving, or defending, the innocent, the weak, and those victims under attack by criminals. Others were killed while alone, perhaps at night, by assassins, the careless drunk, or trying to bring peace to a troubled family. Most of them knew exactly what price they might have to pay and that it would probably come at a time when they were not prepared. All gave their lives wearing the badge of office, knowing that the badge required certain obligations. Each must have understood the requirements of one's duty to office, country, or God. In the choice between duty and personal considerations, they chose duty. Thus, their actions were of the highest moral order. The fact that they were willing to serve, willing to place themselves in a dangerous environment for the benefit of others, and willing to pay the ultimate price testifies to their courage. Those that were given a choice of action chose the more difficult path. This path was their moral duty; they did not rationalize their obligation to the public trust, they simply

"Those of use who are members of the law enforcement profession today must cherish and honor the memory of our heroes...."

did what was right. This is courage—the requirement of a hero.

While it is important for every citizen to remember these good men and women, it is most important for us in law enforcement not to forget either their names or deeds. All of our officers who died in the line of duty give dignity and honor to our calling. Those of us who are members of the law enforcement profession today must cherish and honor the memory of our heroes so that the same sense of duty can be instilled in our young officers, the public, and our children. Duty is a requirement of citizenship. America was not built, nor has it been sustained, by those who did not understand the requirements of duty. Rather, America became great because our people were committed to justice, loyalty, fidelity, courage, and integrity, and they knew the obligation they had to live according to these principles.

The memorial to law enforcement officers killed in the line of duty is soon to be built in Washington, DC. It will be expensive in terms of money, but well worth the cost in terms of rescuing and restoring our rich history. An effort is now under way to secure a site for the memorial on the Ellipse behind the White House. A great deal of research will be required to recover the forgotten names and to establish a roll of honor in our Nation's capital. A significant commitment on our part is required to see this memorial built and to maintain our history. That this must be done is vital, not just for the memory of those who died, but for us. These acts of valiant, unselfish, and caring people give flesh and spirit to the skeleton of law enforcement. Our soul is made up of these deeds by those who were slain.

The memorial is also important to other Americans who, as they visit this tribute, may pause and reflect on the nature of being a law enforcement officer. Perhaps some may sense how it feels to be alone and afraid in the face of danger, or better understand the heavy burden of responsibility placed upon us. A few may even understand the last thoughts of those who died, as the breath of life left their lungs and their spirit readied to see the face of their God, prepared to say, with pride, "I answered the call of duty."

It is only right and just that this memorial be built. If it can be done, we can then say with justifiable pride to our fellow citizens, our mothers, our fathers, and our children, "I care, I am a Cop."

FBI

An Idea Whose Time Has Come

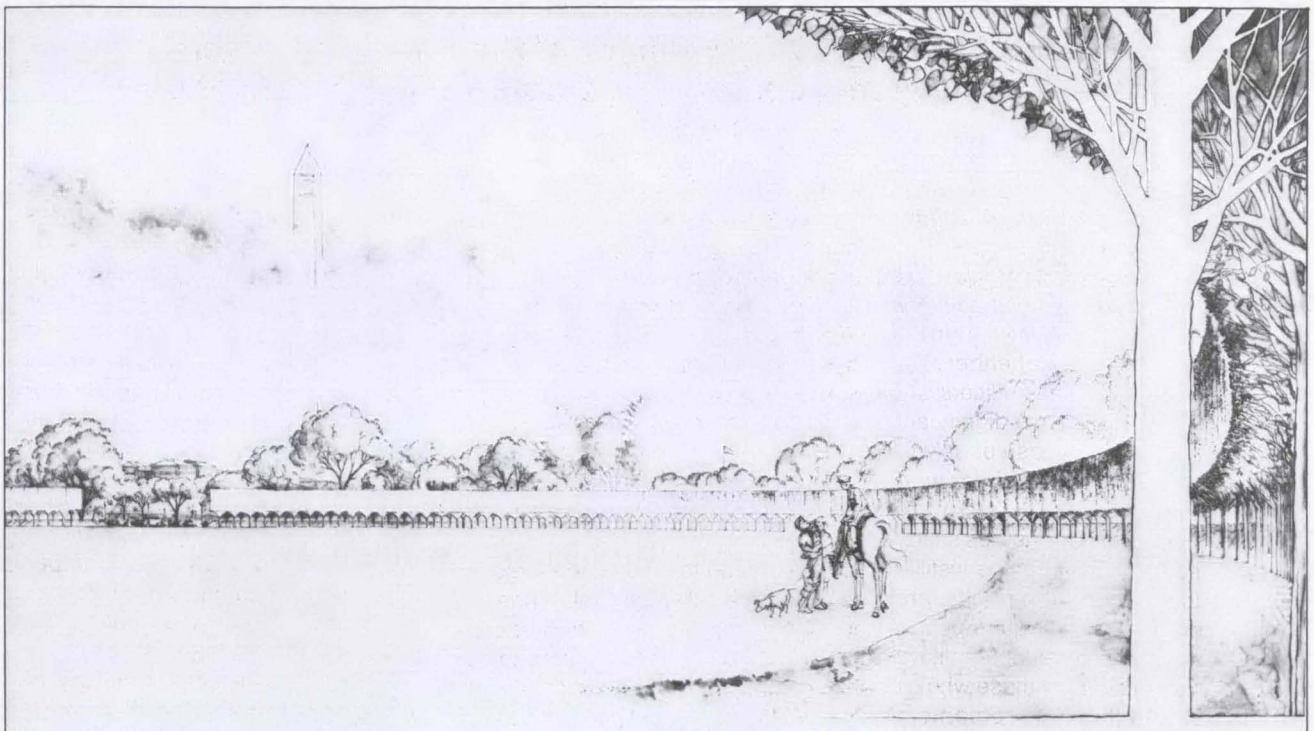
By
JAN C. SCRUGGS

EDITOR'S NOTE: Jan Scruggs is President of the Vietnam Veterans Memorial Fund and is serving temporarily as Project Director of National Law Enforcement Officers Memorial Fund. He plans to begin law school in September, but will remain involved with the effort to build the memorial to law officers who have given their lives until the memorial is completed. Inquiries may be directed to the NLEOMF office at 1575 Eye St., N.W., Suite 1075, Washington, DC 20005.

In 1979, with $2500, I began an effort to build a national memorial to honor Vietnam veterans. Although professional fundraisers and many in the veterans' community scoffed at the feasibility of the project, the memorial was built and is now the most visited in Washington, DC.

I was honored to be asked to help make the national memorial honoring fallen law officers a reality. This is a memorial with the potential to make a rather extraordinary and lasting contribution to the law enforcement calling. Millions of Americans will one day pause at the memorial and remember those who have given their lives as they reflect upon the profession of law enforcement.

The National Law Enforcement Officers Memorial Fund (NLEOMF) is the organization authorized by the U.S. Congress to build the memorial. NLEOMF is governed by a board of directors representing 15 law enforcement organizations ranging from the



NATIONAL LAW ENFORCEMENT OFFICERS' MEMORIAL

DAVIS BUCKLEY
ARCHITECT

I.A.C.P. and the National Sheriffs' Association to the Fraternal Order of Police and National Organization of Black Law Enforcement Executives. Prominent Americans, including First Lady Nancy Reagan and Attorney General Edwin Meese, serve on the sponsoring committee. NLEOMF has testified before the National Capitol Memorial Advisory Commission requesting use of the Ellipse for the Law Officers Memorial, but the site issue is yet to be resolved. Before the site is approved, hearings before other Federal commissions will be required. Further work on design, development, and refinement will take place in upcoming months. Groundbreaking for the memorial should take place in the spring of 1989, if all goes according to schedule. Under the authorizing legislation from Congress, however, NLEOMF cannot break ground until such time as sufficient funds have been raised to complete construction. Therefore, the crucial task now is raising these funds in a relatively short period of time.

This memorial will not just magically appear one morning. Around $5 million must be raised, and the law enforcement community must take the initiative. In Prince George's County, MD, for example, the Fraternal Order of Police is auctioning an automobile, and the profits from the auction will go to build the memorial. This is the type of leadership and initiative that will make this effort a success and which must be done throughout the country. One woman from Mingo Junction, OH, wrote, "... my husband ... was killed in the line of duty on December 30, 1970. He left four children...." She went on to write that two of these children are now police officers. Other moving letters have been received, such as a gift of $5 from a deaf man living on social security as a way of thanking the many police officers who help him and other deaf people every day.

Leadership at the grass roots level is needed in each police department and law enforcement agency in the United States. This memorial will be an important one, in part, because it will be a gift to the American people from those who each day give of themselves in the often thankless and perilous task of police work.

It will also be a memorial to police cooperation, considering the police organizations—leadership, research, and union levels—represented on the fund's board of directors. It will stand proudly one day because many thousands of Americans took the time to get involved. I hope that you, the reader, are one of those who will assist in this effort to honor those who have fallen and to make a real contribution to the history of law enforcement in America.

FBI

Waiver of Rights in Custodial Interrogations

" '... a heavy burden rests on the government to demonstrate that the defendant* knowingly and intelligently *waived his privilege against self-incrimination....'"

By
JEFFREY HIGGINBOTHAM, J. D.
Special Agent
FBI Academy
Legal Counsel Division
Federal Bureau of Investigation
Quantico, VA

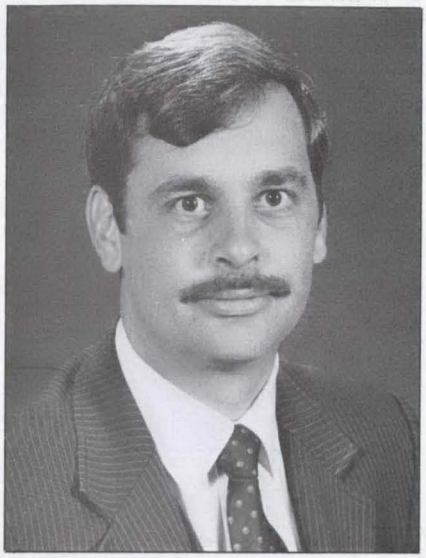
Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed in this article should consult their legal adviser. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at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

The warning of rights required to be given to criminal defendants under *Miranda* v. *Arizona*[1] is, perhaps, the most publicly known rule of law governing police conduct. Those rights permit in-custody suspects to remain silent in the face of police questioning or to seek the advice of an attorney before submitting to police interrogation. It is important to remember, however, that the rights prescribed by the *Miranda* decision do not, nor were they ever intended to, preclude law enforcement authorities from obtaining a voluntary confession by interrogating an in-custody suspect. As the *Miranda* Court noted, "Confessions remain a proper element in law enforcement. Any statement given freely and voluntarily without any compelling influences is, of course, admissible in evidence.... Volunteered statements of any kind are not barred by the Fifth Amendment and their admissibility is not affected by our holding today."[2]

Because voluntary confessions are vital evidence in criminal prosecutions, it is essential that they be obtained in accordance with procedures which will insure their admissibility in court. Admissibility of confessions obtained during custodial interrogations requires both that the *Miranda* warnings be provided and a valid waiver be obtained. This article will discuss recent Supreme Court cases which have addressed the legal sufficiency of a suspect's waiver of those *Miranda* rights and will provide law enforcement officers with guidance in securing legally valid waivers from the subjects of custodial interrogations.

Origin of the Waiver Requirement

The evil the Supreme Court sought to repress in *Miranda* was the creation of an atmosphere which would "subjugate the individual to the will of his examiner."[3] To help overcome the psychological coercion the Supreme Court believed to be inherent in custodial interrogations, the now-familiar warnings that a suspect has the right to remain silent, the right to retain or have appointed counsel, and that any statements made by the suspect may be used as evidence against him in court[4] were created as "protective devices ... employed to dispel the compulsion inherent in custodial surroundings."[5] The *Miranda* warnings were necessary, in the eyes of the Supreme Court, to protect the core constitutional privilege against self-incrimination contained in the fifth amendment.[6] But, the *Miranda* warnings were also recognized by the Court as a protection that could be waived.[7] The importance of both the



Special Agent Higginbotham

warnings and the waiver was made abundantly clear by the Court:

> "The requirement of warnings and waiver is a fundamental with respect to the Fifth Amendment privilege....
>
> * * *
>
> "The warnings required and the waiver necessary in accordance with our opinion today are ... prerequisites to the admissibility of any statement made by a defendant."[8]

Legal Standard for the Waiver

In addition to stating that the *Miranda* rights could be waived by the subject of a custodial interrogation, and that a waiver was required before a confession could be entered into evidence against a defendant, the *Miranda* Court also established the legal standard for a waiver of rights. The standard enunciated by the Court was three-pronged:

> "... a heavy burden rests on the government to demonstrate that the defendant *knowingly and intelligently* waived his privilege against self-incrimination ....
>
> * * *
>
> "Moreover, any evidence that the accused was threatened, tricked, or cajoled into a waiver will, of course, show that the defendant did not *voluntarily* waive his privilege."[9]

In the years since *Miranda*, the Supreme Court has had the occasion to revisit the requirements of a knowing, intelligent, and voluntary waiver of rights. In a series of cases, discussed in the remainder of this article, the Supreme Court has provided greater definition to the meaning of each of those three requirements.

A Knowing and Intelligent Waiver

Advising a suspect of his complete *Miranda* warnings constitutes the foundation for a knowing and intelligent waiver. If a defendant has not been informed of, and does not understand the rights he has, he cannot make a knowing or intelligent waiver. The *Miranda* Court made this clear in commenting on the obligation of police to advise a suspect in custody of his absolute right to remain silent before any interrogation was attempted:

> "At the outset, if a person in custody is to be subjected to interrogation, he must be informed in clear and unequivocal terms that he has the right to remain silent. For those unaware of the privilege, the warning is needed simply to make them aware of it—the threshold requirement for an intelligent decision as to its exercise."[10]

The same rule is true, of course, for the additional *Miranda* warnings as well. Establishing that a criminal defendant was provided with a complete advice of rights is the first step in proving that an intelligent and knowing waiver of rights was obtained.

The Supreme Court has recently offered additional guidance on the question of the knowing and intelligent nature of a waiver. In *Moran* v. *Burbine*,[11] the defendant, Burbine, was arrested in connection with a burglary. Based on information obtained independently, Burbine also became a suspect in a murder investigation. Police officers from the department investigating the murder were notified of Burbine's arrest and traveled to the jail in which Burbine was being held to interview him. Before these officers began their interview of Burbine, an attorney from the public defender's office, who had been notified of the burglary arrest by Burbine's sister, called the police department. The attorney identified herself and determined that Burbine was

"Advising the suspect of his complete* Miranda *warnings constitutes the foundation for a knowing and intelligent waiver."

being held. She then told the police that she would act as Burbine's legal counsel, if the police intended to place him in a lineup or question him. She was told that the police intended to do neither and that the police were through with Burbine for the night. The attorney was never told that Burbine was also now a suspect in the murder investigation or that police officers from another department had arrived to question Burbine about the murder.

Less than 1 hour after the attorney had contacted the police, Burbine was brought to an interrogation room to be questioned about the murder. He was questioned several times that evening and eventually signed written statements fully admitting the murder. Prior to each interview session, Burbine was fully informed of his *Miranda* rights, and each time explicitly indicated in writing that he did not want an attorney called or appointed for him. However, at all times Burbine was unaware of his sister's efforts to obtain counsel or that an attorney had contacted the police department on his behalf. The defendant moved unsuccessfully to suppress his statements, and following his conviction for first-degree murder, he appealed.

The issue on appeal was whether Burbine could have knowingly and intelligently waived his rights without having been informed of the attorney's attempts to serve as his legal counsel if the police sought to question him. The Supreme Court ruled that a waiver of *Miranda* rights is intelligent and knowing if "made with a full awareness both of the nature of the right being abandoned and the consequences of the decision to abandon it."[12] In reaching its conclusion that Burbine had knowingly and intelligently waived his rights, the Court reasoned that:

> "Events occurring outside the presence of the suspect and entirely unknown to him surely can have no bearing on the capacity to comprehend and knowingly relinquish a constitutional right.... No doubt the additional information would have been useful to [Burbine]; perhaps even it might have affected his decision to confess. But we have never read the Constitution to require that the police supply a suspect with a flow of information to help him calibrate his self-interest in deciding whether to speak or stand by his rights."[13]

In essence, the Court ruled that the decision to exercise or waive one's rights is personal to the suspect. The knowing and intelligent nature of such a decision is affected only by the exchange between police and the suspect in the interview room and not by other events outside the interview room and unknown to the defendant.

> "[W]hether intentional or inadvertent, the state of mind of the police is irrelevant to the question of the intelligence and voluntariness of [Burbine's] election to abandon his rights. Although highly inappropriate, even deliberate deception of an attorney could not possibly affect a suspect's decision to waive his *Miranda* rights unless he were at least aware of it.... Granting that the 'deliberate or reckless' withholding of information is objectionable as a matter of ethics, such conduct is only relevant to the constitutional validity of a waiver if it deprives a defendant of knowledge essential to his ability to understand the nature of his rights and the consequences of abandoning them."[14]

A note of caution is appropriate, however. *Moran* v. *Burbine* should not be read as sanctioning misrepresentations to attorneys who represent or seek to represent suspects subject to custodial interrogation.[15] The teaching of *Moran* is simply that if a suspect is uncoerced in his decision, an intelligent and knowing waiver can be established by proof that "he at all times knew he could stand mute and request a lawyer, and that he was aware of the state's intention to use his statements to secure a conviction."[16] Upon proof of those facts,"the analysis is complete and the waiver is valid as a matter of law."[17]

A similar result was reached in *Colorado* v. *Spring*.[18] In *Spring*, the defendant was arrested in an undercover operation relating to Federal firearms violations. Prior to his arrest, law enforcement officials had received information that Spring had also been involved in a murder during a hunting trip in Colorado. On the day of his arrest for the firearms violation, Spring was advised of his *Miranda* rights and agreed to waive them. During the questioning which then followed, Spring was asked if he had a criminal record. When he replied that he had a juvenile record for shooting his aunt, he was asked if he had ever shot anyone else. Spring mumbled, "I shot another guy once."[19] Spring was then questioned directly about the Colorado murder but denied involvement.

Several months later, Colorado law enforcement officials interviewed Spring, who was still in jail on the firearms offenses. The officers gave Spring his *Miranda* warnings, and

Spring signed a written waiver form indicating that he understood his rights and was willing to waive them. Spring was specifically told that the officers desired to question him about the Colorado homicide. In an interview that lasted only 90 minutes, Spring made a full confession.

Spring subsequently contested the admissibility of his confessions. He claimed that his waiver of *Miranda* rights at the time of his arrest was invalid and his statement, "I shot another guy once," was inadmissible because he was not informed that he would be questioned about both the firearms violation and the murder. He claimed that his second confession given to Colorado law enforcement officials was inadmissible, despite the warning and waiver of *Miranda* rights, because it was predicated on, and became the illegal fruit of, the first confession. On appeal, following his conviction for first-degree murder, the Supreme Court rejected Spring's arguments.

The Supreme Court focused its attention on the first statement, "I shot another guy once," since if it was legally obtained, then the second full confession could not be tainted and was also lawfully obtained. The Court noted that the fundamental notion behind the requirement of an intelligent and knowing waiver is that a suspect "understood that he had the right to remain silent and that anything he said could be used as evidence against him."[20] In meeting the requirement that a suspect understand that he "cannot be compelled to be a witness against himself in any respect,"[21] police are required to provide *only* the *Miranda* warnings.

> "The *Miranda* warnings ensure that a waiver of these rights is knowing and intelligent by requiring that the suspect be fully advised of this constitutional privilege, including the critical advice that whatever he chooses to say may be used as evidence against him."[22]

As in *Moran* v. *Burbine*, the Court rejected the notion that the police have any legal obligation to inform a suspect of any information, except that which is necessary to protect the fundamental privilege against self-incrimination.

> "[A] suspect's awareness of all the possible subjects of questioning is not relevant to determining whether the suspect voluntarily, knowingly and intelligently waived his Fifth Amendment privilege.
>
> * * *
>
> "[A]dditional information could affect only the wisdom of a *Miranda* waiver, not its essentially voluntary and knowing nature."[23]

This discussion of *Moran* v. *Burbine* and *Colorado* v. *Spring* is not meant to suggest that law enforcement officials should never provide a suspect in custody with any information beyond the core warnings necessary to safeguard fifth amendment rights. Certainly, situations will arise where providing information beyond core warnings is appropriate and perhaps beneficial. The Supreme Court has merely indicated that providing additional information is not constitutionally required to establish a valid, knowing, and intelligent waiver.

Although the Supreme Court has made it quite clear that the *Miranda* warnings are a necessary predicate for a knowing and intelligent waiver, they have stopped short of mandating any specific formulation of those warnings. Illustrative is *California* v. *Prysock*,[24] where a juvenile was charged with murder and arrested by law enforcement officers. With Prysock's parents present, a police officer advised Prysock of his right to remain silent and that his statements would be used in evidence against him if he gave up his right to silence. They also informed Prysock that he had a right to be represented by counsel and to have the attorney present during questioning. The sergeant conducting the interview then asked two questions regarding the juvenile's understanding of his right to have his parents present during the interview. Finally, the sergeant completed the *Miranda* warnings by telling Prysock that he had the "right to have a lawyer appointed to represent [him] at no cost."[25] After Prysock indicated he understood each of these warnings, he agreed to answer questions posed to him by the police sergeant.

The statements subsequently made by Prysock were admitted into evidence against him at a trial. He was found guilty of first-degree murder, robbery, and other related offenses. He appealed his convictions, arguing that the statements made were inadmissible because the *Miranda* warnings were improperly given to him. His argument was that *Miranda* set forth a rigid formula requiring the warnings be given as a verbatim recital of the words of the *Miranda* opinion and that this formula was not followed in his case, since the police had failed to explicitly inform him that his right to appointed counsel included the right to have an attorney appointed before further questioning.

The Supreme Court disagreed. It held that nothing in the *Miranda* decision requires a "precise formulation of

"... a waiver of* Miranda *rights is intelligent and knowing if 'made with a full awareness both of the nature of the right being abandoned and the consequences of the decision to abandon it.'"

the warnings given a criminal defendant,"[26] and that "*Miranda* itself indicated that no talismanic incantation was required to satisfy its strictures."[27] Rather, the Supreme Court reasoned that the true issue was not the form of the warnings provided, but whether an accused was "adequately informed"[28] and understood his rights. The Court concluded that Prysock had been informed of his rights, understood them and his waiver was, accordingly, a knowing and intelligent waiver.

A suspect cannot make a knowing and intelligent waiver unless he has been informed of his rights. Thus, to establish in court that a defendant made a knowing waiver of rights, it is incumbent upon the police to establish two factors: (1) That the defendant was informed of his rights in a manner which captured the essence of the protections set forth in the *Miranda* decision;[29] and (2) that the defendant was informed of his rights during that particular in-custody interview.

With regard to the latter factor, it is generally insufficient for the police merely to allege that it is the policy or practice of the agency to advise a custodial suspect of his rights; the police must establish that the advice of rights was actually provided in each case. In fact, the Supreme Court has noted that one of the benefits of *Miranda* is that it provides a clear set of rules to be applied in every case, without regard to whether a suspect might already know of his rights.[30] Providing the subject of custodial interrogation his complete warnings "obviates the need for a case-by-case inquiry into the actual voluntariness of the admissions of the accused."[31]

In sum, to meet the burden of proof placed upon the government to prove a valid, knowing, and intelligent waiver occurred, it must establish the required warnings were given. "No effective waiver of the right to counsel during interrogation can be recognized unless specifically made after the warnings we here delineate have been given."[32] Whether the accused is rich or poor, he should still be advised that counsel will be appointed to assist during questioning. Whether the accused is a previously convicted felon or a first-time offender, he should be advised of his rights. Without such warnings, the government cannot prove that the suspect has been fully informed of and understands his rights, and accordingly, may not be able to establish a knowing and intelligent waiver of those rights.

To insure that the government can meet this burden of proof, law enforcement agencies should require that *Miranda* warnings, or their equivalent, be given in every case of custodial interrogation. They should also consider requiring officers to make a contemporaneous record of the warnings provided. Providing warnings on each occasion and making a contemporaneous recording that they were provided enhance the government's ability to establish the knowing and intelligent nature of a waiver of rights.

A Voluntary Waiver

The final requirement in the legal standard for a waiver of rights is one of voluntariness. "[T]he relinquishment of the right must have been voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion or deception."[33]

The Supreme Court recently applied that standard in a case involving unusual facts. In *Colorado* v. *Connelly,*[34] a Denver police officer in uniform, working in an off-duty capacity, was approached on the street by the defendant, Connelly. Connelly told the officer that he had murdered someone and wanted to talk about it. The officer immediately advised Connelly of his *Miranda* rights. Connelly stated that he understood his rights but wished to talk about the murder anyway. The officer, bewildered by the unprovoked confession of murder, asked if the defendant had been drinking, taking drugs, or been confined to a mental hospital. Connelly denied drinking or using drugs but admitted having, in the past, been a mental patient. Once again, Connelly was told he was under no obligation to talk but he persisted, claiming his conscience bothered him.

A short while later, a detective arrived on the scene and again advised Connelly of his *Miranda* rights. Connelly stated, thereafter, that he had flown from Boston to Denver to confess to a murder he had committed in Denver several months before. A search of police records verified part of Connelly's story, and when Connelly took the officers to the exact location of the murder, he was jailed. Later, in an interview with a public defender, Connelly became disoriented and claimed to be hearing voices. A psychiatric examination concluded that Connelly believed he had been ordered by God to travel to Denver and confess to the murder, or alternatively, to commit suicide.

At his subsequent criminal trial, Connelly objected to the admission in evidence of his statements to the police, arguing, among other things, that his mental state made it impossible to waive his *Miranda* rights. He continued that argument on appeal following his conviction. The Supreme Court refused to agree with Connelly.

The Court readily acknowledged that a waiver of *Miranda* rights must be voluntary. However, the Court said "The sole concern of the Fifth Amendment, on which *Miranda* is based, is governmental coercion."[35] The Court rejected any larger meaning of voluntary, limiting the inquiry to facts, circumstances, dialogue, or actions directly attributable to the police. The Court concluded:

> "*Miranda* protects defendants against government coercion leading them to surrender rights protected by the Fifth Amendment; it goes no further than that. [Connelly's] perception of coercion flowing from the 'voice of God,' however important or significant such a perception may be in other disciplines, is a matter to which the United States Constitution does not speak."[36]

The teaching of *Colorado* v. *Connelly* is clear. Police officers must permit the decision to waive one's rights to be made by that person, free of police threats or intimidation,[37] moral or psychological pressure,[38] trickery or deception.[39] Officers must avoid any type of "police overreaching."[40] They must merely provide a suspect with the "knowledge essential to his ability to understand the nature of his rights and the consequences of abandoning them,"[41] and then allow the suspect to decide what course of action he should follow.

Waiver of Rights After the Sixth Amendment Right to Counsel Attaches

Before concluding the analysis of the legal standard for a waiver of *Miranda* rights, one qualification must be made. Under certain circumstances, even proof of a knowing, intelligent, and voluntary waiver of a suspect's *Miranda* rights will not be sufficient to guarantee the admissibility of that suspect's confession into evidence. For example, after an arrested suspect has been taken into court to begin the adversarial judicial process, the right to counsel under the sixth amendment has attached.[42] Thereafter, the sixth amendment guarantees an accused the right to legal representation in police interrogations, even in circumstances where the *Miranda* protection would not apply.[43]

Michigan v. *Bladel*[44] is an example of such circumstances where sixth amendment rights are not waived, even through the warning and waiver of *Miranda* rights. In *Bladel*, the defendant was arrested for murder on March 22, 1979, and arraigned the following day. At his arraignment, Bladel requested and was appointed counsel to represent him. A notice of appointment was promptly mailed to a law firm, but was not received until March 27, 1979. In the interim, two police officers visited the defendant in jail, and prior to any questioning, advised the defendant of his *Miranda* rights. The defendant waived his rights, agreed to talk, and gave the officers a confession. The defendant subsequently objected to the admissibility of the confession on the grounds that no waiver of rights could be obtained before he had the opportunity to consult with his lawyer.

The Supreme Court agreed. The Court recognized that in this case, the defendant had both fifth amendment rights, implicated by his custodial interrogation, and a sixth amendment right to counsel, by reason of his court arraignment at which time he had requested to be represented by counsel. The Supreme Court interpreted that request for legal representation as his desire to have an attorney assist the defendant in future contacts with the police and the defendant's recognized inability to deal with the police on his own accord.

The Court focused on the sixth amendment right to counsel and analogized to the rule governing a defendant's request for the assistance of an attorney in a pure *Miranda* context. That rule was announced in *Edwards* v. *Arizona*[45] and states that once an custodial suspect asks to consult with a lawyer, no further interrogation is permitted until the suspect has had the opportunity to do so, or until the suspect initiates the conversation with the police. Explaining that "the reasons for prohibiting the interrogation of an uncounseled prisoner who has asked for the help of a lawyer are even stronger after he has been formally charged with an offense than before,"[46] the Court concluded that "the Sixth Amendment right to counsel at a post-arraignment interrogation requires at least as much protection as the Fifth Amendment right to counsel at any custodial interrogation."[47]

Thus, the rule established by the Supreme Court in *Michigan* v. *Bladel* was "that, if police initiate interrogation after a defendant's assertion, at an arraignment or similar proceeding, of his right to counsel, any waiver of the defendant's right to counsel for that police-initiated interrogation is invalid,"[48] unless the defendant has first had the opportunity to consult with a lawyer.

Michigan v. *Bladel* suggests that officers who wish to question a suspect should do so before the suspect appears in court. If questioning is attempted after the suspect has requested counsel at a court hearing,

"Providing warnings on each occasion and making a contemporaneous recording that they were provided enhances the government's ability to establish the knowing and intelligent nature of a waiver of rights."

officers must refrain from the interview, even if the suspect would waive his *Miranda* rights, until the suspect has had the opportunity to consult with counsel or the suspect initiates the conversation with the police.[49]

Form of the Waiver

Miranda v. *Arizona* and other cases clearly place the burden on the government to establish that a criminal defendant's waiver of rights was knowing, intelligent, and voluntary. As to the precise form of the waiver, the *Miranda* decision itself provided some guidance. "An express statement that the individual is willing to make a statement and does not want an attorney followed closely by a statement could constitute a waiver."[50]

The *Miranda* Court went further, however, and also gave examples of what would not constitute a waiver.

> "[A] valid waiver will not be presumed simply from the silence of the accused after warnings are given or simply by the fact that a confession was in fact eventually obtained.
>
> * * *
>
> "Moreover, where in-custody interrogation is involved, there is no room for the contention that the privilege is waived if the individual answers some questions or gives some information on his own prior to invoking his right to remain silent when interrogated.
>
> * * *
>
> "[T]he fact of lengthy interrogation or incommunicado incarceration before a statement is made is strong evidence that the accused did not validly waive his rights."[51]

It is clear from the above quotations from *Miranda* v. *Arizona* that there is a strong judicial preference for express waivers. In fact, express waivers should be the objective of law enforcement, since the Supreme Court has clearly stated the proof of a valid waiver is the responsibility of the prosecution.

> "Since the State is responsible for establishing the isolated circumstances under which the interrogation takes place and has the only means of making available corroborated evidence of warnings given during incommunicado interrogation, the burden [of proving a waiver] is rightly on its shoulders."[52]

That burden is best met by proof that the suspect expressly waived his rights. Whether the defendant expressly waives his rights in writing or orally is less important than the fact that a waiver was made. If the waiver is not made in writing, however, a contemporaneous record should be made of the defendant's expressed oral decision to waive his rights.

However, an express waiver is not always required. In *North Carolina* v. *Butler,*[53] the defendant was arrested, and prior to interrogation, was provided a written form on which the *Miranda* warnings and a waiver were printed. He was told that he did not have to speak or sign the form but that the interviewing agents wanted to talk with him. Butler replied, "I will talk with you but I am not signing any form."[54] He subsequently made inculpatory statements.

The Supreme Court refused to order suppression of Butler's incriminating statements:

> "An express written or oral statement of waiver of the right to remain silent or of the right to counsel is usually strong proof of the validity of that waiver, but is not inevitably either necessary or sufficient to establish waiver. The question is not one of form, but rather whether the defendant in fact knowingly and voluntarily waived the rights delineated in the *Miranda* case. As was unequivocally said in *Miranda*, mere silence is not enough. That does not mean that the defendant's silence, coupled with an understanding of his rights and a course of conduct indicating waiver, may never support a conclusion that a defendant has waived his rights. The courts must presume that a defendant did not waive his rights; the prosecution's burden is great; but in at least some cases waiver can be clearly inferred from the actions and words of the person interrogated."[55]

There can be implied waivers of rights. However, because there is a judicial presumption that a defendant did not waive his rights, police officers will be required to prove that a waiver did, in fact, occur, a burden made more difficult because the waiver is implied, not express. To overcome that presumption and supply the necessary proof of a waiver, it is suggested that when a suspect refuses to explicitly waive his *Miranda* rights, police should make it a practice to establish some other record as proof of the waiver. This can be done as simply as quoting the suspect's response, as was done in *North Carolina* v. *Butler,* in the investigative report, or by noting the response on a contemporaneously made record.[56]

In addition to refusing to require a waiver to take any specific form, the Supreme Court has also recently recognized that rights can be waived in part and invoked in part. In *Connecticut* v.

Barrett,[57] the defendant, who had been arrested, was fully advised of his *Miranda* rights and signed a card acknowledging that he had been read his rights. He also stated that he understood his rights, would talk about the incident, but "would not give a written statement unless his attorney was present."[58] Barrett then provided the officers with an oral statement implicating himself in the crime under investigation.

The Connecticut Supreme Court ordered the confession suppressed on the ground that Barrett had invoked his right to counsel for *all* purposes by telling officers he would not provide a written statement without the presence of counsel. The U.S. Supreme Court disagreed.

In reversing the lower court decision, the Supreme Court recalled that "[t]he fundamental purpose of the Court's decision in *Miranda* was 'to assure that the *individual's right to choose* between speech and silence remains unfettered throughout the interrogation process.'"[59] Nothing in the facts of *Connecticut* v. *Barrett* suggested that the defendant did not consciously choose to speak, reserving only his right to refuse to provide a written statement absent an attorney. "Barrett's limited requests for counsel ... were accompanied by affirmative announcements of his willingness to speak with the authorities.... *Miranda* gives the defendant a right to choose between speech and silence, and Barrett chose to speak."[60] Though "some might find Barrett's decision illogical [that] is irrelevant, for we have never 'embraced the theory that a defendant's ignorance of the full consequences of his decisions vitiates their voluntariness.'"[61]

If police officers face a situation where a defendant agrees to waive part of his rights while invoking others, it will be necessary to establish that a partial waiver, knowing, intelligently, and voluntary in nature, did take place. Accordingly, it is suggested that if such a situation arises, a contemporaneous record of the defendant's decision be made to aid in meeting the government's burden of proof if the defendant later challenges the admissibility of his statements.

One final point bears discussion. If a suspect invokes or attempts to invoke the protections of *Miranda*, continued interrogation of the suspect is not permitted. *Smith* v. *Illinois*[62] illustrates this point. In *Smith*, the defendant was arrested and taken to an interrogation room for questioning. Before police officers asked Smith any questions, they advised him of the crime concerning which he would be questioned, of his right to remain silent, that any statement he did make could be used against him, and that he had the right to consult with an attorney and to have that attorney present during questioning. At that point, Smith responded, "Uh, yeah. I'd like to do that."[63] Instead of terminating any attempt to interview Smith, the police officers completed the *Miranda* warnings by telling Smith that if he could not afford a lawyer, one would be appointed to represent him. At that point, the officers asked Smith if he wanted to talk to them. Smith ultimately agreed and then confessed.

The issue on appeal was the admissibility of Smith's confession. He argued that the confession should be suppressed because by saying, "Uh yeah. I'd like to do that," after hearing he could be represented by a lawyer, he had invoked his right to counsel. Despite the fact that Smith later agreed to talk to the officers, he claimed that his invocation of his right to counsel had precluded officers from questioning him further until he had had the opportunity to consult with a lawyer or until Smith, himself, had initiated the conversation with the police.[64] The Supreme Court agreed with Smith. The Court recognized that some cases may present ambiguous or equivocal responses by defendants who are asked to waive their *Miranda* rights; however, Smith's response was not ambiguous or equivocal. The Court ruled that:

> "Where nothing about the request for counsel or the circumstances leading up to the request would render it ambiguous, all questioning must cease.
>
> * * *
>
> "[A]n accused's *post-request* responses to further interrogation may not be used to cast retrospective doubt on the clarity of the initial request itself."[65]

In light of *Smith* v. *Illinois,* police officers should be prepared to establish that the defendant clearly waived his rights and did not, instead, invoke the protections of *Miranda*.

Conclusion

Miranda v. *Arizona* created a set of prophylactic safeguards to protect the privilege against self-incrimination. However, the Supreme Court made it clear that a "defendant may waive effectuation of these rights, provided

the waiver is made voluntarily, knowingly and intelligently."[66] Importantly, the Court placed the burden of establishing a knowing, intelligent, and voluntary waiver on the prosecution, requiring proof that the warnings were given and a legally valid waiver obtained as a prerequisite to the admissibility of the statements in evidence.[67]

To meet the burden of proof placed on the prosecution, police are best served by a contemporaneous written record that the suspect was informed of his rights as set forth in the *Miranda* decision, or by some other method which will serve to protect the privilege against self-incrimination. Officers should also be prepared to establish that the suspect understood his rights and freely waived them. Interrogation should proceed only if the suspect has agreed to cooperate by speaking with police.

If the suspect's choice is to cooperate with police and answer their questions, police should attempt to acquire an express waiver from the suspect. However, if the suspect refuses to provide an express waiver, the interviewing officers should make a contemporaneous record of the suspect's statements, indicating that he impliedly waived his rights. Lastly, if a suspect invokes part of his rights and waives others, police officers should be careful to respect the partial invocation of rights, and again, make a contemporaneous record of the suspect's waiver of other rights. By following these rules, confessions obtained from suspects will be admissible at trial.

FBI

Footnotes

[1]384 U.S. 436 (1966).
[2]*Id.* at 478.
[3]*Id.* at 457.
[4]*Id.* at 444.
[5]*Id.* at 458.
[6]The fifth amendment to the U.S. Constitution reads, in pertinent parts: "No person ... shall be compelled in any criminal case to be a witness against himself.... " The *Miranda* warnings are, however, only a court-created protection; they are not of constitutional dimension. *See Michigan* v. *Tucker*, 417 U.S. 433, 443-46 (1974); *New York* v. *Quarles*, 467, U.S. 649, 654-58 (1984); *Oregon* v. *Elstad*, 470 U.S. 298, 304-07 (1985); *Connecticut* v. *Barrett*, 107 S.Ct. 828, 832 (1987).
[7]384 U.S. at 475-476.
[8]*Id.* at 476.
[9]*Id.* at 475-476. (Emphasis added).
[10]*Id.* at 468-69.
[11]106 S.Ct. 1135 (1986).
[12]*Id.* at 1141.
[13]*Id.*
[14]*Id.* at 1142.
[15]In fact, the Court also noted that though misrepresentations to attorneys do not vitiate the validity of a waiver of *Miranda* rights, "on facts more egregious than those presented here police deception might rise to a level of a due process violation." *Moran* v. *Burbine*, 106 S.Ct. 1135, 1147 (1986).
[16]*Id.* at 1142.
[17]*Id.*
[18]107 S.Ct. 851 (1987).
[19]*Id.* at 854.
[20]*Id.* at 857.
[21]*Id.*
[22]*Id.* at 858.
[23]*Id.* at 859.
[24]453 U.S. 355 (1981).
[25]*Id.* at 357.
[26]*Id.* at 359.
[27]*Id.*
[28]453 U.S. at 360.
[29]It is clear even from the *Miranda* decision that the formulation of warnings was not meant to be a rigid requirement. The Supreme Court in *Miranda* urged the Federal and State governments to "search for increasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws." 384 U.S. at 467. The Court also explicitly noted that the warnings as phrased in the majority opinion were prerequisites to the admissibility of statements at trial, "in the absence of a fully effective equivalent." 384 U.S. at 476.
[30]*See Fare* v. *Michael C.*, 442 U.S. 707, 718 (1979).
[31]*California* v. *Prysock*, 453 U.S. 355, 359 (1981).
[32]*Miranda* v. *Arizona*, 384 U.S. 436, 470 (1966).
[33]*Moran* v. *Burbine*, 106 S.Ct. 1135, 1141 (1987).
[34]107 S.Ct. 515 (1986).
[35]*Id.* at 523.
[36]*Id.* at 524.
[37]*See Fare* v. *Michael C.*, 442 U.S. 707, 726-727 (1979); *Miranda* v. *Arizona*, 384 U.S. 436, 476 (1966).
[38]*See Oregon* v. *Elstad*, 470 U.S. 298, 305 (1985).
[39]*See Moran* v. *Burbine*, 106 S.Ct. 1135, 1142 (1986); *Colorado* v. *Spring*, 107 S.Ct. 851 (1987).
[40]*Colorado* v. *Connelly*, 107 S.Ct. 515, 523 (1986).
[41]*Moran* v. *Burbine*, 106 S.Ct. 1135, 1142 (1986).
[42]It is beyond the scope of this article to completely discuss the breadth of the sixth amendment right to counsel. For a comprehensive discussion of that issue, *see* Riley, "Confessions and the Sixth Amendment Right to Counsel," *FBI Law Enforcement Bulletin*, vol. 52, Nos. 8 and 9, (Part I) August 1983, pp. 24-31; (Conclusion) September 1983, pp. 24-31.
[43]*See Massiah* v. *United States*, 377 U.S. 201 (1964); *United States* v. *Gouveia*, 104 S.Ct. 2292 (1984).
[44]106 S.Ct. 1404 (1986); the case is reported with its companion case, *Michigan* v. *Jackson*.
[45]451 U.S. 477 (1981). A complete discussion of interviews of custodial suspects following invocation of rights is contained in Riley, "Interrogation After Assertion of Rights," *FBI Law Enforcement Bulletin*, vol. 53, Nos. 5 and 6, (Part I) May 1984, pp. 24-31; (Conclusion) June 1984, pp. 26-31.
[46]106 S.Ct. at 1408.
[47]*Id.* at 1409.
[48]*Id.* at 1411.
[49]The Supreme Court in *Michigan* v. *Bladel* said that this rule applies even if no police officer was present at the court hearing when the request for counsel was made. "One set of state actors (the police) may not claim ignorance of defendants' unequivocal request for counsel to another state actor (the court)." 106 S.Ct. at 1410. Accordingly, police officers should discover whether such a request was made, to determine if a post-arraignment interrogation is permitted.
[50]*Miranda* v. *Arizona*, 384 U.S. 436, 475 (1966).
[51]*Id.* at 475-476.
[52]*Id.* at 475.
[53]441 U.S. 369 (1970).
[54]*Id.* at 371.
[55]*Id.* at 373.
[56]*Cf.*, *United States* v. *Heldt*, 745 F.2d 1275 (9th Cir. 1984) (refusal to sign a written waiver, but agreeing to answer questions, requires police to provide a suspect a second admonition concerning use of the statements against him).
[57]107 S.Ct. 828 (1987).
[58]*Id.* at 830.
[59]*Id.* at 831, quoting *Miranda* v. *Arizona*, 384 U.S. 436, 469. (Emphasis in original).
[60]107 S.Ct. at 832.
[61]107 S.Ct. at 833.
[62]105 S.Ct. at 490 (1984).
[63]*Id.* at 491.
[64]*See Edwards* v. *Arizona*, 451 U.S. 477 (1981).
[65]105 S.Ct. 490, 494-495 (1984) (Emphasis in original).
[66]*Miranda* v. *Arizona*, 384 U.S. 436, 444 (1966).
[67]*Id.* at 479. *See also* note 8 and corresponding text.

VICAP ALERT

Darren Dee O'Neall

aka Mike Johnson, Zebulan J. Macranahan, (Zeb or Jerry), Larry Sackett

DOB: 2/26/60
Used: 2/20/59, 3/4/59, 2/29/60

Height: 5'11"

Weight: 160

Hair: Blond

Eyes: Blue; sometimes wears gold wire-rimmed glasses

Tattoos: Small 5-point star on corner of left eye; "June" across left knuckles

Scar: Vertical on right cheek

Facial Hair: Sometimes wears well-trimmed beard & mustache or just mustache

Occupation: Wood lamination, salesperson, warehouseman, bartender, dishwasher, and cook; has sought casual labor at unemployment offices

SSAN: 146-52-6363
Used: 149-51-5137, 164-43-4991, 456-52-4993, 146-52-6362

FBI No: 688 124 X7

Driver's License#: CO B112045

Darren Dee O'Neall is at large and being sought for the following:

Murder - Pierce County, WA, Sheriff's Office

Rape - El Paso County, CO, Sheriff's Office & FBI UFAP

Auto Theft - Bellingham, WA, Police Department

DUI/Receiving Stolen Property/Eluding - Middleton Township, PA, Police

Habits

O'Neall reads Louis L'Amour western stories and has used as aliases either first or last names of characters in these books. He chain smokes Camel filters; has a fascination with knives and hatchets; talks about being a survivalist and past military experience as a Ranger and Green Beret; mentions being from Louisiana and going to Alaska. He generally wears cowboy boots, jeans, and a western shirt. O'Neall frequents bars with modern country western music, is involved with alcohol and drugs, gets in a lot of physical confrontations, and is described as a braggart. He stays 6 weeks to 6 months in one location. He is known to have had a .357 Ruger.

Crimes

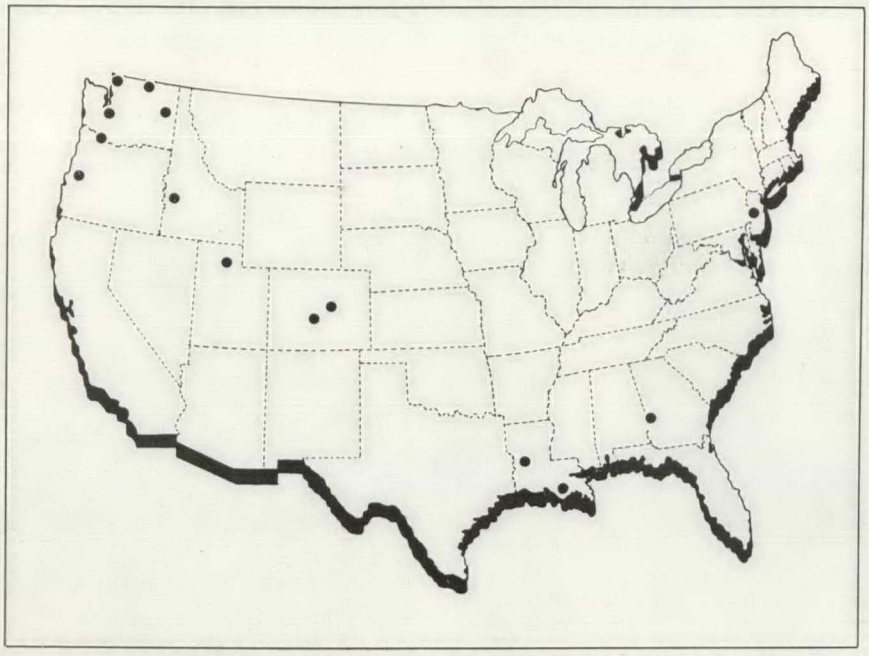
The following crimes are alleged to have been committed by O'Neall:

#1

A 22-year-old white female was last seen alive about 8:00 a.m. on 3/28/87 in Tacoma, WA, at a party also attended by O'Neall. The victim was to have gotten a ride home with O'Neall's girlfriend, but did not. At 1:00 p.m. on 3/28/87, O'Neall stopped at a friend's house to borrow some money. The friend walked O'Neall back to his vehicle and noticed the back seat being bumped from the trunk side, as if being kicked. O'Neall explained that his dog had misbehaved and was put in the trunk. At 6:00 a.m. on 3/30/87, O'Neall's vehicle was found abandoned near Arlington, WA. The victim's bloody parka and a pool of blood were found in

VICAP
NCAVC

VIOLENT CRIMINAL APPREHENSION PROGRAM



the trunk. The car had been reported stolen in November 1986, by a trucker in Nampa, ID, who had befriended O'Neall and housed him for 6 weeks. On 5/26/87, victim's skeletal remains were found in a wooded area about 50 miles east of Tacoma, WA. There was considerable blunt trauma to the head. Victim's clothing and purse were rolled up and hidden under a stump about 30 feet from the body.

#2

O'Neall is known to have been at the Lighthouse Mission in Bellingham, WA, on 2/20/87 and to have returned there on 4/2 or 4/3/87, then staying until 4/25/87. He was using the name Mike Johnson. On 4/24/87, a 29-year-old white female met Mike Johnson at noon in a bar where he had begun work that day. She met him again that evening and was last seen at 1:00 a.m. on 4/25/87 in his company. O'Neall was seen at 7:30 a.m., 4/25/87, when he returned to the Mission in victim's car and got his belongings. He then went to his job for about 15 minutes, took money out of the till and a fifth of Jack Daniels, and disappeared. Victim's car crossed into the United States from Canada at 9:58 p.m. on 4/26/87 and was recovered in Eugene, OR, at about 6:00 a.m. on 4/27/87. Victim's bed had two pools of blood on the mattress near the head and two sets of blood splatters on the headboard with blond hair adhering to one section. Victim had dark brown hair. Three blankets and victim's purse and ID are missing from the apartment and were not recovered in her vehicle.

Chronology of Whereabouts

Following is a listing of O'Neall's known whereabouts since 1976. More specific information is available from Det. Carlotta Jarratt, Bellingham, WA, Police Department, 206-676-6922.

1976-78 - Leesville, LA (also Alexandria and Morgan City, LA)

6/79 - Colorado Springs, CO

3/80 - Got married at Fort Carson, CO. Was in Colorado Springs and then moved to Spokane, WA

12/80 - Colorado Springs, CO

2/81 Back to Spokane. O'Neall joined the Army and went to Ft. Benning, GA, for basic. Went to Leesville, LA, before reporting to Bremerhaven, Germany

1981-2/27/82 - Bremerhaven, Germany

2/28/82 - Leesville, LA

3/1/82-2/83 - Colorado Springs, CO

3/83-10/84 - unaccounted time

11/25/84 - Colorado Springs

1/85-8/85 - Levittown, Morristown, Philadelphia, PA; Trenton, Camden, NJ; and Delaware

10/85 - Colorado Springs, CO

10/85-6/86 - unaccounted time

6/18/86, 7/31/86, 9/4/86 - Colorado Springs, CO (may not have been continuous)

9/12/86 - Colorado Springs, CO (parents eject him from their home)

9/13/86 - Stole employer's motor home from Colorado Springs; vehicle recovered in Salida, CO, on 9/20/86

9/21/86 - Ogden, UT - O'Neall was picked up at a truck stop and taken to Caldwell/Nampa, ID, where trucker offered him board. He stayed there until 11/2/86, when he stole the trucker's personal car. Vehicle recovered 3/30/87 in Arlington, WA, in connection with crime #1

11/3/86-3/29/87 - Olympia, Tacoma, Puyallup, WA

12/13-14/86 - Beaverton, OR

2/20/87 - Bellingham, WA

4/2-25/87 - Bellingham, WA

4/26/87 - Exited Canada via Osooyus, BC into the US at Oroville, WA

4/27/87 - Eugene, OR

4/27/87-present - Whereabouts unknown

Alert To Chiefs/Sheriffs:

This information should be brought to the attention of all homicide officers. If you have unsolved cases in your department which fit O'Neall's MOs or the time frames and locations listed, contact either the National Center for the Analysis of Violent Crime, VICAP, FBI Academy, Quantico, VA 22135 (703-640-1127); Det. Carlotta Jarratt/Det. Fred Nolte (206-676-6922), Bellingham, WA, Police Department; or Det. Walt Stout (206-591-7713), Pierce County, WA, Sheriff's Office.

Unusual Pattern

This pattern is classified as a tented arch. It is highly unusual inasmuch as the ridges rise perpendicularly and exit or tend to exit through the top of the impression.

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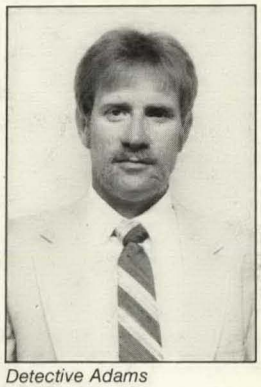
The Bulletin Notes

During a drug trial in April 1987, Sheriff J.D. Beatty, Howard County, IN, and Det. Jack Adams, Kokomo, IN, Police Department, were alerted by case detectives Joe Coate and Douglas Schultz of the Indiana State Police that the defendant had carried a suspicious-looking briefcase into court that morning.

Before the afternoon session, Sheriff Beatty invited the defendant and his attorney into his office to discuss a search of the briefcase, whereupon the defendant triggered a bomb in the briefcase, killing himself and seriously injuring Sheriff Beatty, Detective Adams, and Sheriff's Det. Don Howard, who had come onto the scene to offer assistance.

Had the defendant re-entered the courtroom with the bomb and triggered it there, other deaths and serious injury would have resulted. The Bulletin joins these officers' superiors in commending their alertness and bravery.

Sheriff Beatty



Detective Adams

Detective Howard