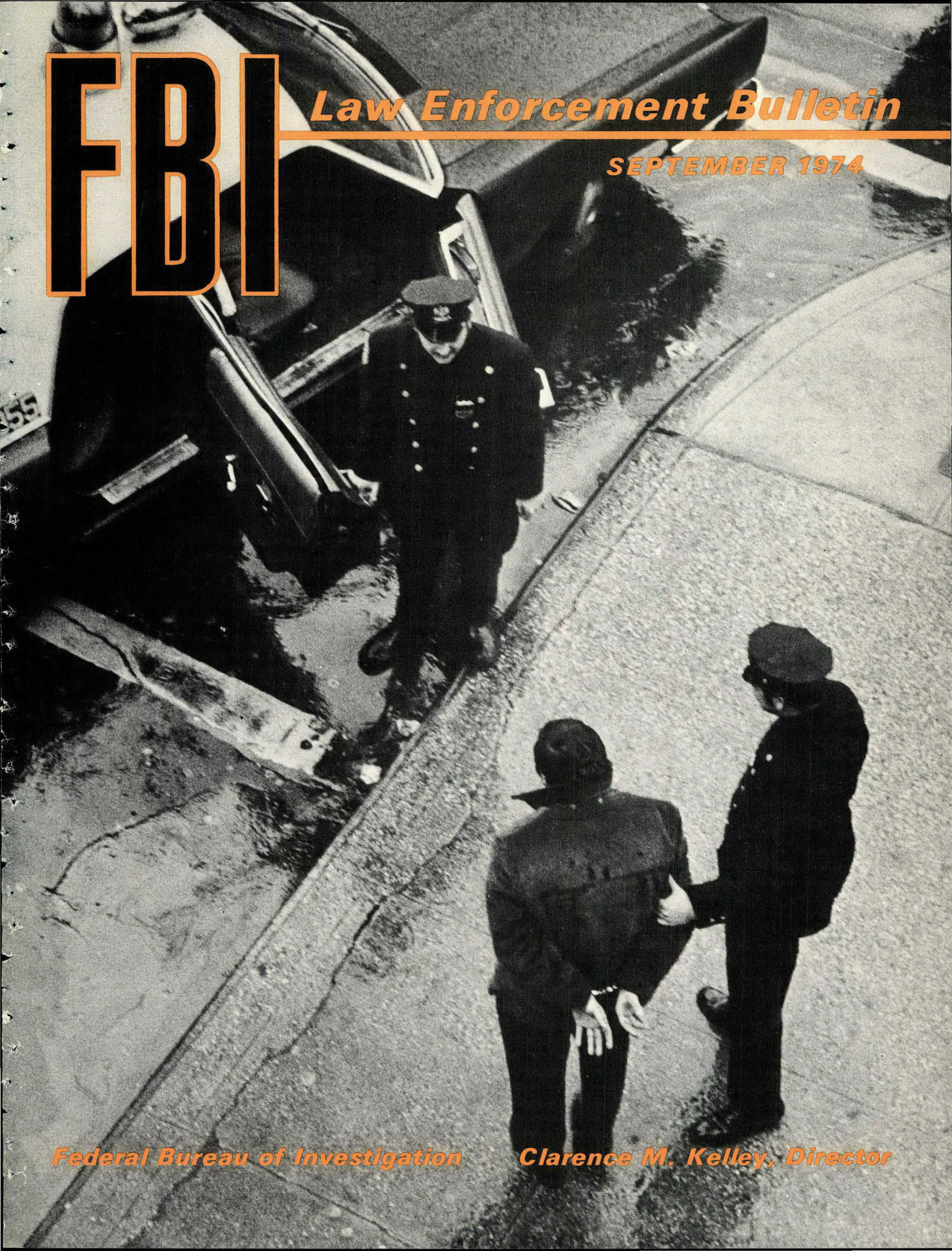
FBI Law Enforcement Bulletin

SEPTEMBER 1974



Federal Bureau of Investigation

Clarence M. Kelley, Director

FBI Law Enforcement Bulletin

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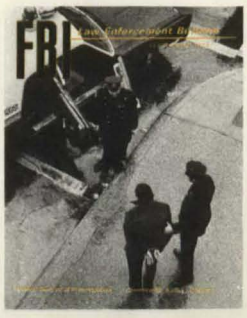
THE COVER

An arrest, as shown in this month's cover photo, often results from police intervention in family disputes. For alternative police methods of handling family squabbles requiring their attention, see article beginning page 3. Photo courtesy of Bureau of Public Information, Police Department, New York, N.Y.



Message from the Director . . .

THERE ARE STRONG REASONS to believe that the cost of "white-collar" crime dwarfs that of crimes of violence. Financial losses to the many victims of these offenses are estimated at over $41 billion annually. But the greatest cost is in the erosion of public confidence in institutions and persons from whom a meticulous regard for the law is expected.

What is white-collar crime?

It exists in many forms of fraud, government corruption, and conflict of interest, as well as in an unlimited range of dishonest consumer and economic schemes.

Who is the white-collar criminal?

He can be anyone, but usually he is a person untainted by any association with "common" criminals or common crimes. His techniques are subtle and his appearance is often deceiving. Rarely are there any coarse threats, physical abuse, or lethal weapons involved in his crimes. Indeed, the victims are frequently his patrons, his associates, or his constituency. Because the effects of his crimes are far-reaching, taxpayers-consumers are among his victims. They are generally unaware of being fleeced. There are good grounds for their innocence. The white-collar criminal characteristically has all the trappings of success and respectability. Not uncommonly, he is a prominent member of the community!

Because of the insidious nature of much white-collar crime, the public is not sufficiently sensitive to either its presence or its danger. To combat all manner of crime effectively requires an informed and alert public. People should insist on the same strict enforcement of the law for business and government officials who break the law that they demand for those without status. They ought to be as outraged when bilked by corporate fraud or government corruption as they are when assaulted and robbed by a stranger on the street. Moreover, to reinforce this heightened concern, the public must have confidence that its complaints will be heard, the facts responsibly investigated, and those found guilty—whatever their station in life—appropriately punished.

Recently, the FBI conducted a series of white-collar crime seminars at the FBI Academy which were attended by representatives from other government agencies, university lecturers, and businessmen, as well as key FBI personnel. These seminars were designed to improve investigations of white-collar crime and to educate participants about its scope and evils. To curtail these crimes, a four-phase program of research, training, intensified investigation, and increased public awareness has been developed within the FBI.

MESSAGE

It is essential that law enforcement agencies at all levels examine their priorities to make certain they are pursuing vigorously their responsibilities to detect and investigate white-collar crime. At a time when the fairness of the criminal justice system is most seriously questioned, the law enforcement profession must insure that, in the investigative process, there is truly equal justice under the law.

CLARENCE M. KELLEY
Director

SEPTEMBER 1, 1974

Police Response to Family Disputes

By
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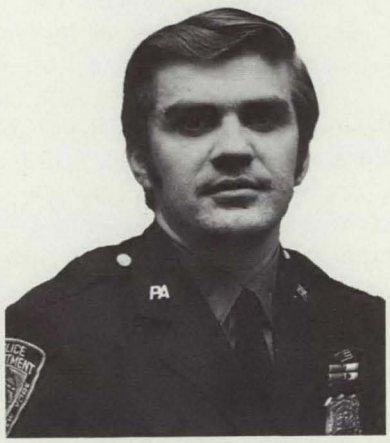
New York, N.Y.



Of the long and varied list of services charged to the ministry of police, few offer a better opportunity to demonstrate police professionalism than does the response to the family dispute. True, the family dispute can be dealt with simplistically. Arrests, admonitions, threats, ultimatums, cajolery—all old weapons in the arsenal of policemen—can in most cases provide a kind of truce. If producing a temporary absence of violence is the accepted standard, then using the old and tried procedures seems reasonable.

But the modern professionally minded police officer is no longer comfortable with that rationale. If police are to be recognized as professionals, they must give *professional* performance.

EDITOR'S NOTE: This article, which reviews the crisis intervention program of a large metropolitan police department, complements two recent articles with a related topic thrust, "Implications of Collaboration Between Law Enforcement and the Social Sciences," by Morton Bard, Ph. D., and "Crisis Intervention Training," by Robert T. Flint, Ph. D., which appeared respectively in the July and August issues of the BULLETIN.

Special Challenge

The dismal statistics stemming from family strife are familiar enough. They remind us that the disturbed family is a substantial incubator of much that consumes the police officer's time and attention. Homicides and assaults are only two offenses in a lengthy listing of crimes to which the family dispute contributes. In addition, the unpleasant home atmosphere that does so much to defeat the children may produce other effects not

quite so apparent. No one can deny that the aggregate damage to our society is enormous.

In a family crisis situation, the police officer has a special challenge. The call for police assistance is made when the condition is acute, when violence is occurring or imminent. An incident reaching a climactic stage is in most instances more revealing to the trained observer than the usually inhibited conduct likely to be displayed outside the home. This is not to suggest that in view of these circumstances police officers should assume pretensions in areas properly delegated to the trained therapist who specializes in fields of human behavior. It is rather that police officers' work brings them to situations of an emergency nature not generally available to the specialist.

What the disputants say to the officer and to each other in the officer's presence at a time of emotional stress provides valuable clues which are often suppressed and much less apparent in a chronic, "quiet desperation" stage characteristic of many troubled relationships. One might say that the police officer is in the same position as a physician who is called to see an acutely ill patient. Diagnosis in an acute stage of a disease can often be made with less difficulty because the symptoms are usually more classic and clearer. The doctor can with more assurance decide what process is indicated, better judge whether he is able to treat the patient himself or whether to refer his patient to a specialist. The police officer responding to a family dispute can be prepared by training to make an intelligent evaluation (diagnosis), give advice and counsel (treatment), or to refer to the proper agency (specialist).

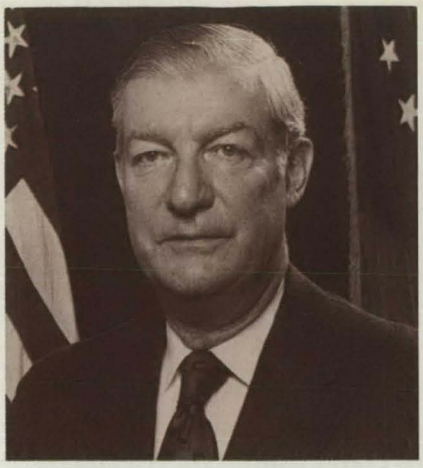
"Homicides and assaults are only two offenses in a lengthy listing of crimes to which the family dispute contributes."

Experimental Program

To prepare officers to successfully handle the complexities of family dispute situations, the Training Division of the New York City Police Department launched an experimental 2-year program in 1967. At that time, 18 patrolmen, all volunteers, were enrolled at City College of New York's Psychological Center in an intensive 1-month course on a full-time basis. Upon completion, the officers were delegated to work in a busy precinct located in Upper West Harlem, an area with a substantial minority population. Assigned to radio patrol cars as interracial teams and performing tours around the clock, they answered all family dispute calls.

Once a week, after completion of the training period, the officers met at the Psychological Center to participate in group discussions and attend classes. Cases encountered during the week and methods used for resolving the problems presented were analyzed in the presence of a consultant. Group discussions led by a member of the faculty were held regularly.

During the 2 years of the experiment, the results of applied techniques were appraised, and the effectiveness



Commissioner Michael J. Codd

of varied approaches was evaluated. Lessons learned were incorporated into a manual based on the sum of experiences of the patrolmen and upon conclusions resulting from analyses and discussions with the consultants and faculty members. Entitled "Police Response to Family Disputes," the manual was published by the Training Division staff in November 1969 and is the inspiration for its training program. It is explicitly stated that the function of training is not to pretend to produce experts in this complex field of social relationships. What training does claim to do is serve as a guide for police officers, providing "pragmatic approaches" for more effective police response.

A major finding of the experiment, as set out in the manual, is the effect "first-impression-police-intervention" can make upon the disputants and their response to the officers' efforts to help them. The importance of making the disputants realize that there exists an obvious and genuine concern on the part of the police officers is highlighted. Certain precautions are

"In a family crisis situation, the police officer has a special challenge. The call for police assistance is made when the condition is acute, when violence is occurring or imminent."

stressed. For example, the dignity of the principals must be respected. Only in this way can the vital ingredient of rapport, essential for communication, be established and a solution reached. The often-overlooked ceremony of mutual introduction, with the officers giving their full names and titles, is stressed as one of the factors contributing to an atmosphere of understanding and assurance. Being neat in appearance, casually sitting around the kitchen table or on the living room sofa, and above all, maintaining calm, modulated voices and an attitude of genuine concern are also considered necessary aids to any solution by officers to family disputes.

Diagnosis and Treatment

The types of disputes can be classified as: violent, verbal, involving children, and involving alcohol. There may be, and often are, combinations of these categories. Characteristics, evaluations, types of reactions, remedies, and precautions were studied. Parent-child relationships were analyzed and classified, with focus placed on the "battered child" problem.

Of significance are the techniques of eliciting pertinent facts, making knowledgeable observations, and gathering valuable data essential for the officers in diagnosing the basis for the crisis and arriving at a determination concerning how to resolve it. Among the desired information are the legal status of the marriage, relationship of the disputants, names and addresses, length of time at residence, ethnic backgrounds, occupations, and economic status. Even the quality of the housekeeping can be significant. Of course, so is the number of times prior incidents requiring police intervention have occurred.

The "courses of action" officers can take fall into three categories: mediation, referral, or arrest. Mediation is applicable when the officers are convinced by an accumulation of data and through observation that the situation is amenable to the kind of advice and counseling within the range of their competence.

"The 'courses of action' officers can take fall into three categories: mediation, referral, or arrest."

Referral is made on the basis of a condition recognized as too complex for the officers to handle. Their training, nevertheless, enables them to decide upon the specific public agency appropriate for the needs of the family.

Arrest is indicated, of course, upon complaint or evidence of a criminal offense. Additional legal steps exist if there is reason to believe that any violence or disorder will continue when the officers leave. When an arrest takes place, the officers should instruct the complainant of the necessity for him to appear in court and of his responsibility to give testimony. If the complaint is superficial—an alleged assault which, for example, has resulted in no apparent injuries worse than the hurt feelings of the complainant—the officers should clearly look for an alternative to arrest. It is good technique to convince an outraged housewife bent upon teaching her errant spouse a lesson that there are considerable disadvantages to her and any other family members if the breadwinner spends time in jail. She should be made aware that an arrest rarely solves a family problem.

Training

Presently incorporated into the curriculum of the Training Division are four 1-hour periods of classroom instruction which relate to the subject of family disputes. The detailed training includes orientation, analysis, and evaluation of disputes as well as the investigative procedures to be followed. The classes are taught by skilled Training Division instructors who have been given a thorough indoctrination in theory and practice.

After completion of the 4 hours of instruction, 3 to 5 hours of "workshop" training follows. The workshop has four phases, with the first consisting of several case histories—true incidents—each of which involves different sets of relationships, that is, mother-daughter, father-son, wife-husband, et cetera. They depict classic family dispute situations and present examples in which successful techniques were applied.

The second phase of the workshop portion of the training consists of a series of skits, each of which presents a dispute situation. Some of the problems portrayed are deliberately complex. The scenes are usually a living room or kitchen, and the background of the characters is explicitly described in the text in order to provide the class with realistic personalities. (In an actual situation, the officers would elicit this data.) As an example, note the following character descriptions from one of the skits which poses an often-encountered domestic problem:

> "Husband—Weak-willed and subservient type who will go along with anything that is said as a price for being allowed to continue drinking. He is an alcoholic and has sacrificed his position as head of the family. He is unemployed.
>
> "Wife—Very forceful and domineering in her actions and conversation. Unyielding and difficult to communicate with. Takes delight in controlling her husand. Although pretending to want to help him, she contributes to his alcoholism by leaving money so he can buy

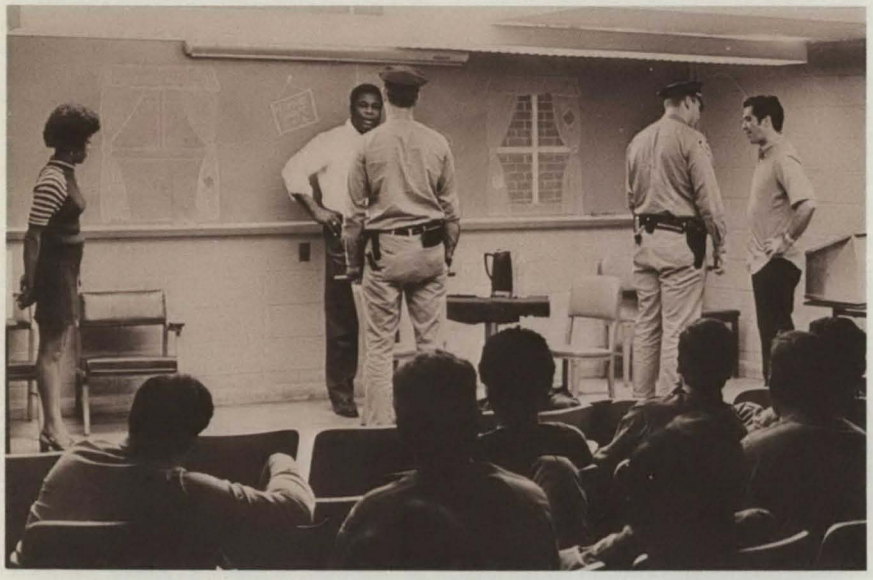
liquor. She is the breadwinner. She will try to dominate the police officers who must answer her call for assistance."

The dialogue in the skits sets the climate, providing more facts for the audience and those members of the class selected as "responding police officers." After the "police" arrive at the scene, all the principals in the skit resort to role-playing to determine the outcome. The conversation and action at this point are improvised, dependent on the decisions of the officers and the reaction of the disputants. This part of the workshop is termed the third phase.

In the fourth phase, the class scores the responding officers on their use of the technique taught them. The scoring is based on a table of salient points listed for each skit. A critique and discussion follow, with the instructor leading the class in correcting mistakes the officers may have made. Each skit is concluded with a commentary by the instructor pointing out elements that may have been overlooked in the discussion.

The Rewards

The eventual success of professional approaches to the handling of family disputes lies with the willingness and ability of police administrators to commit the necessary manpower and resources to their development and implementation. The administrator, in arriving at a decision to institute any such program, must weigh advantages against disadvantages. The advantages of reducing repeat calls and arrests is obviously an argument to balance objections to, for example, time consumed in the dispute-technique process. Less obvious, but no less practical, are the cumulative effects of successful family dispute technique upon the social climate of the community, to say nothing of improved relations between the police and public. "Investing" time now for "profit" later is an argument certainly worth considering. If the ideals of helping people in trouble, salvaging citizens' lives, and saving officers' lives are added, the argument for special family dispute efforts moves beyond economic considerations and grows stronger.



A portion of the training consists of a series of role-playing skits of family dispute situations which are reenacted by police officers.

"An openly demonstrated drive by police to do well at a job requiring sympathy, understanding, and concern can do much to blunt the edge of rancor frequently turned against them."

No little source of discord in the police-community relationship has been the persistent assertion that policemen often seem indifferent to the troubles of people who must call upon them for help. A family dispute program can help soften many of these critical voices. An openly demonstrated drive by police to do well at a job requiring sympathy, understanding, and concern can do much to blunt the edge of rancor frequently turned against them. The police officer knows what having a good relationship with the community means in terms of cooperation and what cooperation means in the fight against crime. Once the barriers begin to go down, there are rewards for everyone.

ANTICIPATING THE FUTURE

". . . this graduation was symbolic of a growing nationwide tide of law enforcement officers who are meeting the grave challenges ahead armed with the finest training their profession has to offer."

People Who Make Things Happen . . .

The graduation exercises of the 97th Session of the FBI National Academy were a large success on many counts. Foremost among these were an outstanding talk given by the class president, Supt. David L. Allan, Her Majesty's Inspectorate of Constabulary for Scotland, Edinburgh, Scotland; a forthright address by the Honorable William B. Saxbe, U.S. Attorney General; and the milestone set by the 8,000th graduate in a class which raised National Academy alumni to a total of 8,173 strong.

Most significant, however, is the fact that this graduation was symbolic of a growing nationwide tide of law enforcement officers who are meeting the grave challenges ahead armed with the finest training their profession has to offer. As class spokesman Allan viewed the role of training: "The exchange of ideas and information is invaluable in the learning process. . . . The flow of knowledge today is as relentless and as uncompromising as a river in torrent. It imposes on us the new requirement that we not merely adjust but that we anticipate the future."

Perceptively, Superintendent Allan concluded that the world consists of "people who make things happen, people who watch things happening, and people who don't know what is happening." "[W]e," he urged, "are returning to our departments to make things happen."

FBI Director Clarence M. Kelley next introduced the featured speaker, Attorney General Saxbe, to the 97th Session members and the throng of friends, family, associates, and well-wishers who came to witness the graduation on June 20, 1974, in the auditorium of the FBI Academy located on the U.S. Marine Corps Base, Quantico, Va. While acknowledging the difficulties of law enforcement work and its growing complexities, Mr. Saxbe noted that the "public is demanding that we find ways to enforce laws that do not violate standards of decency and fairness." He emphasized that police officers, however well intentioned are their actions, should avoid the "unfavorable image of being oppressors of rights of our citizens. I thoroughly believe that law enforcement can protect both the rights of the individual and the rights of society."

"I believe crime can be reduced only if we . . . [strive for] excellence" and come to "a full realization that fairness is an integral element of law enforcement."

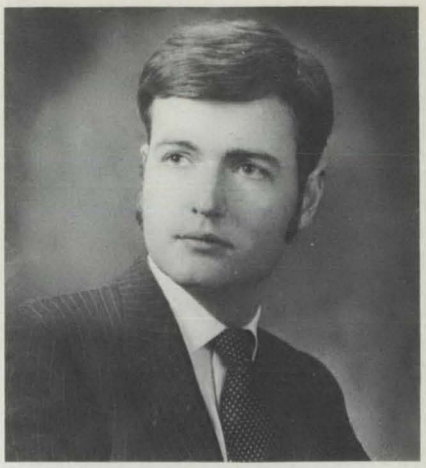
Following Mr. Saxbe's address, Director Kelley introduced a number of distinguished guests in the audience, including Mrs. Saxbe; Mr. Quinn Tamm, Executive Director of the International Association of Chiefs of Police (IACP); and Lt. Col. William R. Bracke, Cincinnati, Ohio, Police Department, who is president of the FBI National Academy Associates.

Insp. James V. Cotter, FBI Training Division, then presented the graduating class to Mr. Kelley, who awarded each member with a diploma.

The graduation exercises were concluded with the benediction delivered by Lt. Comdr. Albert W. Stott, Chaplain Corps, U.S. Navy, who gave the invocation at the outset of the program, and the playing of the National Anthem by the U.S. Marine Corps Band, which earlier had performed a splendid collection of musical arrangements.

With the graduation of the 97th Session, the number of FBI National Academy members who occupy top executive positions in their agencies now stands at 1,028. Of these, 758 are chiefs of police, 148 are sheriffs, 8 are heads of State police organizations, and 114 others hold positions as heads of their agencies. These graduates are impressive credentials for the value of professional law enforcement training.

Hundred Clubs Nationwide



By
ORDWAY P. BURDEN
Chairman
Hundred Clubs Informational Council
New York, N.Y.

On May 4, 1974, representatives of Hundred Clubs, which provide benefits to families of law officers killed in the line of duty, gathered in New York from all over the Nation and formed the Hundred Clubs Informational Council.

The national meeting came in the aftermath of serious events. During 1973, 134 local, county, State, and Federal law enforcement officers died in the line of duty. Mr. Clarence M. Kelley, Director, Federal Bureau of Investigation, commented on these killings in his monthly BULLETIN Message (April) to law enforcement officers. The number is a "sorrowful figure" and "tragic count," said Mr. Kelley. "Even more grievous, perhaps, than the loss of these valiant officers' lives," he continued, "is the fact that their deaths left nearly three times their number in immediate family survivors. The fabric of considerably more than 300 lives of men, women, and children was severely torn with the loss of a husband, a father, a son, or a brother."

Some 53 clubs have been formed across the Nation, and I hope the idea of the Hundred Club will reach into every State. These clubs are known by a variety of names—100 Clubs, 200 Clubs, Shield Clubs, Blue Coats, Backstoppers, for example—but all have the same goal, assistance to survivors of public safety officers. There are other groups, for example, Heroes, Inc., of Washington, D.C., that are not affiliated with the Hundred Clubs but serve the same worthwhile cause in a similar manner.

Fifty-five officers and directors, representing some 20 Hundred Clubs from Florida to Michigan and from Arizona to New Hampshire, as well as chiefs of national fraternal police organizations, attended the all-day session to hear Congressmen Mario Biaggi and Hamilton Fish, Jr., of New York outline the benefits of the Public Safety Officer's Benefits Act of 1974 (H.R. 11321). Other speakers represented national police organizations.

These clubs are organizations, composed primarily of public-spirited citizens, which raise funds through dues, initiation fees, and/or contributions to provide assistance to surviving family members of public safety officers who die in the line of duty.

"The Hundred Clubs Informational Council . . . will be a central clearinghouse for the exchange of information on what clubs are doing and a source of information on legislation . . . affecting the law enforcement profession."

There are often no distinctions drawn between calamities. Survivors of a police officer felled by an accident while directing traffic are provided the same benefits by some club charters as the family of an officer gunned down in a nationally publicized encounter with desperate criminals. Such financial assistance has eliminated the unfortunately common spectacle of voluntary collections being made following an officer's death that often fall woefully short of meeting fundamental needs.

In the free exchange of club experiences at the conference, it was learned that the initiation fees and dues differ significantly. Some clubs charge $100 initiation fees and $100 dues an-

"These clubs are organizations . . . which . . . provide assistance to surviving family members of public safety officers who die in the line of duty."

nually, while others require $200 on both counts. Still others have initiations fees and no dues, some rely solely on voluntary contributions, some obtain as much as $1,000 from members on a one-time basis, others have graduated contributions for individuals and corporations. Most clubs have limited memberships of 100, 125, 200, or the like. One club, the Hundred Club of New Hampshire, has 400 members and is seeking a 500 limit.

Originally, when the Detroit, Mich., Hundred Club, the first in the Nation, was formed in 1950, benefits were only for the survivors of policemen killed in the line of duty. Through the years, with the creation of more clubs elsewhere in the Nation, coverage has been expanded. Oftentimes clubs now extend assistance to survivors of firemen, marshals, correction guards, and the like. Many cover State troopers and Federal law officers, and a growing number include conservation law officers in their charters. Some of the clubs now give awards to officers who demonstrate exemplary performance in the course of their duties.

In the discussion by the delegates to this founding meeting, each told of his or her club and its origin, function, and achievements or problems. Many representatives mentioned that a member is expelled from the club if he attempts to use his membership to influence a law officer in any way. Each said his club attempts to give monetary assistance to the widow and children of the officer soon after the tragedy to help with the financial blow that befalls the family. A followup by officers of the club determines the extent of the family's debts, and attempts are made to rectify them.

A representative of the Hundred Club of Orange County, Fla., said the widow of an officer receives a $1,000 check within 24 hours of the tragedy. The club guarantees 1 year of debt-free living (mortgage, car payments, department store debts, for example, are paid), up to $15,000.

The Hundred Club of Denver, Colo., delegate said his unit has obtained insurance coverage at a premium of $1,500 a year. It provides coverage up to $500,000.

Jack Dudek of Cleveland, former national president of the Fraternal Order of Police, outlined how the first club was started in Detroit by one man, who raised $7,800 for the widow of a slain Detroit police sergeant. Then he hit upon the idea of a permanent club of citizens devoted to caring for the families of policemen slain in the line of duty. The concept spread to Cleveland in 1956, and the Blue Coats of Cleveland expanded its coverage to include firemen.

The president of the Blue Coats of Milwaukee, Wis., said his club presents the widow with a $2,500 check within 24 hours and a $1,000 check every Christmas. Youngsters get $150 savings bonds at Christmas. It is setting up a scholarship fund now.

The Hundred Club of Dayton, Ohio, representative explained that his organization has 150 members and the dues vary, depending on the need of the treasury. Membership last year was $150 a year. Since there were two deaths last year, dues this year are $200. The Dayton unit has an annual dinner at which a policeman and a fireman who have demonstrated exemplary performance receive $750 each.

In line with the discussion about doing more for law officers before a tragedy strikes, the 200 Club of Essex County, N.J., delegate said his unit gives valor awards annually to a policeman, a State trooper, and a fireman.

"Much of the meeting was taken up with discussion of how the clubs could improve their effectiveness."

Much of the meeting was taken up with discussion of how the clubs could improve their effectiveness. Included among the suggestions was the concept that the clubs become more active in their overall support of police agencies and their personnel.

"With the continued assault on law enforcement officers . . . people will find themselves effectiveless," Congressman Biaggi told the delegates during his speech. "But . . . the members of the Hundred Clubs can make their presence and influence felt simply by communicating to . . . friends and segments of the nation [the need for police support by the citizenry]. So, rather than be stilled in your efforts, I would suggest that you enlarge them, amend your original purpose, broaden your scope and meet the challenge.

"Since the beginning of time, those vested with the authority of police powers have always been the subject of assault," he commented, urging that because of this it is very important that the police officer be supported. He spoke of the support which the Hundred Clubs can continue to provide if a survivors' bill is enacted.

Congressman Fish discussed in detail the Senate (S. 15) and House (H.R. 11321) bills on public safety officers' benefits, comparing the two versions and bringing the delegates up to date on the status of the legislation. Generally, these bills would provide Federal assistance to the surviving dependents of police and certain other public servants, as is now being partly met by the voluntary efforts of the Hundred Clubs.

John J. Harrington, national president of the Fraternal Order of Police, also urged the delegates to take a more

vocal stance in support of law enforcement. He discussed the vote on the survivor bill and compared its lower cost to other legislation approved the same day.

Robert D. Gordon, executive director of the International Conference of Police Associations, said the clubs can be doing something for the law officer alive today to stay alive. He said radicals and reactionaries are extremely vocal and certainly get enough publicity.

Coordinated efforts by the Hundred Clubs will certainly result in greater effectiveness. The Hundred Clubs Informational Council, the first of its kind in the Nation, will be a central clearinghouse for the exchange of information on what clubs are doing and a source of information on legislation in various stages affecting the law enforcement profession.

Witnessing the enthusiasm of Hundred Club representatives and learning of their exceptional accomplishments were encouraging to me and, I am sure, to other delegates.

From left to right, Jack Dudek, former national president, Fraternal Order of Police, is greeted by John J. Harrington, national president, Fraternal Order of Police, and the author.

BOMBINGS WARRANT INCREASED SECURITY

In view of recent bombings of public and private offices, for which the "Weather Underground" has claimed responsibility, law enforcement officers and security personnel throughout the country should take greatly increased precautions to protect lives and property within areas of their responsibility.

Investigation of these bombings indicates that in each instance the bomb utilized was a time-activated explosive device which was probably transported into the victim building in a briefcase or similar carrying case and then left in the corridor adjacent to the targeted offices. In one case, the primary suspect entered the building on two separate occasions on the pretext of utilizing its library facilities for research purposes. He was apparently able, on both occasions, to avoid examination of his briefcase by security personnel for the building. On the latter occasion, it is probable the briefcase contained the explosive device which later detonated after having been left in the corridor.

In view of these recent occurrences, and the propensity of the Weather Underground to select public and private buildings as targets for its terrorist activities, it is felt that all building managers and security personnel should intensify their alertness to possible bombing attempts and maintain the strictest security precautions to guard against them. Recently entrance into many Federal buildings, particularly, has been easily gained without the display of credentials or the inspection of the contents of briefcases. Negligence of this type serves to invite bombings and other terrorist acts.

PRISONS— A Target of Revolutionaries

"Inmates today . . . present a far greater challenge to prison officials than in former years. . . . Many . . . see themselves as political prisoners, regardless of their type of offense. . . ."

"All prisoners are political prisoners!"

"Prisoners will lead the revolution!"

"Tear the prisons down!"

"Frameup!" "Repression!" "Concentration camp!"

These slogans, and many similar ones, have often been heard in connection with prison disturbances in recent years. In some instances, such expressions were apparently intended to evoke a violent and "revolutionary" response. Was that their real purpose? Who are these sloganeers? Do they seek reform or riot in the prisons? What is their effect on prison inmates?

HCIS Investigation

By means of extensive investigation conducted last year, the Committee on Internal Security of the House of Representatives (HCIS), under Chairman Richard H. Ichord of Missouri, undertook to provide answers to the questions at left. One outgrowth of the valuable HCIS work in this area was a 3-day meeting, at the FBI Academy in Quantico, Va., of approximately 100 ranking correctional officials from across the Nation and representatives of the FBI. These men came together not only to exchange information concerning revolutionary activity directed against the penal system but to discuss and analyze that problem and to "hammer out" specific proposals for responding to it. With a foundation of cooperation and dedication that was evidenced by all participants, the symposium was highly successful. An understanding of how this remarkable meeting came about, and exactly what it involved, requires a closer look at the work of HCIS.

In February 1973, HCIS resolved to examine allegations that groups committed to Marxist revolutionary theories and practice were exploiting the issue of prison reform and had become a source of some of the unrest then afflicting the Nation's prisons. As noted in its report entitled "Revolutionary Target: The American Penal System" (prepared and released by HCIS, 93d Congress, 1st session, December 18, 1973), HCIS did not focus primarily on the sociological problems involved in prison reform, since these were outside its purpose. The issues of probation, parole, sentencing, inmate living conditions, availability of legal services, inmate crime, prisoner's rights, rehabilitation, recidivism, and the like, were dealt with, Chairman Ichord said, only to the extent these matters were affected in some way by the activity of revolutionary groups. The HCIS report also noted that various other committees of the Congress had studied problems related to prison reform. In the HCIS report, he stressed that committee members were by no means insensitive to these other problems concerning prisons and noted that, under the committee's mandate, HCIS is restricted to investigations of organizations and groups which seek to overthrow the Government by unlawful means.

In beginning its investigation, HCIS gave consideration to population, geography, and reported locations of activity by revolutionary groups and decided to concentrate its investigation on the States of New York, California, and Ohio. Numerous witnesses were heard, representing Federal and State correctional systems, and much investigation was done by the committee staff. Evidence

"Evidence was produced and documentation accumulated that Marxist revolutionary groups were indeed making a substantial effort toward prison agitation and disruption."

was produced and documentation accumulated that Marxist revolutionary groups were indeed making a substantial effort toward prison agitation and disruption.

The committee concluded that the degree to which revolutionary efforts contributed to inmate unrest and actual rioting could not be measured but noted testimony by correctional officials that there was such a relationship.

In concluding its report, HCIS said that the correctional officer must know the nature of revolutionary groups, their leaders, and their activities which might affect his ability to maintain a safe and effective institution. Some correctional officers do not have sufficient information of this nature, the committee found. A solution which should provide needed information to correctional officers was suggested by HCIS. This solution was the involvement in this problem of the Department of Justice, through the joint efforts of the FBI and the Federal Bureau of Prisons.

Director Clarence M. Kelley of the FBI promptly advised Attorney General William B. Saxbe that he shared the expressed concern of HCIS and that he intended to assist correctional officers in this matter. Representatives of the FBI, Director Kelley said, were being authorized to contribute to the training programs held by correctional systems.

National Symposium

Director Kelley, in response to the Attorney General's query as to what the FBI could do, proposed that the FBI sponsor a "National Symposium on the American Penal System as a Revolutionary Target." This symposium was held June 19–21, 1974, at the FBI Academy and was opened by Director Kelley, attended by members of his staff, and by approximately 100 officials from the Federal Bureau of Prisons and from Federal, State, county, and military correctional institutions. In their remarks to attendees, both Director Kelley and the Honorable Norman A. Carlson, Director of the Federal Bureau of Prisons, observed that this symposium was a notable "first" in that it provided the first opportunity for such a varied group of correctional officials to meet with each other and with the FBI.

In his welcoming address to members of the symposium, Director Kelley conveyed his personal desire that the FBI provide assistance to correctional officials "whenever and wherever appropriate and possible as we pursue our responsibilities." He referred to the HCIS report as an excellent study which focused attention on the efforts of outside revolutionaries to influence the behavior of prison inmates. Director Kelley also spoke of the HCIS conclusion that prison authorities needed more information concerning these revolutionary elements and said he had instructed that the FBI "promptly furnish to correctional officials all pertinent information regarding revolutionary groups and their activities touching on the prison system."

While law enforcement and corrections may be at opposite ends of the criminal justice system and far apart in terms of their responsibilities and even in their attitudes toward crime and criminals, Director Kelley pointed out that "both provide critical functions in society's response to crime." "Certainly," he said, "the threat represented by those of revolutionary mind and practice requires that all of us team up in a thoughtful, rational, and cooperative manner to reduce that risk and danger to an orderly society. Our efforts, however, must provide for the legitimate rights of all those involved—law enforcement, the correctional system, and the inmates themselves."

Chairman Ichord of HCIS was the keynote speaker to the symposium on its opening day. To the issue of advocacy of violent revolution, he said, "Commonsense supported by experience tells those of us who live in the real world that there is a causal relationship between words of incitement and action. If the idea of violent revolution is consistently advanced, it just might be that someone will act unlawfully upon it. . . ."

In recognition of the extremely difficult and complex job of correctional officers, Chairman Ichord said to them: "You necessarily do your work in an unnatural environment with unwilling subjects in whom the flaws of human nature are aggravated. You are required to bring expertise to bear on your work from the fields of public administration, sociology, psychology, psychiatry, medicine, manufacturing, labor relations, education, housing, nutrition, religion, and probably many others I know nothing about.

"Your work has usually been ignored by the general public and the government, except for the public's periodic attacks of conscience or legislative grandstanding leading to re-

form proposals such as you have been experiencing the past several years.

"You must deal with legislatures which have been notoriously tight-fisted when it came to spending money on those whose acts prompt vengeful feelings on the part of the taxpayer.

"You are afflicted by the do-gooder who accepts without question the inmate's sad description of maltreatment at your hands.

"And then you have the hardliner who thinks you are soft if you take any progressive steps to improve the inmates' condition and encourage rehabilitation."

Chairman Ichord said the problems faced by correctional officers were well expressed by Supreme Court Justice Powell in the case of *Procunier* v. *Martinez*, decided in April 1974: "Prison administrators are responsible for maintaining internal order and discipline, for securing their institutions against unauthorized access or escape, and for rehabilitating, to the extent that human nature and inadequate resources allow, the inmates placed in their custody. The Herculean obstacles to effective discharge of these duties are too apparent to warrant explication. Suffice it to say that the problems of prisons in America are complex and intractable, and, more to the point, they are not readily susceptible of resolution by decree. Most require expertise, comprehensive planning, and the commitment of resources, all of which are peculiarly within the province of the legislative and executive branches of government."

Chairman Ichord praised the men of correctional systems for their motivation in "doing in a professional way a job which must be done, with the knowledge that you are serving society and—in probably more cases than the public knows—helping to restore human beings to positions of worth and dignity."

On the point of "issue exploitation" by revolutionaries, Chairman Ichord recalled the antiwar movement had previously been used by those "trying to drive a wedge between the people and the Government." When the antiwar movement waned, prison reform was, he said, a "readymade issue for exploitation by revolutionary groups." He added: "In a society which is traditionally compassionate to the underdog, it was easy to portray Government as repressive and the inmate as its victim."

The principal problems identified by HCIS in its study were summarized by Chairman Ichord as those involving the influx of revolutionary literature into the prisons, inflammatory correspondence between inmates and known revolutionaries, and personal contacts with inmates by members of revolutionary groups under the guise of the attorney-client relationships. Basic to these, he said, was the problem of educating correctional officers concerning subversive activities. He emphasized that HCIS by no means concluded that all prison problems could be attributed to revolutionaries: "All we are saying is that this is just one in a whole series of problems connected with the work you do, but it is one which seems to have been neglected, probably because it was outside the experience of most correctional officers."

On the afternoon of opening day, the symposium was privileged to hear an informative address by Director Norman A. Carlson. He highlighted the change in the type of offender received by the prisons. While the number one offense category in the Federal prisons 10 years ago was car theft, today the number one offense category is for armed bank robbery, followed by narcotics violations. Director Carlson noted that roughly 50 percent of the total inmates committed during the past 2 or 3 years were committed for either armed bank robbery or for major narcotics violations, primarily the sale, transportation, and importation of heroin and cocaine.

Inmates today, Director Carlson said, present a far greater challenge to prison officials than in former years and are more difficult to deal with in terms of their concept of authority. Many offenders see themselves as political prisoners, regardless of their type of offense, who should not be held responsible for their criminal acts. This notion, as analyzed by Director Carlson and the Federal prison system, comes primarily from groups outside the prisons and obviously gives the inmates a distorted image of themselves and the system. Such groups, however, are few, he said, compared to the number of others, such as religious groups, bar associations, and chambers of commerce, which have shown a great interest in trying to help improve the correctional system.

In addition, Director Carlson pointed out that only a very small percentage of the total inmate population becomes involved with groups that

". . . roughly 50 percent of the total inmates committed during the past 2 or 3 years were committed for either armed bank robbery or for major narcotics violations. . . ."

want to destroy the system. This small group of inmates, however, requires a tremendous and disproportionate investment of resource allocation from prison administrators. "There is no question in my mind," he said concerning revolutionary groups, "that these groups do present a very definite threat to the internal order and security of the (penal) institutions. The question is: How do we respond?" In answer, Director Carlson recommended correctional staff training to assure that the staff understands what the revolutionary agitators are trying to do. He cautioned, however, that prison authorities can always expect criticism. Rather than seeking excuses or placing blame for prison problems on agitators, the courts, or the press, he asked that correctional officials increase contact with the courts, the press, and the public at large to explain the job and goals of corrections systems. There must also be, Director Carlson said, a willingness to change policies and procedures when deficencies are found. He quoted Attorney General Saxbe to the effect that what is needed is neither liberal nor conservative, but only effective, correctional systems.

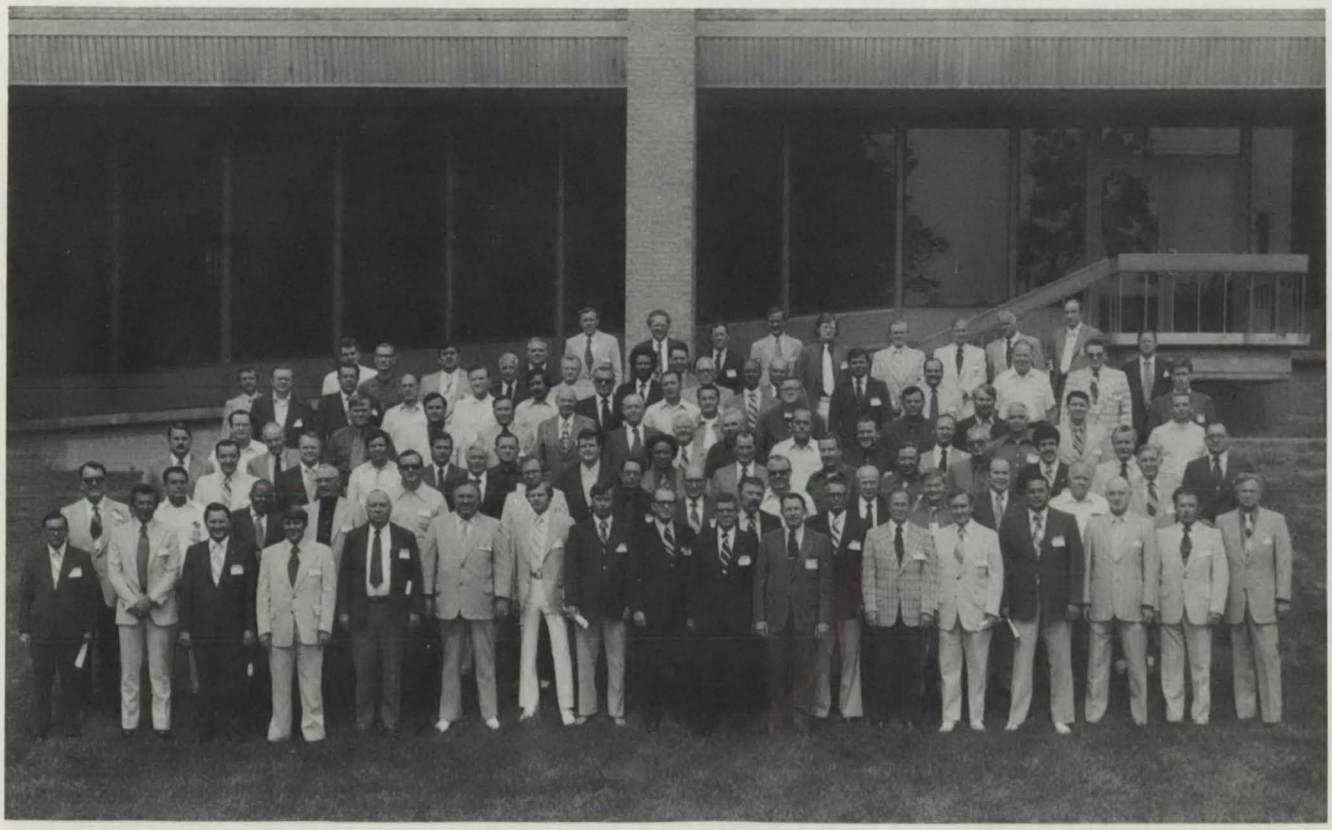
Following Director Carlson, Warden John Norton of the Federal Correctional Institute in Danbury, Conn., and Warden Loren Daggett of the U.S. Penitentiary at Leavenworth, Kans., spoke on specific problems of interest at their institutions, relative to the subject matter of the symposium.

Discussions and Workshops

During the symposium, several FBI spokesmen worked toward bridging the information gap identified by HCIS. Detailed presentations were afforded correctional officers on the origin and tactics of urban guerrilla warfare and on the nature and activity of extremist and subversive groups attempting to influence prison inmates. Information was furnished on the history of a number of revolutionary and violence-prone organizations, with emphasis on their efforts to exploit the legitimate issue of prison reform. Literature originating with these groups which was aimed at prison populations was identified and exhibited. Instances were related where individual leaders and members of these organizations have been convicted and committed to prison for crimes of violence. Such instances were of particular interest to members

". . . some inmates, previously trained by outside revolutionary groups in tactics of disruption, have continued efforts to employ these tactics inside the prisons."

Shown are correctional officials and representatives of the FBI who participated in the National Symposium on the American Penal System as a Revolutionary Target.



A Different View

Policing Land

"The immense inpouring of visitors . . . the peculiar physical layout . . . the intensive use to which the parks and parkways are put . . . accentuate the demands made upon the police department."

Churning rapids, a roaring waterfall, and a deep gorge slashing through the landscape combine to form a picture of rugged scenic splendor. Designed by 120 million gallons of water dropping 326 feet every minute in the 34-mile course of the Niagara River, this creation of Mother Nature attracts several million visitors to Niagara Falls each year. It is now part of the New York State Reservation at Niagara Falls, the oldest State park in the United States, which is the key park of the Niagara Frontier State Park System. It was created to preserve, and make accessible to all, the scenic beauties of the magnificent cataract of the Niagara River which connects Lake Erie with Lake Ontario, and also serves as part of the international boundary between the United States and Canada.

Several parks and parkways are also under the Niagara Frontier State Park and Recreation Commission. These extend throughout western New York State and include facilities for camping, picnicking, swimming, and sunbathing on large sandy beaches.

Aerial view of Niagara Falls depicts the New York State Reservation on the left.

Police Functions

The Niagara Frontier State Park Police Department has the primary responsibility for the enforcement of laws within the parks and parkways of Erie and Niagara Counties. It is one

of the symposium since some inmates, previously trained by outside revolutionary groups in tactics of disruption, have continued efforts to employ these tactics inside the prisons.

Very pertinent and enlightening presentations were also made concerning prison problems by Correctional Sgt. William E. Hankins, California State Prison at San Quentin, Calif., and by Det. Lt. Insp. William A. Miller, Massachusetts State Police.

An evening session of the symposium was devoted to workshops of 10 to 12 participants each. For several hours, each workshop labored to answer distinct and pressing questions, such as those concerning the handling of revolutionary literature directed toward prison inmates, the question of causal relationships between words of incitement and action, additional training of correctional staffs, and many others. On the final morning of the symposium, an elected representative of each workshop reported the results to the entire assemblage. That the workshops were productive was evident from the skillful and knowledgeable presentation by each workshop spokesman and from the enthusiastic response each report received.

"'If the idea of violent revolution is consistently advanced, it just might be that someone will act unlawfully upon it. . . .'"

Recommendations

Some of the conclusions and recommendations developed in these workshops were: A training program is necessary to enable correctional staffs to intelligently and effectively cope with the challenge posed by revolutionary activists outside the prisons and their inmate allies inside; coordination between prison authorities and law enforcement should be increased and maintained through regular liaison; legal counsel trained in prison problems must be readily available to prison administrators; and a continuing public relations campaign is needed by prison systems to better acquaint the public, and specifically bar associations, judges, chambers of commerce, and civic groups with prison procedures, problems, and achievements.

Mr. W. R. Wannall, Assistant Director of the FBI, in his closing remarks to the symposium, on Friday, June 21, 1974, said the FBI greatly appreciates the assistance given in the past to its investigations by officials of correctional systems. He said he felt assured this assistance would continue and would increase. In return, he said he wanted each correctional officer to understand that the avenue of assistance and cooperation is a two-way street, and he pledged the intent of the FBI to be of every possible assistance to correctional officials, consistent with the jurisdiction and capabilities of the FBI. After Mr. Wannall had thanked all attending for their hard work and great interest, the symposium ended.

This was, though, just the beginning, for the accomplishment of closer and more effective coordination of the "opposite ends of the criminal justice system" still lies ahead. All of the criminal justice system is dedicated to that goal.

As Director Kelley indicated on the opening day, this symposium was a symbolic as well as a real step toward closer cooperation between law enforcement and correctional officials.

POLICE KILLINGS

During the first 6 months of 1974, 59 local, county, and State law enforcement officers were killed due to criminal action, compared with a total of 70 officers slain during the same period in 1973.

Regionally, 27 officers were killed in the Southern States, 18 in the North Central States, 7 in the Western States, 5 in the Northeastern States, and 2 in Puerto Rico. Twenty officers were slain handling disturbance matters, 11 were killed in connection with robbery matters, 9 while attempting arrests for crimes other than robbery and burglary, 7 were slain investigating suspicious persons, 4 in connection with burglary matters, 3 were killed in unprovoked ambush-type attacks, 3 while making traffic stops, and 2 were slain while handling prisoners. All but one of the officers were killed by firearms. Handguns were used in 39 of the killings.

In addition, two U.S. Customs Service officers were shot and killed in connection with a narcotics matter on April 24, 1974.

AIRCRAFT HIJACKINGS

A dramatic decrease in aircraft hijackings and related crimes involving aircraft and passengers occurred during fiscal year 1974. Seven persons hijacked, or attempted to hijack, 5 aircraft in the United States, compared with 28 persons and 14 incidents in fiscal year 1973.

Niagara Falls—

Famous nark

By
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Niagara Frontier State Park
Police Department
Niagara Falls, N.Y.

of 11 park police departments throughout the State operating under the supervision of the Director of Law Enforcement.

The park police department consists of 1 captain, who serves as the commanding officer, 1 lieutenant, 8 sergeants, and 35 regular patrolmen. The immense inpouring of visitors into the reservation at Niagara Falls, the peculiar physical layout of the reservation, and the intensive use to which the parks and parkways are put during the summer and recreational seasons accentuate the demands made upon the police department. The regular force is, therefore, augmented by 32 additional park patrolmen, who serve on active duty for a 6-month season each year.

Physical Layout

Although the system of parks and parkways is separated by distances as great as 62 miles, the State reservation at Niagara Falls puts the greatest strain on the facilities of the park police organization. The reservation includes an area of only 435 acres, but it stretches out along 7½ miles of accessible river edge. The latter is very high and precipitous for the most part, and all of it embraces an overwhelming mass of rushing water.

Police Equipment

Intensive patrol activity is a necessity on the reservation. Huge crowds of people congregate in the area to view the cataract by day. After dark they return to view the spectacle illuminated by 400 million candlepower. Sixteen of the seasonal patrolmen are assigned to the reservation

alone to supplement the regular force in carrying out the police functions on the 435-acre strip along the United States side of the river. The park police department has a complement of 10 two-way radio equipped patrol sedans for parkway and park patrol, and 1 station wagon equipped for rescue work.

The department radio system operates on a single FM frequency which provides communications between headquarters, located on the Niagara Reservation at Niagara Falls, N.Y., surrounding parks, and all mobile units operating in the parks and along the parkways.

Several years ago, the large motorcycles were replaced with six motorscooters. These lightweight and extremely maneuverable motorscooters are the perfect vehicle for patroling beaches, picnic areas, and even the crowded footpaths of the park at the falls proper. The officers assigned to motorscooter patrol, as well as most of the foot patrolmen, are equipped with portable radios for instantaneous communication with headquarters or his assigned substation. The patrol cars carry equipment which is most frequently found useful in the answer of calls, and the park police maintain a rescue boat at the start of the river rapids, 1 mile above the falls. During the winter season, the park police utilize three snowmobiles for law enforcement in suburban parks.

Escort Duties

The world famous cataracts are most usually included in the itinerary of foreign dignitaries when they visit the United States and Canada. As several points of interest are best observed from the Canadian side, escorts include crossing the border.

Although each escort is basically the same, no two are alike as each presents unique problems. An excellent example is the visit of Soviet Premier Aleksei Kosygin. President Lyndon Johnson and Premier Kosygin had met in Glassboro, N.J., in June 1967 to start summit talks on world problems. Late on a Friday, Kosygin requested a visit to Niagara Falls, rather than spending the weekend in his hotel. Police officials were notified about 3 a.m. that in less than 7 hours the Premier of Russia and more than 40 officials from Iron Curtain countries would arrive at the Niagara Falls Airport.

The early morning hours were spent in canceling scheduled days off and reassigning patrolmen and cars from various parks as far as 50 miles away. The airport, tentative travel routes, and areas to be visited were checked for security problems. Assignments were worked out among several local police agencies for airport duties, escort assignments, traffic control, and security and crowd control at each site to be visited.

Captain DeMarco

Although the entire visit lasted only 4 hours, many manpower, equipment, and security problems arose in fashioning an effective escort. These were quickly and satisfactorily solved only by the close cooperation of many law enforcement agencies.

Rescue Operations

A large steel scow, which now rests 900 feet above the Horseshoe section of Niagara Falls, was the scene of a spectacular rescue on August 6, 1918. During construction work on one of the hydroelectric powerplants along the upper river, a towline snapped while the scow was being moved by a tug, and it was swept into the rapids just above the falls. With remarkable presence of mind, the two men aboard opened the seacocks, and it settled on the rocks about 75 yards off the Canadian shoreline. The men were subsequently rescued on a breeches buoy, but the wrecked scow still remains fast on the rocks, an object of much curiosity to visitors.

Today, similar occurrences involving human lives are handled quite differently. Military and private helicopter services within a few minutes of the river are available at a moment's notice to scour the rapids above and below the falls, as well as the river bank

Motor scooters give park police quick access to the miles of walkways and numerous observation points along the Niagara.

and gorge areas, for persons in danger. Tremendous assistance has also been received from these airborne volunteers in searching for missing persons and bodies, and in giving warning to boaters who venture dangerously close to the rapids above the falls.

Sometimes an adventurous youth is reported on a wall of the gorge, which varies from 150 to 300 feet above the water, or a fisherman is found stranded on a boulder on the lower river where the flow of the water rises and falls with the wind and/or the needs for the water by the hydroelectric plants in the area. Also, it is not an unusual sight for a citizen or a patrolman to see a person enter the upper rapids or some other area in a ½-mile stretch above the falls. When these calls are received, speed is of the utmost importance, and the body harness and rope in the helicopter patrol vehicle become an essential piece of equipment. All available personnel immediately report to the area on an emergency basis.

In the early morning of May 15, 1950, a near tragedy and spectacular rescue occurred when a woman was sighted in the rapids clinging to a rock about 300 yards above the Horseshoe Falls. An aircraft corporation helicopter piloted by their chief test pilot, with another test pilot as a passenger, flew to the rescue of the unknown woman. The pilot rested the forward end of the right float of his helicopter on a moss-covered rock while the passenger stepped out on the float to pass a rope around and under the arms of the woman. She anxiously reached up and grabbed the float, and in doing so, deflected the fast-moving water around her upward against the float. The force of the water striking the float caused a sudden change of lateral stability in the aircraft. The helicopter overturned and was carried a hundred or more feet downstream where it lodged upside down among the rocks. A second helicopter came to the scene, and a rope was dropped near the first helicopter and secured to some boulders near the first helicopter, while the other end was fastened on an island upstream. Using the guideline to hold course and maintain stability, a small boat was launched to rescue all three persons.

Tragedy came again, this time more forcefully, on October 7, 1973, when a helicopter blew up and crashed into the swift waters off Goat Island during a rescue attempt in the Canadian channel of the Niagara River.

A series of mind-boggling events had resulted in nine persons being stranded in waist-deep water, unable to move against the powerful, fast-moving current. Yet, another person swept downriver in the rapids, managed to catch hold of an overhanging branch and pull himself to safety onto a small island 1,000 yards above the Horseshoe Falls.

It all began when the park police received a call at 3:32 p.m. reporting a boat in distress off Goat Island, an area approximately 2 miles beyond the limits of navigable waters. The boat, occupied by two men, a woman, and her 18-month-old child, had sheared its propeller in the dangerous water about ½ mile above the brink of the falls. They abandoned the boat before it pitched through the rapids and plunged over the 174-foot-high Horseshoe Falls. They were in the water about 300 feet off Goat Island; one man was holding the child, and about 100 feet away was the other man and woman.

A sightseeing helicopter with the pilot and two park police officers rushed to the scene and hovered about 7 feet above the man with the child. The child was lifted up into the hands of the officers. As the helicopter started to rise, the man below grabbed hold of the landing gear, causing the ship to tilt, the rotor blade striking the water. The blade broke on impact and punctured the fuel tank as it came around. There was a violent, fiery explosion, spilling the ship's occupants into the water which was flaming with burning fuel. As the officer farthest downstream came to the surface, he grabbed the child who was floating face up. At this point, the stranded persons numbered seven. The pilot, one officer, and the man who grabbed the undercarriage managed to get back to the helicopter, which had settled upright in about 3 feet of water. About 50 feet downstream stood the officer holding the child, and 100 feet farther downstream was the man and woman, still unable to move against the current.

Officers on Goat Island fired a line to the downed helicopter, but as the line was being hauled in, it broke against the force of the current. A second attempt was successful, and after ½ hour of seesaw tugging, a line was made fast.

The police rescue boat, manned by three officers, was called upon to continue the rescue effort. As the police boat approached the scene, both engines failed after their propellers struck rocks. The anchor did not hold on the rock-strewn river bottom. Two of the officers got out and attempted to hold the boat against the current by pulling on the anchor line. The anchor took hold suddenly, breaking the line loose from the boat. Continual efforts to restart the engines failed, and the last officer was compelled to abandon the boat as it headed for turbulent water.

Additional lines between the shore and the helicopter had been secured. Those standing downstream were able to get to the helicopter by pulling themselves along lines floated to them, and the two officers from the abandoned rescue boat joined the group there by means of a line dropped from another helicopter. An officer, carrying the child, and eventually followed by the others, was first to make the

While attempting to save individuals stranded in river after losing their boat, a sightseeing helicopter crashed, necessitating the rescue of nine persons by lines fired over wreckage and the retrieval of the downed aircraft (see photos above and below).

trip safely to shore aided by a line from the helicopter to Goat Island. The chaotic, but successful, rescue effort consumed nearly 3 hours from start to finish.

Most rescues are not as spectacular, but all involve varying degrees of risk. In order to reduce the dangers involved in all such operations, teamwork is enhanced by designating a senior officer in command. The latter directs all operations from a position where he can observe all efforts and issue directions on each move. This rescue system has proved its worth and has lessened injury to rescue personnel.

Service Complaints

Complaints coming to the park police are primarily of a service nature. They are not unlike many handled by local police. The calls usually involve a helpless visitor far from home, a request to locate a lost or missing person, an urgent appeal to rescue persons from dangerous waters or precarious places, persons with psychological problems or suicidal tendencies who need help, and the grim necessity to identify unknown dead. In addition to these matters, there are the usual police problems of traffic control, crime prevention, and some criminal investigation work. Like any other police agency, the park police depend upon cooperation from other police agencies to effect productive law enforcement work.

Because of the transient nature of the visitors to the reservation, a great number of requests are received to locate persons in travel status and to notify them of an illness or a death back home. Because tourist attractions are concentrated in one small area with few entrances, these requests are handled with ease, when the registration number of the visitor's vehicle, identity of the issuing State, and a simple description of the car are available.

Planned Disappearances

Then, there is the person who wants to "disappear" purposely and without witnesses. Several times each year this problem confronts the park police. Such an individual will sometimes travel several hundred miles to set a deliberate "disappearance" scene on the banks of the Niagara River. He will leave some clothing, a suicide note, and perhaps an automobile behind for someone to discover and surmise that he has entered the river and ended his life. In the meantime, this person, attempting to escape from reality, leaves the reservation in pursuit of a new identity and life. He hopes to leave his financial problems, domestic difficulties, and any one of many other personal troubles behind. Experience has shown that the things which persons do not or cannot leave behind are most important in ascertaining if they have been suicides. Personal effects and notes left behind often prove to be mere window dressing.

Sometimes, these pretenders have borrowed a sum of money just before their alleged suicides. If the money cannot be discovered, or evidence of its disposition found, a logical suspicion is that the "suicide" is still alive. Contacts with family and close personal friends usually disclose what the missing person carried in his wallet or her handbag. If personal and other papers, valuable only to the individual, are not found among the items left for posterity, again the presumption is strengthened that the would-be suicide may still be among the living.

Identification of the Dead

Persons who go over the falls nearly always are killed in the process. A tentative identification of the body can usually be made, but this is of little value in life insurance and matters of estate. In about 75 percent of the cases, depending upon the area in which the individual went over the falls, the body of the victim is recovered intact, and usually, fingerprinting results in positive identification.

Only one person is known to have gone over the falls accidentally and is still alive to recount his experiences. On July 9, 1960, a 7-year-old boy was tossed into the upper river when a motorboat capsized. Protected only by a vest-type life preserver, the child went over the Horseshoe Falls, sustained virtually no injuries, and was taken from the water at the base of the falls by crew members of a sightseeing motor launch operated in the area.

Some bodies are badly mutilated from the constant pounding on rocks, the ravages of marine life, and long immersion in the water. Identification of the deceased under such circumstances is made when possible through fingerprints or dental records.

Bodies discovered at the bottom of the falls are sometimes partially clothed. On these occasions, laundry and drycleaner marks have been used to effect identifications. Each body recovered is fingerprinted and photographed as standard procedure. Particular attention is given to all scars, tattoos, visible body deformities, jewelry, clothing manufacturer marks, and/or store labels which are noted during the examination. This detailed data often serves to save a relative or friend from making an erroneous identification. A case file is maintained on each body recovered and also on all persons reported missing in surrounding jurisdictions. Quite often a tentative identification can be made as soon as a recovery is effected.

The Niagara Parks Commission of the Province of Ontario, Canada, maintains a similar reservation across the Niagara River. It is located in Niagara Falls, Ontario, Canada, and is protected by a counterpart police agency. Inasmuch as the Niagara River is an international body of water, cooperation between the two park police agencies is an absolute necessity. The task of establishing the identity of recovered bodies is pursued jointly by both park police departments.

Evacuation of the dead (as shown) or injured along the precipitous banks of the river is a function of the park police.

Conclusion

The operations of the park police have adapted to many changes over the past 15 years. One factor which has helped the personnel of the park police to meet new challenges and improve their performance has been an emphasis on training and, particularly, attendance at FBI police training schools.

Experienced police administrators will recognize that many of the aforementioned techniques and procedures, utilized in the handling of the specific problems peculiar to the reservation area of Niagara Falls, are simply adaptions of established law enforcement principles and techniques. There is no substitute for knowing and applying the fundamentals of police service, regardless of the situation. This the park police have strived to do with full appreciation for that most basic of all fundamentals: Cooperation is the backbone of effective law enforcement.

The Challenge of POLICE-COMMUNITY RELATIONS TRAINING

(This is the conclusion of a two-part article. Part I appeared in the August issue.)

Some Methods of Instruction [4]

Lectures. Lectures are the most frequently used method of instruction. Lectures allow vast amounts of information to be conveyed to large numbers of students in a short period of time. They allow for close student contact with experts and can be a prime source of motivation and stimulation. Lectures also have serious shortcomings. The most significant disadvantages are the span of attention and memory retention limitations. While lecturers talk at a speed of 125 words per minute, the listener may roam far afield mentally unless he is prepared in advance to use this differential to concentrate on, consider, and weigh the idea being presented.

The entire work burden is placed on the instructor when lectures are used. He must maintain the interest of the class for long periods of time through oral presentation. Another significant drawback in lecture presentations is that the lecture is a one-way communications effort. It allows for little, if any, student participation. If the lecturer is successful in motivating students, they feel compelled to participate, to ask questions, to expand on ideas, to clarify concepts, and to suggest practical applications for the concepts being discussed. If the instructor allowed 1 minute to each of 50 students, an hour is gone, the lecture is concluded, and the advantage of presenting copious amounts of material substantially lost! Yet, without this interchange a lesser learning impact is obtained.

By
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Modified Lecture. Perhaps a feasible alternative is the "modified lecture" method. Here, the instructor supplements the oral presentation with visual aids and printed outlines. A lesser amount of material is presented, allowing a period of time for student response, under the selective guidance of the lecturer. The lecturer may well spend his time outlining an identifiable problem area, while structuring student responses toward problem-solving rather than problem identification.

Demonstrations. Demonstrations are particularly valuable when teaching a skill or a specific procedure. They should allow the student to learn by doing; should provide him with a logical sequence of steps necessary to attain competency in the skill, technique, or procedure being taught; and should allow for individual tutoring. Demonstrations, obviously, are time consuming and limit the number of students who may be taught in a single group.

Role Playing. Role playing is deserving of consideration as a presen-

tation option in police-community relations training. It consists of simulating a situation so that the class may observe and evaluate the conduct and performance of the actors. This method may be used to vividly demonstrate right and wrong approaches to interpersonal contacts between police officers and a particular "public" with which the officer comes in contact. If the "play" is deemed authentic by the police students, it can be very effective. If the script is so contrived as to constitute an "overkill," most police officers totally reject the script, the role players, and the entire unit of instruction! Most officers tend to reject role playing by college thespians with a script based on what some well-intentioned humanitarian feels is "telling it like it is"! Greater success may be predicted if the script is written by officers, acted by officers, and coached in locker room idioms. Role playing, like fire and explosives, can be counterproductive unless handled very carefully. When acceptably presented, it can produce a tremendous impact.

Directed Discussions and Conferences. Discussions and conferences may be considered as appropriate presentation methods for smaller groups or as auxiliary methods to be used in conjunction with other forms of presentation.

Training Groups. Training discussion groups differ from training conferences in that they range further afield and represent a group attempt to arrive at consensus regarding a particular topic. They allow maximum input from each participant and require discipline to concentrate on the topic at hand. They suffer from debater intimidation, where the more forceful, opinionated, and skillful participants tend to monopolize the time of the group. To succeed, the discussion leader must provide firm guidance without stifling free discussion.

Conferences. The conference tends to be more specific. The topic is subjected to consideration directed toward specific results with input from conferees with expertise in a variety of fields. Conference training is an excellent vehicle for smaller groups and an excellent presentation method for establishing group unity and enthusiasm. Its primary disadvantage is its vulnerability to aimless discussion, resulting in a lot of dialogue and little accomplishment.

Sensitivity Training. Sensitivity training methods and concepts are hard to define since the term has been used to describe a wide variety of encounter techniques. Generally, it involves a leader who encourages and directs the members of a group to participate in frank criticism of themselves, other members of the group, organizations, entire races of people, and any facet of the problem being discussed. It encourages frankness, confession, and group criticism.

Sensitivity training has produced zealous groups of critics and equally zealous groups of proponents. The "pros" say that sensitivity training strips away the thin veneer of social taboos and gets to the heart of the problem. The "cons" suggest that it creates deep psychological wounds and animosities that cannot be resolved or cured in the short period of time available for most police-community relations training sessions.

The Houston Modification. A more acceptable method of attitude confrontation and exchange may be the so-called Houston modification. This training method, used with varying degrees of success by the Houston Police Academy, is structured to allow a positive aftertaste, once the smoke and fury of confrontation has dissipated. It also lends itself to police-community relations training time frames and is generally acceptable to most police officers.

The Houston modification involves two groups of people—the officers to be trained and representatives of whatever public is to participate. For structuring purposes, let's assume a black citizen-police officer composition for the training program.

"The Houston modification involves two groups of people—the officers to be trained and representatives of whatever public is to participate."

The first session is used to allow each group to formalize its stereotype of the other. Each group meets separately and reduces to writing its frustrations, hostilities, and preconceptions of the other group.

The second session is used to allow each group to arrive at its image of itself. The group describes itself as it sees itself, or as it would like to be seen by others.

The third session involves attitude confrontation. Small groups made up of equal ratios of black citizens and police officers sit down together and discuss the stereotype and criticisms that have been developed by their groups. The opinions, attitudes, and prejudices are discussed freely and openly. A "neutral" group leader maintains direction during this session. It is essentially a "let off steam" encounter with negative trends. The only "off base" areas are personal attacks. Generalities are used rather than individual indictments of specific group members.

The fourth session is devoted to an examination of the reasons for negative attitudes and attempts to find causes for negative stereotypes and images. It is, theoretically, a neutral session, where group members try to determine why a problem exists, or an attitude exists, or a negative image exists. No additional criticisms may be raised during this session. It is devoted to trying to find causes and reasons for the attitudes that exist.

The fifth and, if necessary, sixth sessions are devoted to seeking solutions to problems. These solutions are pursued on a "what can I do as an individual" basis, as well as on a "what can we do as an organization" basis. These sessions are positive and are devoted strictly to positive exploration of solutions.

Police-community relations training under this method of presentation has met with either astounding success or resounding failure, depending on who was doing the evaluation! The most empirical evaluations reflect an unusually positive attitudinal change by police officers after having participated in this program. Insufficient research has been conducted to determine the longevity or intensity of this attitudinal change.

The disadvantages of this system are obvious. First, it requires five or six sessions of 2 or 3 hours each. Second, it requires skilled group leaders. Third, it is likely to meet with initial resistance from police officers unless the program is explained thoroughly and carefully prior to the officers' participation. A word of advice. Don't call it sensitivity training! Most officers reject the sensitivity label.

Selecting the Instructor

The instructor is the key to success in any training program. He is more important to training success than the planning, the facilities, or any other phase of the training operation. It is conceivable that a training program can overcome mediocre planning and inadequate facilities. It is almost impossible for it to succeed without superior instructors! The instructor is of particular importance in the police-community relations training program, since the material to be covered is generally abstract and often fraught with emotion.

Duties of the Instructor. The prime responsibility of the instructor is to motivate and assist his students to learn! This very basic objective is sometimes lost in our obsession with teaching techniques, flip charts, and rear-screen projectors. The efficiency and speed with which the student learns is related to his desire to learn, and to the skill with which the material is presented. Both of these challenges rest squarely on the shoulders of the instructor. He must motivate and he must teach. Obviously, teaching differs from lecturing.

If lecturing were the sum total of the instructor's mandate, a much better job could be performed by mechanical means. Tape recorders and edited video tapes don't stutter, rattle key chains, or scribble illegibly on chalkboards! People do! The value of a live human talking to students lies in one critical area—he stimulates and interacts with the students. If the instructor is incapable of intellectually stimulating or interacting with his students, it might be advisable to present lecture material by mechanical means. Again, the value in using a person rather than a machine is the advantage that accrues from human interaction. Every instructor must be made to realize the importance of this observation.

Prerequisites for Police Instructors. The instructor or policeman must have four basic attributes. He must be acceptable to police officers. He must have a personality capable of motivating and intellectually stimulating his students. He must have a sufficiency of job knowledge or skills to teach the unit of instruction. He must have adequate skills as a teacher. Perhaps a further examination of these basic prerequisites is in order.

> "No matter how brilliant the instructor, or how impressive his credentials as an expert, he is of no use to the police-community relations training program unless he first establishes rapport with the officers-students."

Acceptability. Acceptability is a key factor in training, particularly in police-community relations training. No matter how brilliant the instructor, or how impressive his credentials as an expert, he is of no use to the police-community relations training program unless he first establishes rapport with the officers-students.

Many officers resent college professors who the officers see as officious, unrealistic, ambiguous, snobbish, and given to terminal malapropism. In fact, many professorial types, who of all people should know better, fail to establish rapport prior to their presentation. These sessions generally result in overt hostility, or, at best, the loss of teaching effectiveness. If the decision is made to use "professor types," the training director should encourage them to spend some time allaying the suspicions that many officers harbor for "experts" from the ivory towers of academe.

Another facet of the acceptability factor is the use of subordinate officers as instructors. Based on the premise that "rank" is equated with "smartness," many ranking officers take the attitude that they don't need advice from subordinates. As is the case with the college professor, the degree of expertise of the instructor has little bearing on his acceptability. It is often advisable to use an instructor of equal or superior rank to that of the majority of students.

Officers-instructors with less seniority than the majority of students also experience acceptability problems. Some officers seem to equate "seniority" with "smartness." Whether justifiable or not, the problem is real enough. Again, rapport must first be established and this barrier to acceptability overcome if learning is to occur.

Lay persons are sometimes resented by officers-students. Many officers feel that no one can tell a police officer how to conduct his business unless he has the battle scars to prove his own capability.

It is unfortunate that college professors, subordinates, officers with limited experience, and lay persons experience acceptability problems. It is not a bar to their effective use in police-community relations training programs *if* the problem is recognized and sufficient time is devoted to establishing rapport before the unit of instruction begins.

Personality. Most students resent instructors who are overbearing, dogmatic, insecure, frightened, profane, uncouth, and/or hypersensitive. Although the concept of personality lacks something in terms of specificity, it may be considered in this context as the impression that an instructor has on his students and the effect of this impression on interaction between student and teacher.

Unless the teacher has a preponderance of positive personality traits, he will be incapable of generating the kind of interaction so essential to the learning process. The key here is to screen out those persons whose personalities are patently abrasive and to select those persons whose personalities are at least minimally compatible with the teaching environment.

Job Knowledge. Job knowledge is probably one of the most overrated requisites for teaching. While it is essential that the teacher have some job knowledge, it is not essential that he know all the nuisances and trivialities of the subject being taught. A good instructor can overcome a lack of indepth job experience by careful academic preparation and research. He need not have invented the wheel in order to discuss its function!

Teaching Skills. Although some teachers are born, most are assuredly made! One learns to teach by teaching and by following certain basic rules of preparation and presentation. Almost any police supervisor can become a good teacher if he will work at developing the basic skills essential to good teaching techniques. In police-community relations training, it is essential that we use instructors who have mastered these skills. Acceptability, job knowledge, and a pleasing personality are all in vain unless our instructor can deliver!

In most inservice training programs, the instructors will come from within the department's supervisory ranks. This assures the training coordinator of getting an instructor who is readily available, works inexpensively, and has fewer acceptability hurdles to overcome. Although departmental self-sufficiency is comforting, it does have some disadvantages.

One disadvantage is that few supervisors are skilled instructors. The practical result of this limitation is that we most often end up by selecting an instructor who represents a compromise between job skills and teaching skills. If forced to choose an instructor from either end of the job skill-teaching skill spectrum, it is advisable to choose the teacher rather than the nonteaching expert.

The Outside Instructor. The outside instructor has much to recommend him. He is likely to be an expert in his field and to have considerable teaching expertise. He brings fresh ideas and approaches to old problems. He often reflects contemporary thinking by persons outside police circles.

His disadvantages have been discussed under the acceptability factor. If he can establish rapport, he can be a valuable asset to the police-community relations training program. There is another disadvantage—he is often expensive!

In summary, the police-community relations training coordinator must let the unit of instruction dictate the instructor. How? Examine the unit to be taught and seek the best available instructor to teach it!

Police-community relations programs are a priority consideration if law enforcement administrators are to effectively respond to the demands of our changing society. These programs deserve the best of our talents and efforts. For there is no doubt whatever that crime cannot be controlled and the public peace maintained without the police and the community joined in the effort.

"Almost any police supervisor can become a good teacher if he will work at developing the basic skills essential to good teaching techniques."

[4] An excellent treatment of methods of instruction is found in Allen Z. Gammage, "Police Training in the United States," Springfield, Ill., Charles C. Thomas (1963 and later editions). Much of the material in this section is based on Gammage's work, plus materials pirated from an excellent course in police training at Northwestern University attended by the author.

THE BATTERED POLICEMAN:
A Law Enforcement Officer Sues for Assault and Battery

By
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Early one morning a Los Angeles, Calif., police officer observed an automobile weaving from side to side across a highway in an erratic manner. The officer, who was not on duty, nor in uniform, drove alongside the weaving vehicle and, while displaying his badge, ordered the driver to stop. The driver refused to pull over to the side of the roadway, prompting the officer to draw his revolver. After both vehicles were halted, the officer ordered the other driver to get out of his vehicle. Upon leaving his vehicle, the driver, without provocation, struck the officer on the head with a wine bottle. Taking advantage of the officer's dazed condition, the driver jumped back into his car and drove it against the officer, causing serious injuries. The officer, with the aid of a citizen, pursued and recaptured his assailant.[1]

It was later determined that the driver's attack had inflicted severe shoulder and hip bruises on the officer. Additional pelvic injuries and bone displacement caused the officer severe and continuous pain. The officer missed 30 days' duty, thereby losing his vacation; and he was still taking time off to receive medical treatment when this matter came to trial.[2]

"In speaking of attacks on law enforcement officers, we are generally making reference to two separate civil wrongs, assault and battery."

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

The defendant appealed a trial court verdict awarding the police officer $2,500 in actual damages and $1,000 in punitive damages.[3] The California District Court of Appeal, after holding that $2,500 was not an excessive award based on the extent and nature of the officer's injuries, further held that the awarding of punitive damages was proper.[4] The court noted that the attack was "deliberate, willful and wanton," and that the defendant had, without provocation, struck the plaintiff with a bottle after having been informed that the plaintiff was a police officer.[5]

Civil Wrongs

Incidents like the one above have occurred all too frequently in recent years.[6] While every assault on a police officer does not result in personal injury, over one-third of the incidents from 1969 through 1972 resulted in the infliction of some type of serious personal injury to the police officer, often leading to loss of duty time.[7] Personal weapons, such as hands, fists, and feet, are most often the in-

struments of attack.[8] Where specific weapons are used, firearms are most often employed,[9] followed by knives and other cutting objects.[10] Blunt objects and miscellaneous weapons, such as automobiles, are involved in roughly 50 percent of those attacks in which weapons are employed.[11]

"Attack" has been used to designate these incidents thus far in preference to the more commonly used, but also more confusing, term "assault." Each of the cases which will be discussed involves some manner of physical contact between a law enforcement officer and an assailant. No cases could be found where a law enforcement officer, suing in that capacity, sought damages for threats to do damage to his well-being.

In speaking of attacks on law enforcement officers, we are generally making reference to two separate civil wrongs, assault and battery. A battery is an act which is intended to cause, and, in fact, does cause, an unpermitted contact.[12] An assault is an apprehension or reasonable anticipation of a harmful or offensive contact with one's person.[13] In either assault or battery, it must be shown that the defendant intended to interfere with the plaintiff's personal integrity,[14] either through putting the plaintiff in apprehension of a harmful or offensive contact, or through the contact itself. An unintended harmful or offensive contact or apprehension of one may form the basis for a negligence action, but not an action for assault or battery.[15]

The actions of assault and battery grew out of what was known to the early English law as the action of trespass.[16] Trespass was treated as a crime and was the method by which all forcible, direct, and immediate injuries to either person or property were remedied.[17] Trespass was considered conduct which was in breach of the King's peace, not only because of the force and directness of the trespass itself, but also because it was conduct deemed likely to provoke an immediate retaliation.[18]

Since the defendant must have intended to bring about a result which was, or is later determined to be, an invasion of another's interests,[19] assault and battery are among those trespasses known as intentional torts. Where the defendant's intent is particularly vicious, willful, or wanton, the wrongdoer may be ordered to pay punitive damages in addition to any actual damages.[20] Punitive damages have as their basis a desire to punish the defendant, to teach him not to do it again, and to teach others the pecuniary folly of following the defendant's example.[21] In the majority of jurisdictions, punitive damages will not be awarded absent a finding that the plaintiff has suffered some degree of actual damage.[22]

The qualities of intent, the derivation from the old English action of trespass, and, in some aggravated cases, the awarding of punitive damages due to a finding of some malicious or evil motive on the part of the defendant, place the torts of assault and battery in a category of civil wrong not far removed from criminal conduct. Every State has a criminal assault and battery statute distinct from the civil action we are here concerned with.[23] Additionally, most States have statutes which provide specific criminal sanctions against those who assault,[24] or obstruct,[25] or interfere with [26] a law enforcement officer, while that officer is acting in the lawful performance of his duties. It is likewise a crime to assault a Federal officer while such officer is acting in the performance of his duties,[27] with the majority of the Federal appellate courts taking the view that it is no defense to allege that the defendant did not know his victim was a Federal officer at the time the attack took place.[28]

Statutes providing criminal penalties for assaulting a police officer may discourage future attacks on other law enforcement officers. The possible deterrence of future acts is, however, small comfort to the policeman who has been injured as the result of the defendant's conduct.[29] These wrongs may be better vindicated by the officer in a civil action. Even if it does not prove successful, the filing of a civil action will not bar a criminal prosecution based on the same incident.[30]

In bringing suit to recover damages for assault and/or battery, a law enforcement officer must be aware that the following factors are likely to be deemed significant in determining whether the plaintiff-officer will prevail:

1) Was the officer on duty at the time the attack occurred; [31]
2) Was the officer in uniform at the time of the incident, or was the defendant otherwise aware of the officer's official identity; [32]
3) Was the officer acting within his statutory authority; [33]
4) Was the officer acting within his territorial jurisdiction; [34] and
5) Did the officer, in any way, provoke the activity which led to the assault.[35]

The above factors are relevant in civil actions instituted by the officer following an attack because, almost invariably, it was some affirmative act by the officer which led to the contact with the citizen and the citizen's assault upon the officer. The law enforcement officer's role gives him authority to intrude upon the activities of a citizen in a manner which would not be permitted were the officer a private citizen; [36] for example, requesting identification from a person behaving in a suspicious manner. Situa-

tions such as these often result in a citizen's objection to the presence of the officer being expressed in words, or by hands,[37] fists,[38] feet,[39] or guns.[40] Thus a court or jury is likely to ask whether the officer, while engaged in a permissible intrusion upon the citizen, went beyond the necessary limits of such intrusion, thereby prompting the attack.[41]

Illustrative is the case of *Veillon* v. *Sylvester*,[42] in which a deputy sheriff appealed a trial judge's decision in favor of two defendants in an assault and battery action. The deputy sheriff sought to recover for injuries he received during a 45-minute nightclub fracas. The officer testified that the fight followed his placing of his hand on the shoulder of one of the defendants for the purpose of ejecting him from the premises.[43] The officer contended that the defendants beat him without provocation,[44] while the defendants claimed that they had acted merely to defend themselves after the deputy struck one of the defendants several times with a wooden club and a pistol.[45] Several witnesses were called at the trial and only one of them testified that one of the defendants had struck the first blow.[46]

In his appeal, the officer argued that because he was a deputy sheriff at the time of the incident, he was entitled to a presumption that he was performing his duties and that his acts were regular, legal, and authorized by law.[47] While agreeing with this contention, the court noted that this presumption was a rebuttable one which would not be applied if the facts in evidence invalidated it.[48] The court then affirmed the trial verdict, holding that the officer had failed to establish that either of the defendants was the aggressor or that the officer had not, as the defendants argued, exercised more force than was necessary, thereby provoking the assault.[49]

A different result was reached in the case of *Patterson* v. *Ward* [50] where the

"A police officer may . . . fail to gain a judgment, and may himself be held liable, if it appears that the defendant was unaware of the officer's official status at the time of the incident."

defendant, a hotel proprietor, claimed that the plaintiff, a New Orleans police officer, had swung at the defendant and missed prior to the defendant's knocking the plaintiff to the sidewalk. The appeals court found that there was adequate evidence to justify the trial judge's finding that the defendant's attack on the officer was without provocation, deliberate, malicious, willful, and wanton.[51] The court made note of the fact that the defendant was a much larger man than the officer,[52] and that it appeared that the defendant had contrived to have a witness to the incident conceal himself from the court.[53]

Liability

A police officer may also fail to gain a judgment, and may himself be held liable, if it appears that the defendant was unaware of the officer's official status at the time of the incident. In *Celmer* v. *Quarberg*,[54] the defendant was a plainclothes municipal police officer who had disguised his appearance in connection with his investigation of narcotics matters. The defendant was one of three officers maintaining a surveillance on an abandoned barn believed to contain a sizable cache of marihuana when the plaintiff drove up to the area of the barn for the purpose of releasing his son's racing pigeons on an exercise flight. The plaintiff approached the barn but then, without having entered the barn, he turned and jogged or ran back toward his car. Upon arriving at his car, the plaintiff was confronted by the defendant-officer who was crouched near the front of the vehicle with a pistol in each hand. There was a dispute as to what transpired thereafter, with the plaintiff testifying that he was never shown any police identification, nor was he told that the defendant was a police officer. The plaintiff stated that he believed that the defendant-officer was a "crazed farmer." [55] The officer testified that he ordered the plaintiff to stop and thereafter holstered one of his weapons and pulled out his police badge. In the scuffle that followed, the officer was struck by the door of the plaintiff's automobile as the plaintiff dove into the driver's seat. The plaintiff was struck on the head with the officer's gun butt as the officer tried to prevent his escape, and thereafter had two tires shot out by the defendant-officer while fleeing the scene.

The trial court found, as a matter of law, that the officer had probable cause to arrest the plaintiff and that he had not used excessive force in attempting the arrest. The case was submitted to the jury on the question of negligence in the manner of an arrest and a verdict was returned in favor of the plaintiff.[56] On appeal, the Wisconsin Supreme Court affirmed the judgment, noting that the jury's determination that the plaintiff's injuries were causally connected to the defendant-officer's failure to make a reasonable effort to inform the plaintiff of his official identity, was supported by credible evidence.[57] The court held that it is necessary for an officer to make a reasonable effort to inform a citizen of his official identity before the officer takes further action. It is not necessary to prove that the defendant had actual knowledge of the officer's official identity; it need

only be shown that the defendant had reason to know, or that the officer made a reasonable attempt to inform him of his identity.[58]

A different result was reached under similar circumstances in the case of *Mooney* v. *Carter*.[59] The plaintiff was a special plainclothes officer who had been assigned to man a street barricade erected to prevent cars from entering a Denver park that had been closed to vehicular traffic for the summer. The barricade had been placed across the lane leading into the park along with a sign stating that the street was closed. The defendant, accompanied by her infant son, disregarded the barricade and drove into the park. In an attempt to stop the vehicle, the officer ran to her car and jumped onto the running board. The defendant suddenly speeded up and then swerved the car to one side, throwing the officer to the street and causing him serious injuries. Following a jury verdict in favor of the officer, the trial court granted the defendant's motion to vacate the judgment and for a new trial. On appeal,[60] the defendant admitted that, at some point prior to her speeding up and swerving her automobile, she was aware of the fact that the plaintiff was trying to stop the car. She also admitted seeing the barricade and ignoring the sign that the street was closed. She contended, however, that she intentionally threw the plaintiff from the running board of her car because she was fearful that he was after her baby or was a degenerate. The court noted that the officer's injuries were not caused by negligence on the part of the officer or the defendant, but were the result of the defendant's intentionally swerving her car, thereby throwing the officer from the running board. To avoid liability, the court said that the defendant must be able to prove that she believed the barricade had been erected for some other purpose than to prevent automobiles from entering

"An officer need not suffer physical injury as a prerequisite to recovering damages for assault and battery."

the park, and that she reasonably feared the plaintiff because she was not aware that he was an officer.[61] The court emphasized that the officer was acting in the performance of his assigned duties, and that his acts were reasonable.[62]

Affirming the original jury verdict favoring the officer, the court made note of what took place after the officer had been thrown from the car. The defendant testified that she had called the plaintiff a "damn fool" after he had fallen from the car.[63] She further testified that, after she discovered that she had not run over the plaintiff, she became mad at him, and thereupon made a U-turn and drove back to where the officer was sitting on the road so she could tell him what she was thinking. The court held that the admitted words and conduct of the defendant at the time of and following the injuries to the plaintiff were properly considered by the jury, and its finding that her words and acts were in conflict with her claimed fear for her child and herself supported the jury's verdict that the defendant was guilty of an assault.[64]

The differing results in *Celmer* and *Mooney* can be explained through consideration of the following factors:

In *Celmer*, the confrontation between the citizen and the officer took place in a location where it would be unlikely that a citizen confronted by an armed man, disguised to blend with the drug subculture, would reasonably conclude that his assailant was a law enforcement officer, absent an affirmative attempt by the officer to make his official identity known. In *Mooney*, the officer, though not in uniform, was on duty at a road barricade near a sign advising motorists that the road was closed.

In *Celmer*, while it was determined that the officer had probable cause to arrest the plaintiff, there was no evidence that the plaintiff was involved in any criminal activity, thereby tending to explain his surprise and flight upon being confronted by the disguised officer. In *Mooney*, the defendant stated that she saw the road barricade and "Street Closed" sign, but, nevertheless, continued on past the barricade into the park. In such a situation, the courts have generally held that one knowingly engaged in unlawful activity will be held liable for any injuries caused by such activity, even though the defendant may not have intended to cause any harm.

In *Mooney*, the defendant driver drove back to where the injured officer was sitting in the road to literally tell him off, thereby casting doubt on her claim that she feared that the plaintiff, whose official identity she claimed was unknown to her, was a degenerate who might harm her child or herself.

In *Celmer*, the plaintiff was so unnerved by his confrontation with the defendant-officer that he drove directly to his home 15 miles away even though he had been struck in the head at least once with a gun butt and despite the fact that his car had two flat tires resulting from shots fired by the officer.

Exemplary Damages

An officer need not suffer physical injury as a prerequisite to recovering damages for assault and battery. In *Keane* v. *Main*,[65] a New Haven, Conn., police officer was awarded exemplary (punitive) damages as the result of an incident in which two defendants jointly committed a battery upon the officer and pulled his badge from his coat. The officer was not harmed beyond the insulting and humiliating

character of the defendants' act. In affirming a trial court judgment in the officer's favor, the appellate court held that the lower court had been justified in finding that the defendants had acted in a spirit of malice and with a deliberate purpose to infringe upon the officer's rights and humiliate him in a public place.[66]

The plaintiff-officer in *Keane* was accosted while he was assigned to traffic and crowd control duties at a football field which was private property not within the jurisdiction of the city. The court noted that the question of whether it was proper for a city policeman to wear his badge of office while in the area of the football field, even if he was there at the request of the owners of the field, was not a matter upon which the court was required to express an opinion. However, the court did state that there was no authority vested in the defendants to remove the plaintiff's badge even if they objected, on principle, to the presence of an officer at the field.[67]

Similarly in *Smith* v. *Hubbard*, [68] a jury award of compensatory and punitive damages was affirmed, although reduced in amount by the Minnesota Supreme Court. The plaintiff, a village constable, brought suit following an altercation in which the defendant, a resident of a nearby village, pushed the constable against a building. It was undisputed that the only physical damage suffered by the constable consisted of having two buttons torn from his shirt and having his badge broken. The constable further testified that he had been subjected to a good deal of "kidding" as a result of the incident, causing him much embarrassment. The defendant contended on appeal that the case should have been dismissed at trial, since the evidence failed to establish that the defendant had committed an offense within the officer's jurisdiction. Also claimed as error was the trial judge's instruction that if the jury determined the constable had reasonable ground for believing the defendant had violated the law in his presence, the jury could find that the constable had acted within the statutes and had lawfully approached the defendant on the defendant's property.[69]

"The only distinction between the peace officer and any other potential plaintiff in an assault and battery matter is that the nature of the officer's job is far more likely to lead him into encounters with individuals who resent him . . ."

The constable, who was on duty in his village, saw the defendant's car come around a corner at a fairly high rate of speed. The defendant pulled up to a stop sign some two blocks away and drove away "very fast." [70] The constable pursued the defendant, and stopped him at his residence in a neighboring village not within the officer's jurisdiction. The defendant became belligerent, and the constable advised the defendant that he was placing him under arrest for violating the traffic laws. As the constable stepped toward the defendant, the defendant grabbed him by the shirt and pushed him away, tearing the constable's shirt and knocking his badge to the ground.

At the trial, the jury awarded the constable $5,000 in compensatory damages and $2,500 in punitive damages. The appellate court noted that a constable may go beyond the boundaries of his jurisdiction in fresh pursuit of a criminal for the purpose of apprehending him.[71] Noting that the defendant claimed, contrary to the constable's statement, to have committed no violations within the constable's jurisdiction, the court held that this contention did no more than create a question for the jury to resolve.[72] The court further held that, no matter where the acts constituting the traffic violation took place, the constable, acting either in the role of a peace officer or a private citizen, had the power to pursue and arrest the defendant, so long as the unlawful conduct had taken place in his presence.[73]

Conclusion

The foregoing is by no means an unusual point of law; it is, however, helpful with regard to a law enforcement officer's decision to seek civil recourse for damages sustained by him as the result of physical abuse received at the hands of an attacker. A law enforcement officer is a citizen, albeit not a private citizen, in addition to being a policeman. Blackstone's maxim that every man's person is sacred, and that no one should meddle with it [74] applies as equally, in the courts, to a law enforcement officer as it does to any other citizen. In sum, the law enforcement officer need only establish what any other plaintiff in an assault and battery action must prove: At the time of the attack, the officer was going about his business in a lawful and reasonable manner. The only distinction between the peace officer and any other potential plaintiff in an assault and battery matter is that the nature of the officer's job is far more likely to lead him into encounters with individuals who resent him because he has intruded upon their unlawful activities, or merely because they resent the uniform he wears and the law enforcement function he has sworn to perform. There is no requirement that the officer turn the other cheek, as far as his civil rights are concerned, when he becomes the target of a well-aimed fist or bullet.

WANTED BY THE FBI

CATHLYN PLATT WILKERSON, also known as Cathy Wilkerson, Catherine Platt Wilkerson, Cathryn P. Wilkerson, Kathy Wilkerson, Cathy Wilkinson, Kathy Wilkison

Interstate Flight—Mob Action, Homicide, Possession of Dangerous Instrument, Antiriot Law—Conspiracy, Unlawful Possession or Receipt of Firearms

Cathlyn Platt Wilkerson is being sought by the FBI for unlawful interstate flight to avoid prosecution for mob action, homicide and possession of a dangerous instrument, violation of antiriot laws, and unlawful possession or receipt of firearms.

The Crime

On October 9, 1969, Wilkerson was arrested by the Chicago Police Department for allegedly participating in the violent demonstrations that occurred in that city between October 8 and 11, 1969. The demonstrations were allegedly sponsored by the militant Weatherman organization which evolved out of the Students for a Democratic Society (SDS), of which she reportedly is an active member.

Wilkerson was subsequently released on bond, and when she failed to appear for trial on March 16, 1970, an indictment was returned. Having reportedly fled the State of Illinois, a Federal warrant was issued for her arrest on March 17, 1970, in Chicago.

On March 6, 1970, an explosion partially destroyed a fashionable New York City townhouse, killing three persons, all allegedly members of the Weatherman group. The townhouse was reportedly being used as a bomb factory. Wilkerson was charged with homicide and possession of a dangerous instrument on March 20, 1970, as a result of the explosion and deaths. On March 30, 1970, a Federal warrant was issued for her arrest in New York City. A warrant was issued April 2, 1970, at Chicago charging Wilkerson with violation of Federal antiriot laws and conspiracy. Additionally, an indictment was returned in the U.S. District Court, Eastern District of Michigan, on July 23, 1970, charging Wilkerson and others with conspiring to transport explosives in interstate commerce with intention to injure persons or destroy or damage buildings and with possessing firearms and destructive devices, consisting of dynamite, detonator caps and fuses which were not properly registered. This indictment was expanded on December 7, 1972, in that Wilkerson and others were charged with conspiring to bomb various police and military installations in several cities.

Description

Age	29, born Jan. 14, 1945, Bronxville, N.Y.
Height	5 feet 6 inches.
Weight	110 to 125 pounds.
Build	Slender.
Hair	Brown.
Eyes	Brown.
Complexion	Fair, freckled.
Race	White.
Nationality	American.
Occupations	Camp counsellor, clerk, secretary.
Remarks	May wear horn-rimmed glasses; reportedly plays harp and guitar.
FBI No.	607, 586 G.

Fingerprint classification:

19 M 23 W IOO 15 Ref: 23
I 19 W IIO 27

Left thumbprint.

Caution

Wilkerson reportedly may resist arrest and has been associated with persons who advocate the use of explosives and may have acquired firearms. She should be considered dangerous.

Notify the FBI

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

U. S. GOVERNMENT PRINTING OFFICE : 1974 O - 553-945

FOOTNOTES

[1] *Ingram* v. *Higgins*, 103 Cal. App. 2d 287, 229 P. 2d 385 (Dist. Ct. Cal. 1951).

[2] 103 Cal. App. 2d at 289, 229 P. 2d at 386.

[3] Ibid.

[4] Ibid.

[5] Ibid.

[6] The reported figures were 43,171 assaults in 1970; 49,787 in 1971; 37,523 in 1972; and 32,535 in 1973. These are the reported incidents. It has been estimated that there were approximately 75,400 assaults in 1971; 61,800 in 1972; and 62,300 in 1973. These figures are for assaults of local, county, and State law enforcement officers. Assaults on Federal officers have also increased. FBI Uniform Crime Reports—1970, 1971, 1972. (Washington, D.C., U.S. Government Printing Office.)

[7] 34 percent in 1969, 35 percent in both 1970 and 1971, 39 percent in 1972, and 39 percent in 1973. FBI Uniform Crime Reports—1970, 1971, 1972. (Washington, D.C., U.S. Government Printing Office.)

[8] 81 percent in 1970, 1971, and 1972. FBI Uniform Crime Reports—1970, 1971, 1972. (Washington, D.C., U.S. Government Printing Office.)

[9] 31 percent in 1970, 35 percent in 1971, and 36 percent in 1972. FBI Uniform Crime Reports—1970, 1971, 1972. (Washington, D.C., U.S. Government Printing Office.)

[10] 15 percent in 1970, 18 percent in 1971, and 16 percent in 1972. FBI Uniform Crime Reports—1970, 1971, 1972. (Washington, D.C., U.S. Government Printing Office.)

[11] 54 percent in 1970, 47 percent in 1971, and 48 percent in 1972. FBI Uniform Crime Reports—1970, 1971, 1972. (Washington, D.C., U.S. Government Printing Office.)

[12] W. Prosser, "The Law of Torts," § 9, 35 (4th ed. 1971) [hereinafter cited as Prosser].

[13] Prosser, § 10 at 37.

[14] Prosser, § 9 at 35, and § 10 at 40.

[15] Prosser, § 8 at 31–32.

[16] Prosser, § 7 at 28.

[17] Ibid.

[18] Ibid.

[19] Prosser, § 7 at 29.

[20] Prosser, § 2 at 9.

[21] Ibid.

[22] Ibid. at 13–14.

[23] W. LaFave & A. Scott, "Handbook on Criminal Law," § 80, 603 (1972).

[24] See Code of Ala. Title 14, § 374 (19) and (20) (Assault upon a peace officer in performance of his duties) (1958); Ariz. Rev. Stat. Ann. § 13–245 (A)(7) (Aggravated assault and battery) (1973 Supp.); Ark. Stat. Ann. Title 41–2802 (Assaulting Officer) (1971 Supp.); Cal. Penal Code §§ 241 (Assault), 243 (Battery), 245(b) (Assault with deadly weapon or force likely to produce great bodily injury) (West Supp. 1970); Col. Rev. Stat. Ann. chs. 40–3–202(1)(e) (Assault in the first degree), 40–3–203(1)(f) (Assault in the second degree) (1963); D.C. Code Title 22–505 (Assault on member of police or fire dept.) and 22–505(b) (Use of deadly or dangerous weapon) (1967); Hawaii Rev. Stat. Title 38, § 724–5(1) (Assault, battery, and affray) (1968); Smith-Hurd Ill. Ann. Stat. ch. 38 § 12–4(b)(6) (Aggravated battery) (Additional Supp. 1972); Kan. Stat. Ann. ch. 21, §§ 3409 (Assault of a law enforcement officer), 3411 (Aggravated assault on a law enforcement officer), 3413 (Battery against law enforcement officer), 3415 (Aggravated battery of a law enforcement officer) (1973 Supp.); Me. Rev. Stat. Ann. Title 17, § 2952 (Assault on or interference with officer) (1973 Supp.); Md. Ann. Code Art. 27, § 386 (Unlawful shooting, stabbing, assault, etc., with intent to maim, disfigure, or disable or to prevent lawful apprehension) (1957); Mass. Ann. Laws ch. 265, § 13D (Assault and battery on police officer, firefighter, or correction officer) (1932); Vernon's Ann. Mo. Stat. § 557.215 (Striking officer in performance of his duties) (1951); Mont. Rev. Code Ann. Title 94–602(5) (Assault in the second degree) (1947); Neb. Rev. Stat. ch. 28–629.01 (Assaulting or resisting a law enforcement officer) (1942); N.J. Stat. Ann. Title 2A:90–4 (Assault and battery upon a law enforcement officer in performance of his duties) (1939); N.M. Stat. Ann. ch. 40A–22–20 (Assault upon a peace officer), ch. 40A–22–21 (1936); Purdon's Pa. Stat. Ann. (Aggravated assault upon a peace officer), ch. 40A–22–22 (Assault with intent to commit violent felony upon a peace officer), ch. 40A–22–23 (Battery upon a peace officer), ch. 40A–22–24 (Aggravated battery upon a peace officer) (1953); N.Y. Penal Law § 120.05(3) (Assault in the second degree) (1967); N.C. Gen. Stat. § 14–33(b)(4) (Assault on a public officer while officer attempting to discharge duty), § 14.34.2 (Assault with a firearm upon a law enforcement officer) (1943); N. Dak. Cent. Code Ann. ch. 12–26–04 (1959); Page's Ohio Rev. Code Ann. § 2901.25.2(A) (Assault and battery against officer or fireman in lawful performance of official duties) (1953); Okla. Stat. Ann. Title 21 § 649 (Assault or battery upon police or other law officer), § 650 (Aggravated assault or battery upon law officer) (1936); Purdon's Pa. Stat. Ann. Title 18 § 2702 (a)(2) and (a)(3) (Aggravated assault) (1930); R.I. Gen. Laws § 11–5–5 (Assault of police officers and firemen) (1956); Vernon's Tex. Stat. Ann., Penal Code ch. 2, art. 1147(1) (Aggravated assaults and other offenses) (1965); Vt. Stat. Ann. Title 13, § 1024(a)(4) (Aggravated assault) (1971 Supp.); Wash. Rev. Code Ann. Title 9.11.020 (Assault in the second degree—how punished), 9.41.025(5) (Resisting apprehension or arrest by firing on law enforcement officer) (1961); Wis. Stat. Ann. ch. 940.205 (Assault and battery on peace officers or firemen) (West 1957).

[25] See Alaska Stat. § 11.30.210 (Obstructing an officer) (1962); Del. Code Ann. Title 11 § 451(2) (Obstruction of any officer while executing any lawful writ or warrant) (1953); Fla. Stat. Ann. § 933.15 (Obstruction of service or execution of warrant) (1944); Ga. Code Ann. Title 26 § 2505 (Obstruction of officer) (1971 Supp.); Minn. Stat. Ann. vol. 40, § 609.50 (Obstructing legal process or arrest) (1946); Miss. Code Title 97, § 97–9–73 (Resisting or obstructing arrest) (1972); N.H. Rev. Stat. Ann. ch. 587.5–.8 (Obstruction of officers) (1955); Or. Rev. Stat. § 162.315 (Resisting arrest) (1953); Utah Code Ann. Title 76–8–306 (Obstructing justice) (1953); Va. Code Title 18.1–310 (Obstructing justice by threats or force) (1950); W. Va. Code ch. 61–5–17 (Obstructing officer; penalty) (1966); Wy. Stat. Title 6–183 (Obstructing lawful arrest or service of process; assaulting officer) (1971).

[26] See Burns Ind. Stat. Ann. § 10–1005 (Resisting or interfering with officer), § 10–1005a (Drawing weapon or injuring officer) (1969 Supp.); La. Rev. Stat. § 14:108 (Resisting an officer) (1951); Mich. Stat. Ann. § 28.747 (Resisting, etc., officer in the discharge of duty) (1972 Supp.); Utah Code Ann. Title 76–8–305 (Interference in arrest by law enforcement officer) (1973 Supp.); V.I. Code Ann. Title 14, § 1508 (Interfering with officer discharging his duty) (1962).

[27] 18 U.S.C. § 111.

[28] *United States* v. *James*, 464 F. 2d 1228 (9th Cir. 1972), cert. denied, 409 U.S. 1086 (1972); *United States* v. *Michalek*, 464 F. 2d 442 (8th Cir. 1972); *United States* v. *Maynard*, 452 F. 2d 1087 (1st Cir. 1971); *United States* v. *Ganter*, 436 F. 2d 364 (7th Cir. 1970); *United States* v. *Ulan*, 421 F. 2d 787 (2d Cir. 1970); *Burke* v. *United States*, 400 F. 2d 866 (5th Cir. 1968), cert. denied, 395 U.S. 919 (1969); *United States* v. *Wallace*, 368 F. 2d 537 (4th Cir. 1966), cert. denied, 386 U.S. 976 (1967).

[29] This may be particularly true in circumstances where prosecutors are reluctant to prosecute criminal assault charges, unless the attack is aggravated, due to the difficulty of convincing a jury that minor confrontations constitute a felony in those jurisdictions where no misdemeanor charge is available. See Washington Post, Dec. 11, 1973, § A at 8, cols. 1 and 2.

[30] See also Me. Rev. Stat. Ann. Title 17, § 2952, which, although a criminal statute, permits the court to order that the defendant make restitution for any damage to the property of a law enforcement officer assaulted or interfered with under the section.

[31] *Supra* footnote 1.

[32] *Celmer* v. *Quarberg*, 56 Wis. 2d 581, 203 N.W. 2d 45 (1973).

[33] *Smith* v. *Hubbard*, 253 Minn. 215, 91 N.W. 2d 756 (1958).

[34] Ibid.

[35] *Veillon* v. *Sylvester*, 174 So. 2d 189 (Ct. App. La. 1965).

[36] Ibid.

[37] *Supra* footnote 33.

[38] *Fobbs* v. *City of Los Angeles*, 316 P. 2d 668 (Dist. Ct. App. Cal. 1957).

[39] *Ryan* v. *Quinn*, 24 Ky. L. Rptr. 1513, 71 S.W. 872 (Ct. App. 1903).

[40] *Stevens* v. *Thompson*, 184 So. 2d 140 (Ala. 1966).

[41] *Supra* footnote 35.

[42] Ibid.

[43] *Supra* footnote 35 at 190.

[44] Ibid.

[45] Ibid.

[46] Ibid. at 191.

[47] Ibid. at 192.

[48] Ibid.

[49] Ibid.

[50] 61 So. 2d 595 (Ct. App. La. 1952).

[51] Ibid. at 597.

[52] Ibid. at 596.

[53] Ibid. at 597.

[54] 56 Wis. 2d 581, 203 N.W. 2d 45 (1973). A point to be noted in the *Celmer* decision is that while the trial court found as a matter of law the defendant officer had probable cause to arrest the plaintiff, a jury finding that the officer had been negligent in the manner in which the arrest was made was upheld on appeal. It would seem possible, therefore, that an officer whose identity was not readily known to the individual assaulting the officer might have difficulty gaining civil damages against the assailant, even though the assailant, especially in the Federal courts, could be found guilty under statutes making it a crime to assault an officer engaged in the performance of his official duties.

[55] 56 Wis. 2d at 586, 203 N.W. 2d at 48.

[56] 56 Wis. 2d at 588, 203 N.W. 2d at 49.

[57] 56 Wis. 2d at 595, 203 N.W. 2d at 53.

[58] Ibid.

[59] 114 Colo. 267, 160 P. 2d 390 (1945).

[60] 114 Colo. at 270, 160 P. 2d at 391.

[61] 114 Colo. at 274, 160 P. 2d at 393.

[62] Ibid.

[63] 114 Colo. at 274, 160 P. 2d at 392.

[64] *Supra* footnote 61.

[65] 83 Conn. 200, 76 A. 269 (1910).

[66] 83 Conn. at 203, 76 A. at 270–271.

[67] 83 Conn. at 202, 76 A. at 270.

[68] 253 Minn. 215, 91 N.W. 2d 756 (1958).

[69] 253 Minn. at 219, 91 N.W. 2d at 761.

[70] 253 Minn. at 220, 91 N.W. 2d at 762.

[71] *Supra* footnote 69.

[72] *Supra* footnote 70.

[73] 253 Minn. at 224, 91 N.W. 2d at 764.

[74] "Blackstone's Commentaries on the Law" 558 (B. Gavit ed. 1941).

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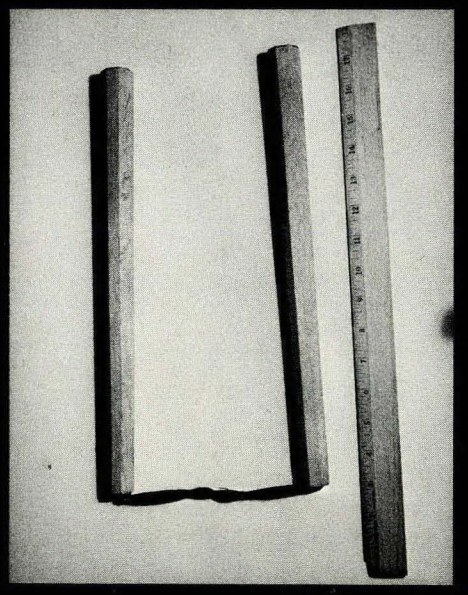
NUNCHAKU STICKS

Since a weapon known as nunchaku sticks (shown below) began appearing in motion pictures, homemade facsimiles have surfaced as a problem for law enforcement officers in some areas. Known by many names, such as karate sticks, chaka sticks, chucks, morning star, holy water sprinkler, and nutcracker flail, the weapon has been declared illegal in several jurisdictions.

The nunchaku sticks usually consist of two pieces of hard but flexible wood, such as oak (although pieces of pipe are sometimes used) fastened at one end with a short length of leather or chain. The device generally has two sections of equal lengths. While it is most often used as a flail, the weapon, in the hands of an expert, can be used to jab, strike, hit, pinch and choke sufficiently to maim or kill a person in only a few seconds. The nutcracker action of the sticks can crush or painfully pinch appendages of the body.

Law enforcement officers should be alert for these simple wooden stick devices which, in the hands of a desperado, could prove to be dangerous and deadly weapons.



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INTERESTING PATTERN

The pattern presented at left is classified as a double loop-type whorl with an inner tracing. It is interesting in that at first glance it appears to be an accidental whorl.