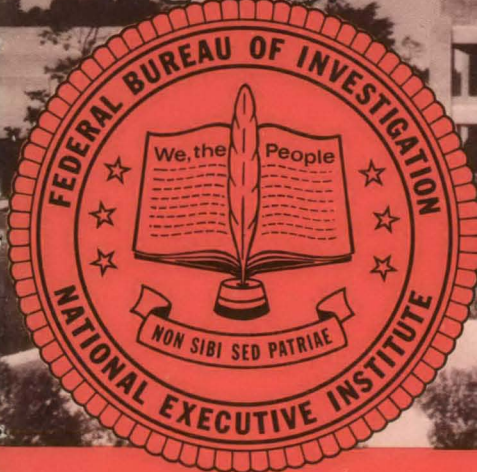
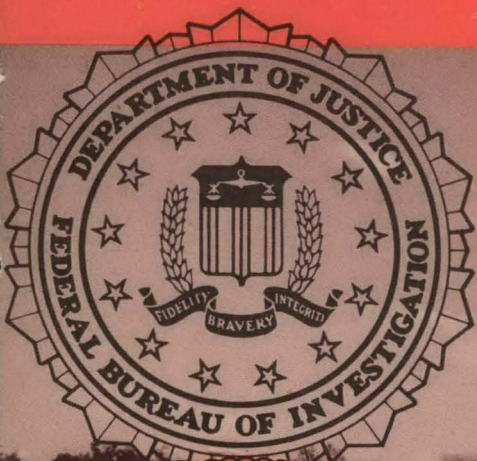


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Law Enforcement Bulletin

SEPTEMBER 1976



Federal Bureau of Investigation

Clarence M. Kelley, Director

FBI

Law Enforcement Bulletin



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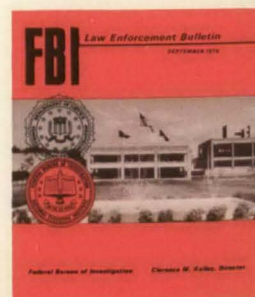
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THE COVER

Shown on this month's cover is the FBI Academy, Quantico, Va., where the initial session of the National Executive Institute was held. Mr. Kelley's Message, beginning on page one, and the two articles following it discuss the National Executive Institute.



Message from the Director . . .



A NOTABLE LANDMARK IN ADVANCED LAW ENFORCEMENT TRAINING was reached when the first session of the National Executive Institute convened at the FBI Academy, Quantico, Va., on March 25, 1976.

Although praiseworthy progress has distinguished most areas of police training, there has long existed in the United States a well-recognized but heretofore unanswered need for an executive training program of national scope, specifically designed to serve the top ranks of our profession. Without question, the police executive fulfills an extremely important role in our criminal justice system, and his responsibilities are becoming increasingly complex and challenging. In view of the high order of skills, knowledge, and leadership qualities required to successfully manage major departments today, it is not surprising that recent studies have found inadequate training to be a causative factor in the high rate of turnover among police executives.

The National Executive Institute was established to provide the kind of upper echelon training so critically and urgently needed by the police service of this Nation.

The FBI sought and received the invaluable assistance of the Major City Chiefs early in the development of the Institute. Members of the FBI Academy staff, after considerable research and with the advice of the Major City Chiefs, prepared

a pilot format and curriculum for the program.

In order to minimize the amount of prolonged time that executives attending the Institute would be absent from their agencies, it was decided that each session of the Institute would consist of four cycles, each of 4-day duration to be held every other month. To complement this schedule, an intensive study approach was chosen which would require participants to undertake independent study and work assignments outside of class. The curriculum devised for the first session covered a wide range of subjects, including current social problems, news media relations, collective bargaining, and other areas of managerial concern. Outstanding experts and prominent figures in many of these fields were invited to make presentations before the class and participate in discussions. The full resources of the FBI were also made available to the Institute.

The March–September 1976, pilot session of the National Executive Institute was attended by 25 Major City Chiefs and two Assistant Directors of the FBI, all of whom consented to act as evaluators and critics of the program. This group's experience, observations, and suggestions will greatly influence the planning of future sessions of the Institute. The FBI Academy staff is, of course, constantly seeking through a process of analysis and research to improve this program.


I have been highly impressed by the progress and success of this first session of the National

MESSAGE

Executive Institute, and I believe that the results already achieved clearly justify its continuance. The National Executive Institute represents a

major step forward in the advancement of police professionalism, and the FBI is indeed honored to play a key role in this vital endeavor.

SEPTEMBER 1, 1976


CLARENCE M. KELLEY
Director

THE FBI'S NATIONAL EXECUTIVE INSTITUTE: Educating Law Enforcement's Top Level Managers

Until recently, the establishment of a national training program for the police executive remained a desirable but unattained goal of longstanding. A major obstacle to initiating such a program was the more critical need for training officers at the recruit and middle management levels. This latter need was substantially alleviated by the wide proliferation of basic and midlevel law enforcement training programs established in the 1960's and continued to the present.

The English concept of executive training as practiced by the Police College at Bramshill House in England provides a striking example of a quality program of this nature already in operation. The training offered at that institution is quite impressive, and interestingly, the participation by

U.S. law enforcement officers as guest students at Bramshill served to nurture the executive training concept in our own country. Complex police problems, accentuated by social turmoil of the 1960's and economic problems of the 1970's, provided the last bit of impetus necessary for serious discussion to commence in the United States on the need for executive-level police training of a formal nature.

Police Chief Executive Committee

In late 1974, the Law Enforcement Assistance Administration provided funding for the International Association of Chiefs of Police (IACP) and the Los Angeles, Calif., Police Department to commence a project to study

the police chief executive. In line with this project, a committee, designated the Police Chief Executive Committee, was established. The chairman of this committee was Chief of Police Edward M. Davis of Los Angeles, and the vice-chairman was Police Commissioner Michael J. Codd of New York City. Designated as project director was Vernon L. Hoy who at that time was deputy chief of the Los Angeles Police Department but now is public safety director for the State of Arizona. This committee and their staff conducted a probative study of the contemporary status of the position of the police chief in this Nation—concentrating on selection criteria, retention considerations, removal processes, and important conditions and qualifications necessary for police ex-

ecutives to render competent and professional performance on a sustained basis.

During this study, it became evident that a definite need existed for police chiefs to receive high-level training in diverse subject areas. When the committee's report was published in 1976,¹ a key recommendation in this regard stipulated, "A national executive program should be established to provide advanced instruction in a wide variety of courses for police chief executives' enrichment and development. Curriculum should be developed to meet the needs of participants, with consideration given to the complexity of agency operations. Behavioral sciences and management courses, as they apply to managing a police agency, should be provided."²

Developing a Program

In 1975, FBI Director Clarence M. Kelley decided that the FBI should, as a service to the police profession, assume the responsibility to perfect and implement a program of advanced training for the police chief executives of this country.

Pursuing the matter further, Director Kelley, in August 1975, assigned the Management Science Unit of the FBI Academy the task of developing a proposal for an executive training program of this nature. The resultant proposal was presented to the Major City Chiefs at a meeting held the following month during the IACP Conference in Denver, Colo. After hearing the proposal, the Major City Chiefs unanimously endorsed it, adding a request that they be allowed to attend the first executive training session in order to be able to analyze its format and scope further and to offer suggestions for its improvement in future sessions. Director Kelley fully consented to this request.

The budding program was officially



FBI Director Clarence M. Kelley addressing participants at the historic first session of the National Executive Institute.

entitled the National Executive Institute and selected as its motto was the Latin expression "Non sibi, sed patriae," that is, "Not for one's self, but for one's country." At Mr. Kelley's direction, the FBI Academy staff next commenced efforts to develop a specific format, specialized curriculum, and target population for the program.

Intensive Four-Cycle Sessions

After considering many alternatives, it was decided that each session of the National Executive Institute would consist of four separate cycles, each of 4 days' duration, to be held during a designated Thursday-

through-Sunday period every other month. This particular 4-day period of the week was chosen because the very nature of a major city police chief's job makes it difficult for him to be away for an extended period, particularly during weekdays, without posing possible serious problems for the department. Combining short intensive learning experiences at the FBI Academy with requirements for extensive independent research and study, preparatory to each cycle, appeared to be the best possible manner for both minimizing time away from the department and maximizing the material that could be covered and absorbed.

The Academy staff, after consultation with chiefs of police and a thorough review of *The Police Chief Ex-*

ecutive Report,³ selected the following topical areas for study in the program: national and international political, economic, and social trends affecting the local police function; the effects of affirmative action on hiring and promotion policies; the utilization of the media to achieve police goals; labor relations; the future structure of police organizations; financing of police operations; and the impact of crime in the United States on the police function. The possession of timely and accurate information in these particular areas was judged to be of critical and ongoing importance to the law enforcement executive.

The next major task was to identify and invite those best qualified to render presentations and lead discussions on these subjects with the executives to be in attendance. These efforts were most successful. For example, on the subject of national and international

political, economic, and social trends, the staff recommended and subsequently obtained the services of Herman Kahn's prestigious Hudson Institute staff. Other prominent experts in various fields throughout the country also accepted invitations to participate in areas relating to their respective fields of expertise.

The detailed program developed was subsequently submitted to the College of Continuing Education, University of Virginia (with which the FBI Academy is affiliated), which approved the concept presented. As a result, provisions have been made for those police chief executives who complete the program to earn continuing education units of credit through this university.

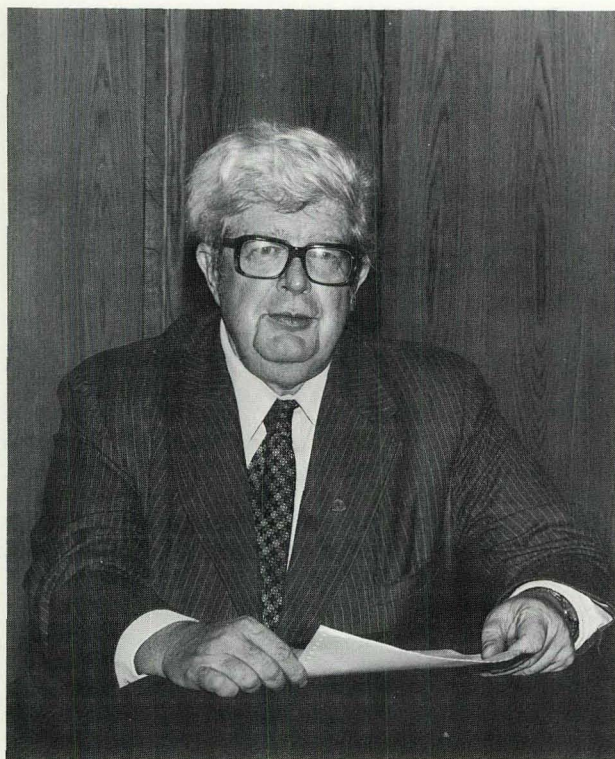
Inviting Major City Police Executives

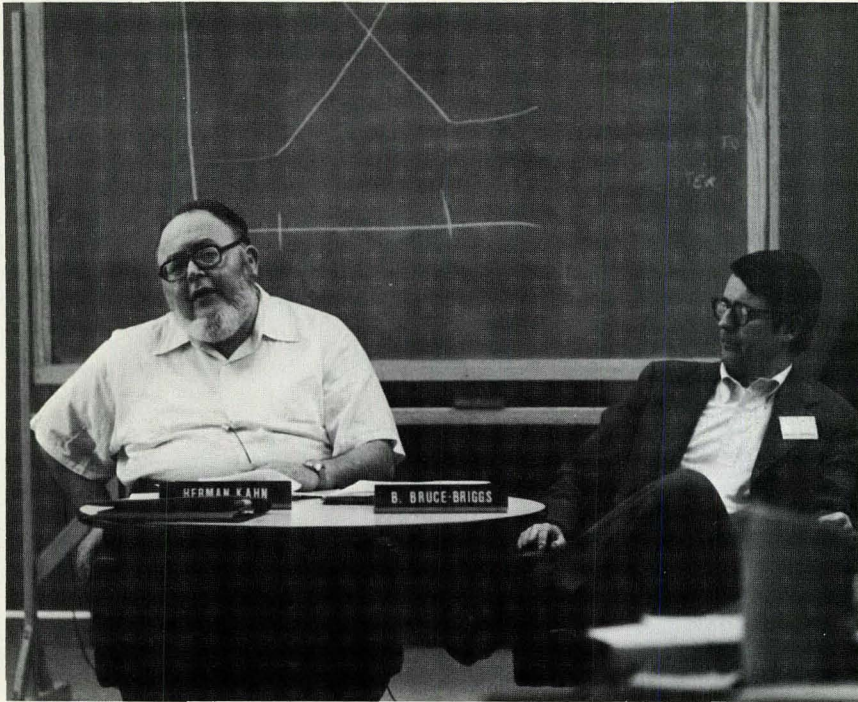
In early 1976, the FBI Academy

staff met with Police Commissioners Donald P. Pomerleau of Baltimore, Michael J. Codd of New York, and Joseph F. O'Neill of Philadelphia, as well as with San Jose Chief of Police Robert B. Murphy and Superintendent of Police James M. Rochford of Chicago. At this time, the proposed curriculum was submitted for their approval. This advisory group concurred with the recommended proposal and, shortly thereafter, invitations to attend the first National Executive Institute were sent to major city police executives. The majority of those invited advised they would be able to participate in the program. In addition, two Assistant Directors of the FBI, Robert E. Gebhardt of the Los Angeles office and J. Wallace LaPrade of the New York office, were extended invitations. Those to be in attendance were asked to evaluate each aspect of the program and, thereafter, to recom-

George E. Reedy, Presidential press secretary during the Johnson administration and current dean, college of journalism, Marquette University, was guest lecturer on press relations during the National Executive Institute.

Professor James Q. Wilson of Harvard University, a prominent spokesman on crime problems, was a guest lecturer at Cycle II of the National Executive Institute.





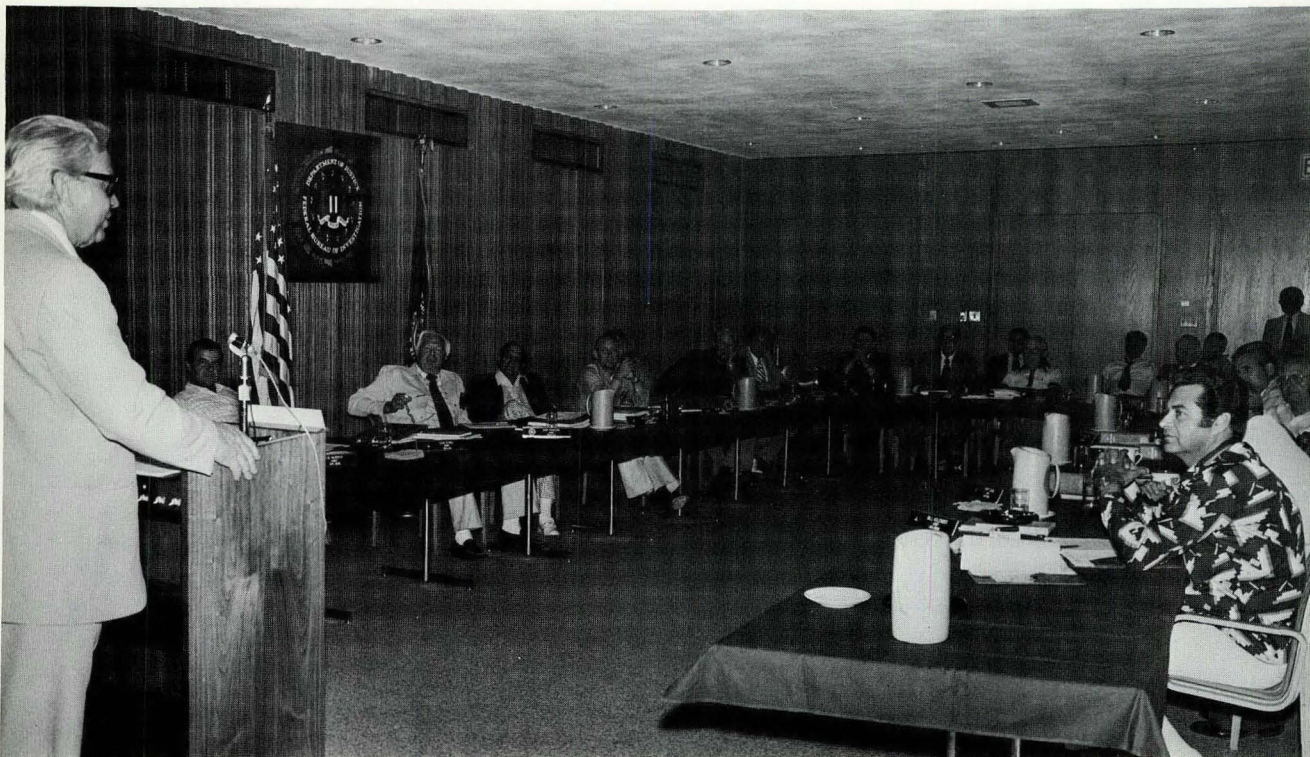
Herman Kahn and B. Bruce Briggs of the Hudson Institute pictured during National Executive Institute presentation on the "Future of Cities" during Cycle I.

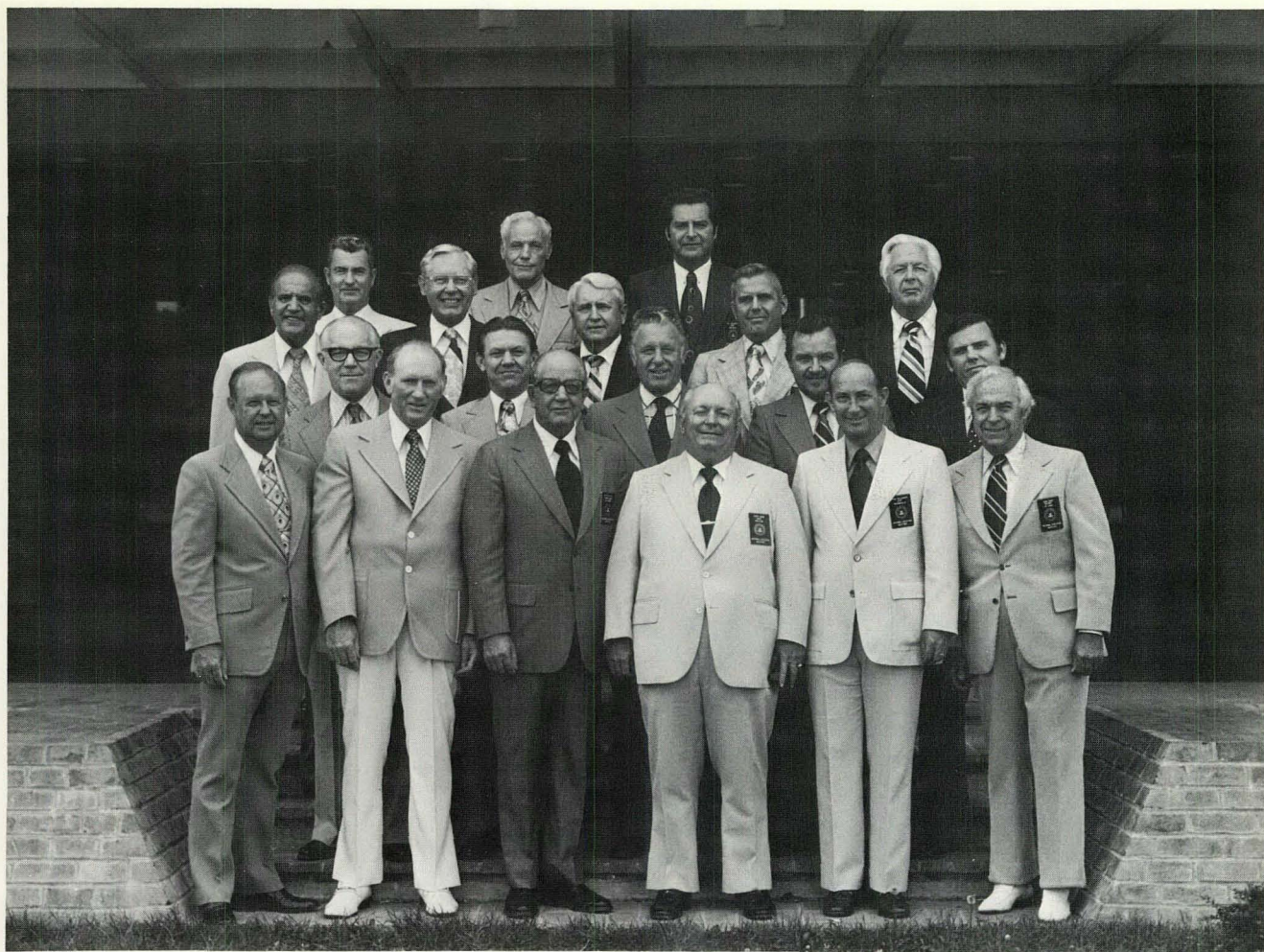
mend whether or not the subject matter presented should be retained in the curriculum of future sessions and whether other subjects should be added.

Historic First Session

On March 25, 1976, Cycle I of the historic first session of the National Executive Institute commenced at the FBI Academy, Quantico, Va., with 25 major city police executives and two FBI Assistant Directors attending. Herman Kahn and staff members of the Hudson Institute conducted the entire 4-day program. Kahn, an affable 50-year-old physicist and futurologist, was extremely impressive. His presentation ranged from a detailed social analysis of the United States during the period 1965 to 1975—which Kahn referred to as the "decade of malaise"—to the state of American education. The attending

U.S. Secretary of Labor W. J. Usery, Jr., leading discussion on management-labor relations with police executives during Cycle III of the National Executive Institute.





Participants in Cycle III of First National Executive Institute Session: Front row (l. to r.): Chief Earl Burden, Jr., Columbus, Ohio; Superintendent James M. Rochford, Chicago, Ill.; Commissioner Donald D. Pomerleau, Baltimore, Md.; Chief Byron G. Bond, Houston, Tex.; Chief Eugene Gallagher, Indianapolis, Ind.; Colonel Eugene J. Camp, Saint Louis, Mo.; Second row: Commissioner Thomas R. Blair, Buffalo, N.Y.; Chief Arthur G. Dill, Denver, Colo.; Sheriff Dale Carson, Jacksonville, Duval County, Fla.; Chief Donald A. Byrd, Dallas, Tex.; Superintendent Robert J. Coll, Pittsburgh, Pa.; Third row: Sheriff Peter J. Pitchess, Los Angeles County, Calif.; Assistant Director Robert E. Gebhardt, of the FBI's Los Angeles office; Chief Edward M. Davis, Los Angeles, Calif.; Chief Myron J. Leistler, Cincinnati, Ohio; Chief Robert L. Hanson, Seattle, Wash.; Fourth row: William M. Mooney, Assistant Director, Training Division, FBI; Chief Robert B. Murphy, San Jose, Calif.; Chief William Kolender, San Diego, Calif.

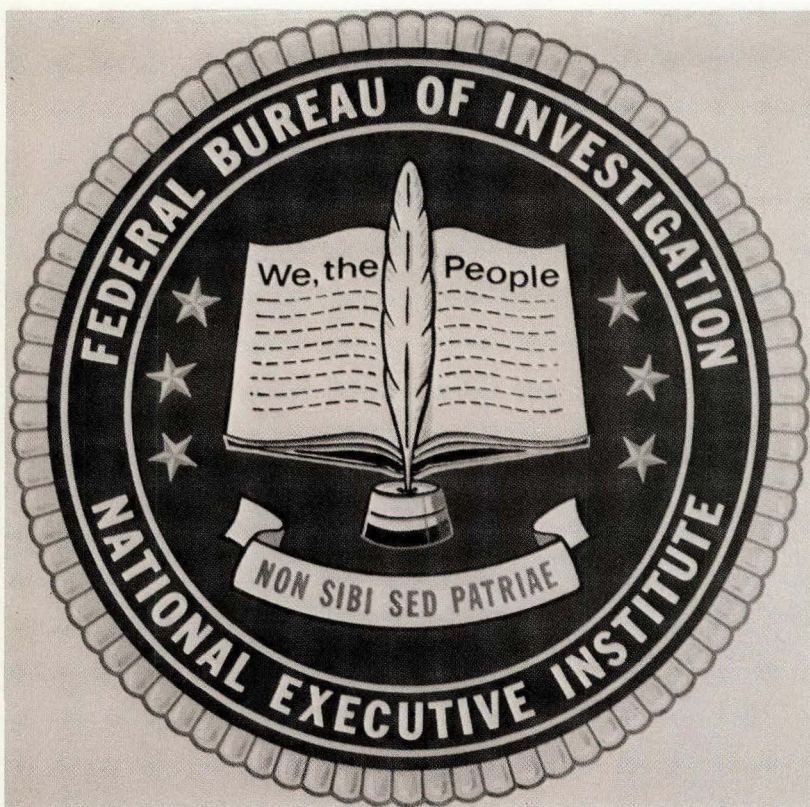
police executives lauded the overall presentation by staff members of the Hudson Institute.

Cycle II of the first National Executive Institute session began on May 6, 1976, and dealt with the impact of crime on American society and the utilization of the news media to achieve a change in American attitudes toward crime. During this cycle, a variety of distinguished figures addressed these vital issues. Among those appearing were author

and educator James Q. Wilson of Harvard University, psychoanalyst and author Ernest van den Haag of New York University, Paul Weaver of Fortune Magazine, former Presidential Press Secretary George Reedy, Ben Bradlee of the Washington Post, news correspondent Sander Vanocur, and public relations counsel Philip Lesly. The participating police executives again commented favorably on the curriculum presented and offered some constructive suggestions for fur-

ther improving it.

On July 8, 1976, Cycle III started at the FBI Academy with the subjects of affirmative action and labor relations thereafter being covered. Both advocates and critics of affirmative action presented their views regarding the impact of this concept on the law enforcement profession. Police unions, strikes, and the achievement of better labor-management relations were also discussed and debated at seminars held during this phase. Although some



Seal of the National Executive Institute.

issues aired were of a highly controversial nature, it proved, however, to be a most productive meeting. A highlight of the cycle was a presentation by U.S. Secretary of Labor W. J. Usery, Jr. Once again, those police executives attending offered some keen observations on the subjects covered and identified problem areas that called for more attention.

Cycle IV, the final phase of this first session of the National Executive Institute, will commence on September 9, 1976. During this phase, the subjects of future police organizational struc-

tures and financing of police operations are scheduled for presentation and discussion. Noteworthy guest speakers are scheduled to include management consultant George F. J. Lehner; organizational productivity expert Dick Netzer of New York University; and public finance specialist Edward K. Hamilton of Stanford University.

It is certainly not premature to say that so far the first National Executive Institute session has amply demonstrated its worth and promise. Director Kelley shares this high regard for

the program and fully supports the FBI's continuing sponsorship of it.

A Step Toward Better Performance

Today's metropolitan police executive is confronted by an array of challenging social, political, and economic problems which are unique in the history of law enforcement. To adequately meet these challenges, police executives must have access to a continuing educational program designed to keep them abreast of change, increase the breadth of their knowledge, and sharpen their technical skills. Through such growth they can become more effective leaders and perform their functions more proficiently. The National Executive Institute is dedicated to fulfilling this educational role.

Many Involved in Success

Whatever success has been achieved thus far in this educational endeavor is in large measure due to the enthusiastic assistance of those major city police executives who supported the program from the outset and attended the first session; to the research, planning, and performance of personnel of the FBI Academy staff; and, finally, to those talented individuals whose concern for law enforcement and the welfare of our Nation led them to offer the Institute their expert services in making presentations and leading discussions.

All involved look forward to the continuance and further development of this worthwhile, timely, and significant venture.

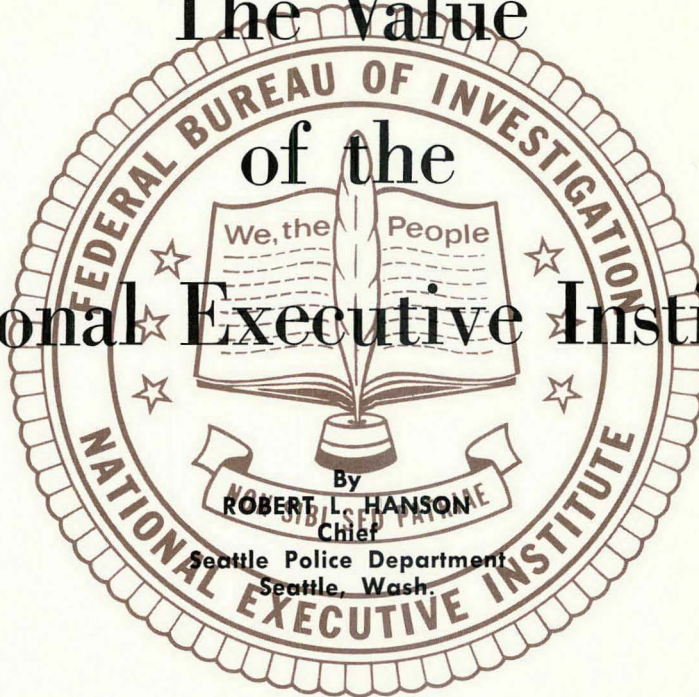
FOOTNOTES

¹ A Report of the Police Chief Executive Committee of the International Association of Chiefs of Police, *The Police Chief Executive Report*, Washington, D.C., Law Enforcement Assistance Administration, U.S. Department of Justice, 1976.

² *Ibid.*, p. 119.

³ *Op. cit.*

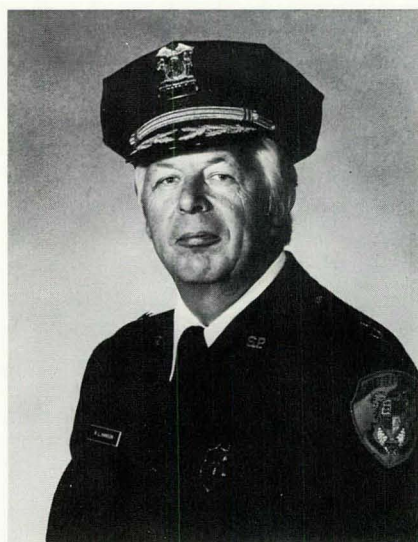
The Value of the National Executive Institute



By
ROBERT L. HANSON
Chief
Seattle Police Department
Seattle, Wash.

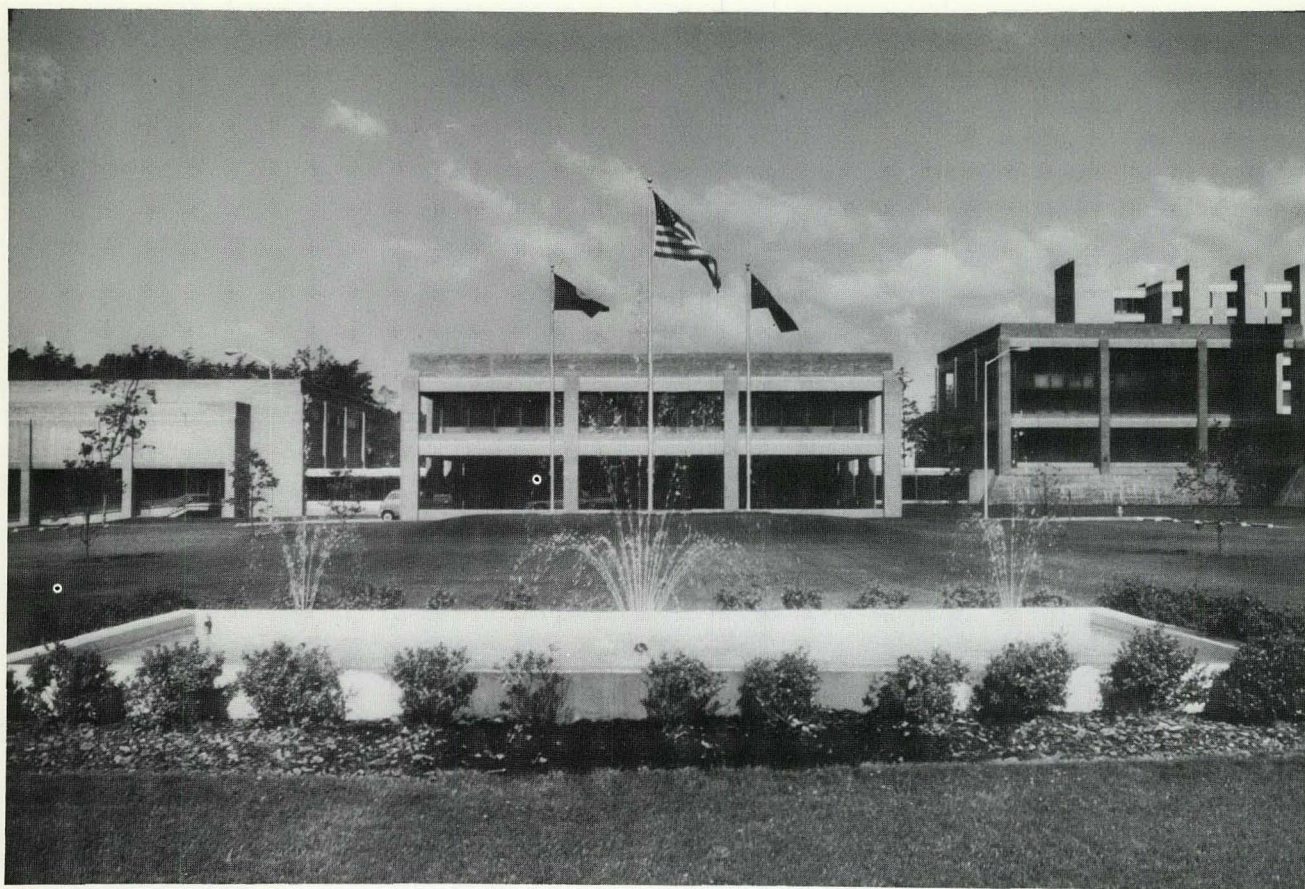
For many years, this Nation's police executives have realized the importance of training and education. Millions of dollars are spent annually to prepare police officers for the varied experiences they will encounter. Certainly, the day when a new patrolman was merely handed a gun and badge and told to protect the city is long past.

"For many years, this Nation's police executives have realized the importance of training and education."



Training in most police agencies today ranges up to 6 months in duration and includes a wide diversification of courses, from criminal law and firearms to crisis intervention and community awareness.

We have learned, however, that the training process doesn't stop with the basic academy. Thousands of police officers are attending colleges and universities, or have completed advanced degrees. For example, just over 70 percent of the members of the Seattle Police Department have completed a college course, and the number with advanced degrees is increasing dra-



FBI Academy, Quantico, Va.

matically. I'm sure similar statistics for other agencies are equally impressive.

The importance of improved education for our police is recognized by Congress through the law enforcement education program, a federally funded grant program for law enforcement

“ . . . increased education of police officers . . . has been a major contributing factor to advancement in police professionalism.”

officers interested in a higher education. Also worthy of note is the fact that many police agencies have insti-

tuted entrance requirements of at least 2 years, and in some cases, 4 years of college.

This increased education of police officers, provided from both within the police agency and from other institutions, has been a major contributing factor to advancement in police professionalism.

As Aristotle once said, “Educated men are as much superior to uneducated men as the living are to the dead.”

However, as we all know, the educational process of police officers does not stop when the basic academy instruction is successfully completed or when a college degree is awarded. The education of a police officer never ends, it is an ongoing process.

The recent establishment by the Fed-

eral Bureau of Investigation of the National Executive Institute (NEI) is a recognition of the need for continued education, even for the Nation's top police executives.

Periodically, the major city chiefs of police have gathered and discussed common issues affecting the law enforcement community. While these meetings were, and still are, very profitable, it was soon realized that a more formal setting, one that would contribute to a rapid learning process, was necessary.

This need was answered when the FBI agreed to sponsor the first National Executive Institute in March.

Similar to the Senior Command College in Bramshill, England (an institution operated by the London Metropolitan Police and used as a

training center for top British police officials), the National Executive Institute has filled the void created by the absence of a central location for the continuing education of this country's top police officials.

“... the National Executive Institute has filled the void created by the absence of a central location for the continuing education of this country's top police officials.”

While I must admit that the 4-day cycles of the NEI have been grueling, I can report without hesitation that my recent attendance at the NEI has been the most productive learning process of my entire police career.

The curriculum was developed after the major city chiefs were polled on what they believed to be the most significant issues facing the law enforcement community. Cycle I of the NEI, held in March, reflected the results of this informal poll. The influence of political trends on city governments topped the list of suggested issues and this topic led to an informative discussion covering the history of democratic governments as well as the current political, economic, and social trends in our country, as they pertain to the criminal justice system. Many experts in the field of sociology from the Hudson Institute participated in our discussions, including its director, Dr. Herman Kahn, who is considered to be one of our Nation's leading specialists in public policy analysis, and Frank E. Armbruster, director of interdisciplinary studies at Hudson.

The second cycle, held in May, dealt with an analysis of U.S. crime and police/press relations. Two of this country's leading criminologists, Professor James Q. Wilson, chairman of the department of government at Harvard University, and Dr. Ernest van den Haag, psychoanalyst and so-

cial critic at New York University, led our discussions. Wilson and van den Haag are the authors of two recent works, respectively entitled “Thinking About Crime” and “Punishing Criminals,” which deal with the criminal justice system and our response to the rising crime rate.

These books have accomplished more, perhaps, than any other publication in raising the consciousness of thinking people about our treatment of criminal offenders. These works have legitimized the arguments supporting certainty of punishment and can certainly be regarded as major contributions to the field of criminal justice literature.

The discussions on the role of the police and the press were most enlightening and further strengthened my conviction, and those of my colleagues, that positive relations with the press are necessary for effective law enforcement.

Other topics covered in the four cycles of the NEI were juvenile justice projects, police strikes, labor relations, affirmative action, police management, municipal budgets, and team policing.

The great success of the NEI, in my mind, can be traced directly to the organization of the entire program and the physical setting in which it is held. The FBI Academy at Quantico, Va., is a \$30 million campus of the first order. It is highly conducive to concentrated study. While our meetings were long, averaging 12 hours a day, and the material extensive, I can emphatically state that the effort was well worthwhile. The social relaxation offered was well received, too. In fact, I was given a cake on my 50th birthday during a brief surprise party.

While the concept of a national center for the continuing education of police executives has been considered for many years, our hats must go off to Director Clarence M. Kelley and the staff of the FBI Academy for bring-

ing the concept to its logical fruition. I know the stress on the Academy staff to put together a viable program for police executives was tremendous. Their efforts, however, were much appreciated. The product of their work was of the highest caliber.

There are many unanswered questions about the NEI. For example: Should sessions be held on a continuing basis? Should the FBI be the principal catalyst? I would answer both affirmatively. I do know that I have eagerly attended each cycle and would send any of my command staff members to the NEI.

“The great success of the NEI . . . can be traced directly to the organization of the entire program and the physical setting in which it is held.”

The results of this session will be realized in the minds of the attendees for many years. Perhaps most important, however, is the acceptance of the belief that even those of us who have reached the top of our organizations are in constant need of education. A corollary of this is the realization that the top police executives of this country can have a definite impact on social trends when we ourselves understand those trends. A particularly revealing comment was made to me by Dean Charles Z. Smith, associate dean and professor of law at the University of Washington School of Law, as we discussed the value of the NEI. Dean Smith, who participated in the second cycle, said he was very pleased to learn that the leading police officials of the country sat down with many leading academicians and discussed problems affecting the justice system. I think this speaks extremely well for the NEI and its future.

Video Tape: A Viable Training Medium

By

CAPT. THOMAS M. LAWLOR

Police Academy
New York City Police Department
New York, N.Y.



**"Quiet on the set!
... Lights!
... Camera!
... Action!"**

No, you're not in Burbank or Hollywood. You are in New York City. The voice is not that of a movie director, it is a police sergeant. Policemen working in the New York City Police Department have entered "show biz." They are not only acting, they are also writing, producing, shooting, editing, and duplicating their own video tapes. After only 1 full year of operation, the Production Unit of the Police Academy is producing more video-tape training programs than most professional companies, and certainly more than any municipal agency around.

After a successful pilot project, the Law Enforcement Assistance Admin-

"Chief executives of large decentralized police agencies will find that video-tape capabilities . . . will enable them to provide a high degree of quality and standardization of training."

istration provided more than \$600,000 for the equipment needed to produce quality video tapes for delivery to the 20,000 uniformed members of the service working in a patrol capacity throughout the city. The equipment consists of three color studio cameras, three portable color cameras, a film chain for converting film and slides to video tape, two 1-inch master video production recorders, and 6 3/4-inch video cassette recorders for duplicating program material. The delivery system consists of 177 cassette players and a similar number of 25-inch color television sets that are located in almost every command in the department.

Staff Responsibilities

Everyone involved with the pro-

duction is a regular department employee and, with the exception of one, all are sworn personnel. The writing and production staff consists of a scant five members, under the sergeant's direction. They write scripts; audition and select the actors; coordinate material, props, and equipment; select sites; and direct the actual taping scenes.

Procedures call for all scripts to be complete in every detail and submitted for thorough review before they can be approved for production. This review is done by the unit commander first and then by the author, commanding officer of the Instructional Services Section, of which the Production Unit is a subcomponent. This review is designed to detect any undesirable nuances and innuendos that may have crept in and to insure conformity to department policy.

The other half of the Production Unit, the technical staff, has a total of seven members, also under the direction of a sergeant. All members have previous electronic experience, with the supervisor and one other officer holding first-class Federal Communications Commission classifications. Their duties include taping, editing, and duplicating all productions, plus maintaining the studio equipment as well as the players and television sets dispersed throughout the city. Almost 20 percent of their time is devoted to preventative maintenance of the studio equipment and portable cameras alone. Without this equipment all operations would come to a halt so it receives the number one priority.

Inservice Training

The training tapes are primarily utilized for the inservice training of the largest segment of the department, the Field Services Bureau. Each 10 weeks a 4-hour training program is produced, consisting of written instructional material and accompany-



Commissioner Michael J. Codd

ing video tape. The program can consist of one universal theme or a variety of independent topics. The temptation to make long tapes has been avoided,

"Policemen working in the New York City Police Department . . . are not only acting, they are also writing, producing, shooting, editing, and duplicating their own video tapes."

and only about 30 to 40 minutes of tape are utilized for each 4-hour program. By utilizing short vignettes of from 5 to 8 minutes duration each, to capture the audience's attention and to highlight the main training objectives of the program, the classroom instructors are better able to conduct discussion-oriented participatory sessions which maximize the learning process.

The 35 Field Services Bureau instructors, all of whom are police officers assigned to patrol commands, who actually conduct the training in classrooms throughout the city, are brought to the Police Academy in advance and familiarized with the new material. This precycle training gen-

erally takes 1 day, but is extended when the complexity of the subject matter dictates. This preparation period is essential not only to the proper presentation of the instructor's material but also to the proper use of the video tapes. Introduction of the tapes, reinforcement of contents, and coordination of allotted viewing time with discussion periods are all essential ingredients to a productive training experience.

The receptiveness of the tapes by field personnel has been nothing short of enthusiastic. But the Production Unit knows that this can change overnight, and, consequently, credibility is viewed as the all-important factor. In

"The receptiveness of the tapes by field personnel has been nothing short of enthusiastic."

order to maintain credibility, certain guidelines are followed for all productions:

Studio scenes are kept to a minimum.

Street scenes are more realistic and are the most desired settings.

Scripts are not written in the Police Academy vacuum.

Patrol personnel and other departmental specialists are brought in as consultants for all productions.

Personnel from throughout the entire department are utilized in as many acting roles as possible, giving the field a feeling of participation.

All programs must include positive direction. They cannot be solely "don't" oriented.

Aside from such "nuts and bolts" topics as response tactics, preservation of the crime scene, patrol procedures for handling barricaded suspects, and care and maintenance of

portable radios, more sophisticated topics have been addressed. Avoiding reflexive response was one topic which provided the officers with specific insight into the advantages they receive in life-threatening situations when they act in a controlled fashion, utilizing available concealment and tactical knowledge. Stress was also dealt with in a 4-hour program. An understanding of stress and its impact on an officer's performance was presented. Midway through the program the emphasis was transferred to victims, and the officers were provided with the opportunity to identify with the stress victims experience and consider how their own demeanor or operating style impacts on victims. Transactional

analysis, as a tool in dealing with citi-

"Video tape is the way of the future . . . easy to work with . . . there is no wastage . . . [it] can be erased and used time and time again . . . [and] instant replay capability exists when . . . video taping on the streets."

zens and demonstrators, is one of the subjects currently being addressed.

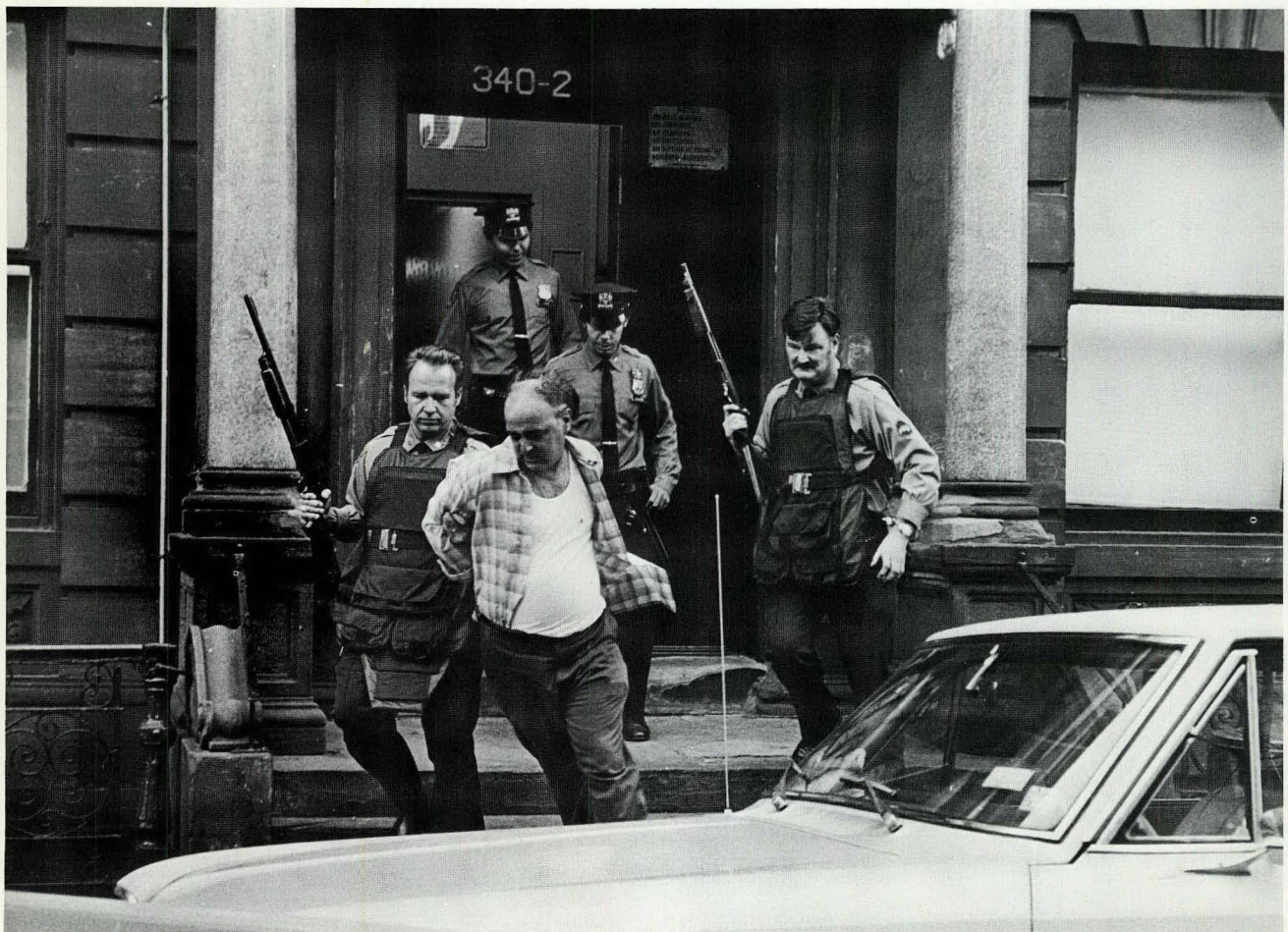
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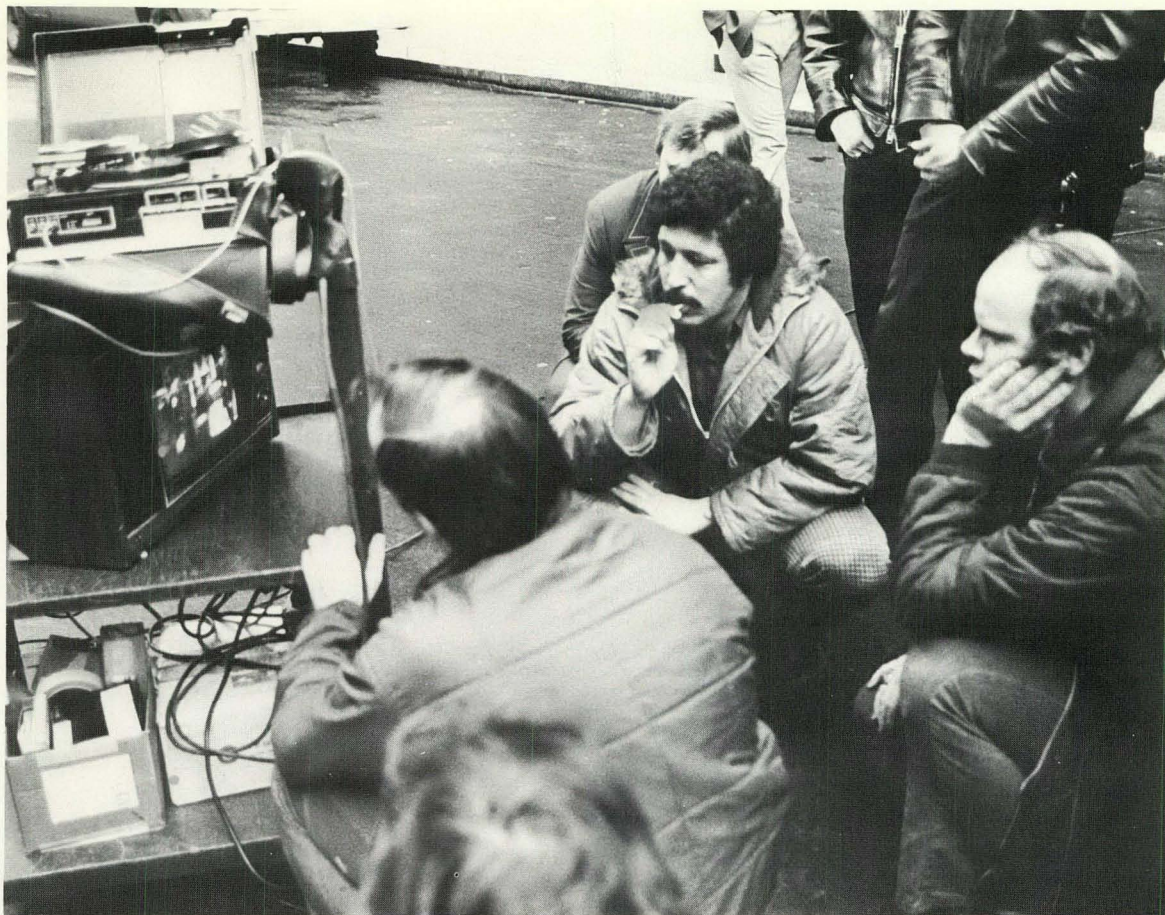
Shooting police scenes is not like doing "My Fair Lady," however. There are many dangers inherent in going out onto city streets and enacting realistic situations. Precautions must be taken, especially when vio-

lence is part of the script. One must always be conscious of the possibility that a passing law enforcement officer, or a well-meaning civilian for that matter, may intervene in what appears to be a criminal act.

To diminish this danger, no production can take place without notifications first being made to all uniform and detective personnel assigned to the area in question. The radio dispatcher concerned must also be notified of the time and location in the event a citizen calls the police to report "suspicious persons" or "a crime in progress." In addition, Production Unit personnel are posted at the entrances to the street being used, especially when firearms are displayed

Proper containment and firearms discipline by the first patrol officers on the scene usually results in the safe apprehension of the suspect in a hostage or barricade situation as shown in this staged scene.





Members of the production crew avail themselves of the instant replay capability while shooting a scene on the streets.

or used. But even with these precautions, all members of the crew must be aware of the fact that their safety is not guaranteed, and they must be alert. There always exists the possibility that an unsuspecting officer might reside in the area or be in one of the buildings adjacent to the selected site and initiate action on the spur of the moment.

Multifaceted Approach

The uses of this medium are limited only by the extent of one's imagination. Cassettes of 10 "mini" lessons are presently being prepared for rollcall training. Each cassette contains 10 short, self-explanatory video lessons that field supervisors can use on a

daily basis to instruct personnel prior to their going on patrol. The Production Unit has also embarked on a pilot project with the Detective Bureau and the New York County District Attorney's Office to explore the feasibility of using a video-tape bank of "look alikes" for use in the lineups. Video-tape segments are also being produced to enhance investigatory, management, firearms, and other advanced and specialized training courses.

Conclusion

Video tape is the way of the future. Not only is it easy to work with, but unlike film, there is no wastage. Tape can be erased and used time and time again. Also, instant replay capability

exists when you are video taping on the streets. In these situations, you don't have to wait until you get back to the studio to see the results. A quick look while at the site will tell you whether or not you have to do another take. So it is cost effective in terms of materials and, more importantly, production man-hours.

Chief executives of large decentralized police agencies will find that video-tape capabilities, such as those described above, will enable them to provide a high degree of quality and standardization of training. Self-generation of material, as opposed to purchasing commercially prepared films and tapes, will insure the key ingredient in police training today, credibility.

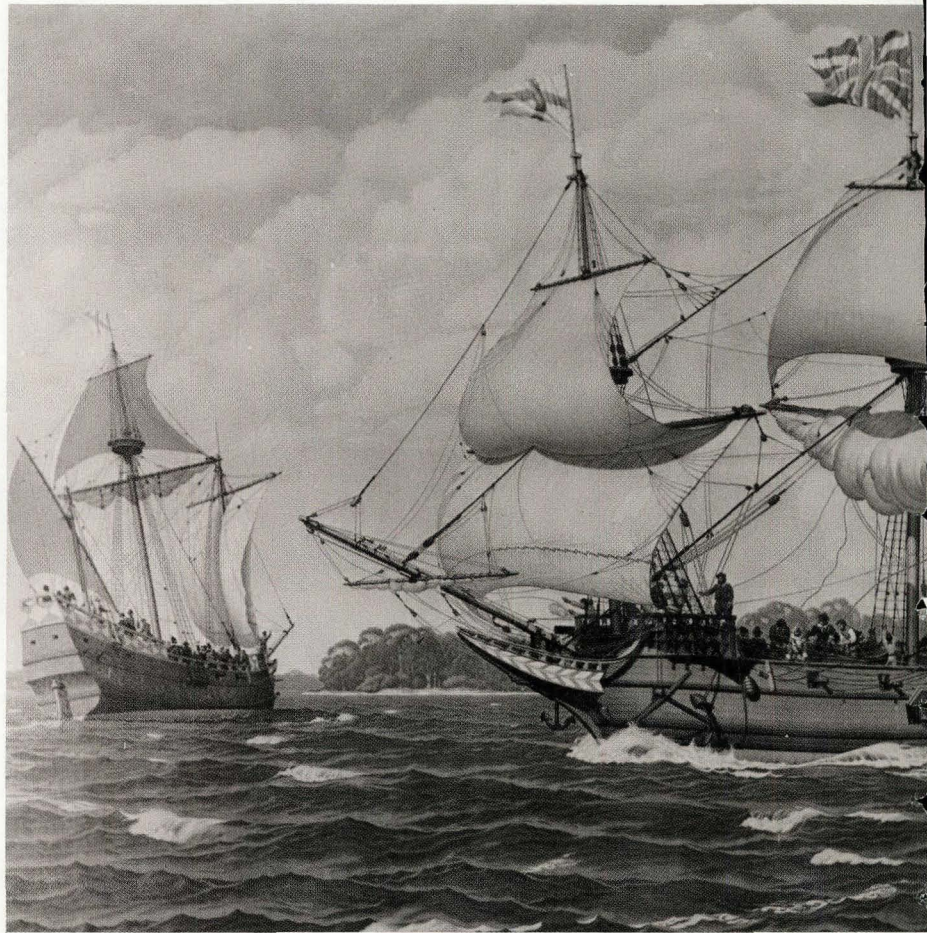
(FBI)

From Colonial Era to Space Age: Virginia's Law Enforcement Legacy

By
COL. HAROLD W. BURGESS
Superintendent
Virginia State Police
Richmond, Va.



"From experience gained and knowledge acquired in the past . . . [the Virginia State Police] strive to provide citizens and visitors to Virginia with the best law enforcement service possible. . . ."



Viewing, left to right, the Goodspeed (40 tons), Sarah Constant (100 tons), and Discovery (20 tons) preparing to anchor off Jamestown in 1607. (Photo, taken of a painting by Griffith Bailly Coale, courtesy of the Virginia State Library.)

On a May day in 1607, three surprisingly small English ships sailed west from the Atlantic Ocean into the Chesapeake Bay. They then proceeded through the wide mouth of a river they named the "James" after James I, the reigning King of England. Proceeding up the James, they dropped anchor offshore of a small peninsula

which juts into the river from the northern bank. Their long and perilous journey from England had ended.

These sailing vessels were the *Sarah Constant*, *Goodspeed*, and *Discovery*, and they totaled but 160 tons in weight. They landed 104—some say 105—Englishmen on the peninsula which they also promptly named for their King and, henceforth, it became known as Jamestown. From this modest beginning was to spring the first permanent English settlement in what is now America.

The expedition left England with several goals. These included raising a shield against the ever-growing threat of Spanish colonial intervention, procuring supplies of gold, silver, and other raw materials unobtainable in England, and establishing a center for religious activities directed toward the Indians.

Virginia Company Charter

King James, in 1606, had given the Virginia Company of London a charter authorizing this venture with Capt. Christopher Newport to be in command "until such time as they shall fortune to land upon the said coast of Virginia." Affairs were to be directed by a council in England which the King appointed, although routine local matters were entrusted to a council already appointed among those sailing abroad which would become effective upon landing in the New World.

The charter theoretically gave the colonists the same rights and privileges they would have enjoyed in

England. With sailing ships the only means of communication, however, it is difficult to understand how rule and enforcement from England would have been practical.

This venture was an ill-fated one. The overwhelming majority of the participants were gentlemen adventurers seeking their fortunes and utterly helpless to make any worthwhile contributions to establishing the Colony. Thus, famine, fire, disease, and Indian depredations made such inroads that by the end of 1608 less than 40 of the original group were still alive.

Capital Punishment

As stipulated in the charter, the laws of England were to be followed as far as possible. The laws of England in the colonial period were quite brutal. As late as 1800, there were well over 200 offenses calling for the death penalty and most of these involved such relatively innocuous offenses as cutting down a tree or damaging a fishpond. No one adjudged guilty seems to have been spared, for example, in 1808, a boy of 7 and his sister of 11 were both hanged.

Hanging in Jamestown times entailed no calculated, mercifully swift, neckbreaking drop from a scaffold. A rope was secured to an elevated horizontal bar, or even a tree limb, and the victim was forced to mount a ladder, assisted by the executioner. The executioner then placed a rope around the condemned person's neck, leapt to the ground, and with a twisting motion of the ladder, hurtled the victim



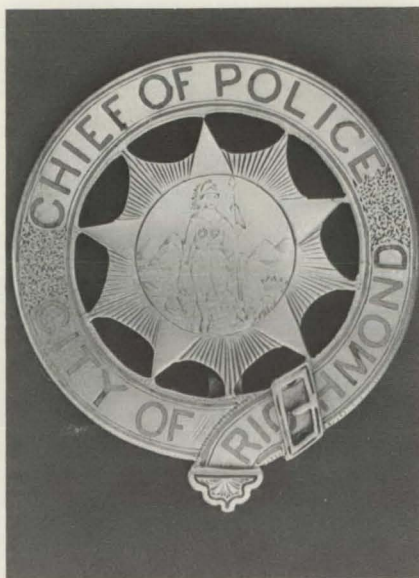
into eternity. This process was known as "turning off," and the individual died of strangulation rather than a broken neck. Often the unfortunate offender would ask friends to grab his legs and pull his body downward to hasten death. As an alternative, sometimes the condemned person was emplaced standing erect in a cart. The cart, drawn by a horse, was then slowly pulled from under him with equally uncomfortable and ultimately fatal results.

The 1606 charter permitted the death penalty for those guilty of the offenses of "tumults, rebellion, conspiracies, mutiny, and sedition . . . together with murther, manslaughter, incest, rapes, and adulteries." Disasters constantly struck or threatened the colony due to unrest generated by wrangling and disputes. As a result of one such uprising, Capt. George Kendall, one of the original councilmen, was legally executed for reportedly attempting to instigate mutiny.

An example of the savagery of the laws of the times is found in the 1624 sentencing of a malefactor "For base and detracting speeches concerning the Governor." It directed that he "shall be disarmed & have his arms broken and his tongue bored with an awl. Shall pass through a guard of forty men and shall be butted by every one of them, & at the head of the troop kicked down and footed out of the fort; that he shall be banished out of James City and the land. . . ." Imagine the plight of one with two broken arms and other injuries being banished into the wilderness in those times!

Ducking, Stocks, Pillory

Ducking as a punishment, mainly for females, apparently came into vogue in Virginia in about 1626. Although the ducking stool, a stool on a long horizontal pole capable of being lifted and lowered, was gener-



The oldest police badge, dating to the late 1800's, in possession of the Richmond Bureau of Police. (Photo courtesy of the Richmond Bureau of Police.)

ally used, there were other methods. One lady, for adultery, was dragged behind a boat's stern for a set distance in the James River. Another, for scolding, was dragged behind a ship and then submerged three times.

Acts of the 1660 and 1662 assemblies made it obligatory for every county to erect whipping posts and ducking stools at public expense, the latter for "women of slanderous and brawling tongues." If they were not erected, the county was fined 5,000 pounds of tobacco. Stocks and the pillory were also very much in evidence.

"Every County cause to be sett up a pillory, a pair of stocks and a whipping post, neere the courthouse, and a ducking-stoole in such a place as they shall think convenient," read one act. Incidentally, the assembly enacting these laws was a continuation of the first legislative assembly in the New World which convened at Jamestown in 1619.

Maiming and Branding

In addition to ducking and lashing, both maiming and branding were also

practiced. Constables were directed under Queen Elizabeth to "whip until bloody" vagabonds and beggars and to burn a hole through their right ear "an inch around." Runaway slaves who were captured were branded on the forehead with an "S" but this was abolished in 1636.

Branding was done both as a punishment and a means of identification. Under the "Benefit of Clergy" policy, those condemned to death could be spared execution if they could read as it was felt that the loss to society of one of the relatively few who could do so outweighed letting a capital crime go unpunished. The individual was branded, usually on the thumb, to make sure he could not get away with another capital crime. This policy was abolished in 1796.

In 1701, conditions at the public prison at Williamsburg, then the capital of Virginia, were worse than primitive. There was no glass in the barred windows and many prisoners died of cold and exposure. Sanitary facilities were just about nonexistent

"Since Jamestown was originally under military control, the first enforcement officers seem to have been marshals, but these were replaced by constables and sheriffs."

and prison odors were permanent and sickening. "Jail fever," probably typhoid, raged. Prisoners were required to wear both handcuffs and leg irons.

Constables and Sheriffs

Since Jamestown was originally under military control, the first enforcement officers seem to have been marshals, but these were replaced by constables and sheriffs. As the functions of both constables and sheriffs were well established in England, these positions underwent little change in



Unrestored early prison at Williamsburg, Va. (Photo courtesy of Virginia State Library.)

the New World.

The constable became a law enforcement officer in England in about 1255, and it is interesting to note that once established the office was not abolished in Virginia until 1942. In the Colony's early days, constables were no doubt appointed by the justices and one was assigned to each of a county's precincts. In 1699, as an example, Henrico County had five precincts with a constable operating in each.

Originally, a constable could arrest a person only for an offense committed in his presence or in the event a breach of the peace was immediately threatened. They were also charged with enforcing the laws requiring the planting of corn and tobacco.

In 1775, a constable was given 10 pounds of tobacco, worth 21 cents, for serving a warrant. He was paid the

same amount for placing a criminal in stocks or for whipping a servant. Whipping a free person brought double this fee.

Virginia was divided into eight shires (counties) by 1634, in each of which was a sheriff (from "Shire Reeve") with approximately the same powers as an English one. A 1649 court stated, "Sheriffs are the King's deputies within their Counties charged to keep the King's peace. . . ."

In 1819, the Virginia General Assembly directed each county in the State to nominate three persons for the office of sheriff. The one selected by the Governor was to hold office for 1 year, but this term might be extended for 2 years longer. Some of the sheriff's duties included "summoning and impannelling a jury," serving writs and subpoenas, making arrests,

executing condemned persons (for which he was paid \$5.25), ducking or whipping individuals, and placing prisoners in jail.

Churchwarden

An unusual quasi-enforcement officer was the churchwarden, first appearing in Virginia in about 1623. They were responsible for the physical maintenance of the churches and the collection of tithes. They reported cases of drunkenness, church absences, and swearing, as well as certain sex offenses. Their church duties consisted of making small boys behave, excluding dogs and pigs, and awakening those that the sermon may have put to sleep. The awakening process consisted of tapping a man on the head with a hard knob attached to a long pole. If the sleeper was a woman, the pole was reversed and she was tickled with a feather. Churchwardens were also charged with caring for the sick and indigent. The position was abolished about 1780.

Around 1738, another quasi-enforcement officer, the patroller, existed. They maintained law and

"... the germ of development for the real Virginia municipal police department was found in the establishment of the 'city watch' in 1782 by Richmond. . . ."

order on plantations and apprehended runaway slaves. By 1850, they were no more.

Municipal Police

But, what of the rising cities and towns? The smaller ones relied on constables, but the germ of development for the real Virginia municipal police department was found in the establishment of the "city watch" in 1782 by Richmond, which succeeded

Williamsburg as Virginia's capital in 1780. By 1792, this body numbered 1 captain and 16 patrolmen. In 1802, a night watch was established.

Norfolk was second with a night watch in 1787, and it became a 24-hour operation in 1819. The first uniforms, which were blue, were issued in 1866, and in 1873, the "watchmen" came to be known as policemen. Norfolk is now Virginia's largest city with a 1970 population of 307,951 as against Richmond's 249,621.

Staunton, a smaller city, in 1802 appointed two men to patrol on Sundays at an annual salary of \$10. In 1853, a police department was created and uniforms were adopted 18 years later.

These departments, and other municipal ones, are now thoroughly modernized, with uniformed patrol-

men, civilian personnel, specialized operations, and sophisticated technical equipment.

Rural Law Enforcement

Meanwhile, the rural law enforcement situation was not keeping pace with heavily increased population and the rise of crime. The sheriff and constable system was hard pressed under normal conditions and utterly helpless in any kind of mass disorder. Thus was the State police system engendered.

Although activities of State police organizations today are largely concerned with problems attendant to the automobile, the first ones were not created to handle such functions. The oldest organization considered as a forebearer of today's State police, or

highway patrols, was the Texas Rangers, originally established as a border patrol in 1835. Massachusetts appointed a number of "state constables" in 1865 and Connecticut did the same in 1903.

The first State police organization, as we visualize State police today, however, was formed by Pennsylvania in 1905, a date when the automobile was still in its infancy. It was formed theoretically to provide an executive enforcement arm for the State, to handle violent situations beyond local control, and to bring law enforcement to sprawling rural areas which the sheriff and constable system could not adequately police.

The real reason for the emergence of the "Black Hussars," as the first Pennsylvania troopers were called, due to their dark uniforms and black

Structure which served as a debtor's prison at Accomack County on Virginia's Eastern Shore commencing in 1842. (Photo courtesy of Virginia State Library.)





Virginia State Police "officers" (later called "troopers") with U.S. President Franklin D. Roosevelt at Yorktown, Va., in 1934.

horses, was to bring law and order to the coal and iron fields. At first, they were heavily resisted since it was thought they would simply be tools of the mineowners. Their establishment eventually proved successful, however, and now all the States except Hawaii have either State police or highway patrol organizations.

Virginia State Police

The emergence of the automobile brought the Virginia State Police into being. In Virginia, as elsewhere in the first quarter of this century, roads were inadequate and sheriffs could not patrol all areas of a county on a 24-hour basis. At first, the automobile problem consisted largely in failure of carowners to purchase license tags since they could generally drive undetected without them. But, as the ranks of the motor car owners thickened, traffic deaths, crashes, and injuries began to mount. In addition, the pro-

liferation of automobiles brought other problems. These related to stolen cars, hit-and-run drivers, drinking drivers, hitchhikers, and illegal liquor traffic.

Then, there was the unpopularity of laws designed to control driving. People felt then, as some do today, that how they drive is their own business and that dangerous driving is not a criminal act. This situation in the early days was analogous to the public

"Virginia's effort at State policing can be said to have originated in the 1922 appointment of eight 'license inspectors'. . . ."

reaction against the laws of National Prohibition some decades back. There was the feeling among many sheriffs that "State" laws did not concern them.

Virginia's effort at State policing can be said to have originated in the

1922 appointment of eight "license inspectors" under the Secretary of the Commonwealth. These officials were issued no uniforms and given no formal training but were supplied with Model-T Fords (later replaced with motorcycles), badges, revolvers (without holsters), and copies of the rudimentary Motor Vehicle Code. Thus, they took to the roads entirely on their own. So bad were the roads of the day that they were recalled to Richmond during the winter months and assigned clerical duties.

In 1924, the State Division of Motor Vehicles was established and the license inspectors were absorbed by it. Six years later, the department was reorganized on a military basis, and in 1932, the first formal training school was established. The same year, these men were given authority to enforce all laws of Virginia. Shortly after their appointment, these ancestors of the modern-day trooper saw rectification of the uniform situation.

The then Governor ordered that they be uniformed, entailing an out-of-pocket, individual expenditure of \$45 of their \$1,500 annual salaries. In 1936, they became "troopers" instead of "officers" and, in 1942, the Virginia State Police left the Division of Motor Vehicles to become a separate agency, with the superintendent reporting directly to the Governor.

Today, the department has an authorized strength of 993 uniformed personnel, 119 plainclothes investigators with full police powers, and 457 civilians in various positions.

During 1975, 367,394 arrests were made. These cleared the courts with a 94.7-percent conviction rate and returned \$19,989,665 to the State through fines, assessments, and value of recovered and seized property.

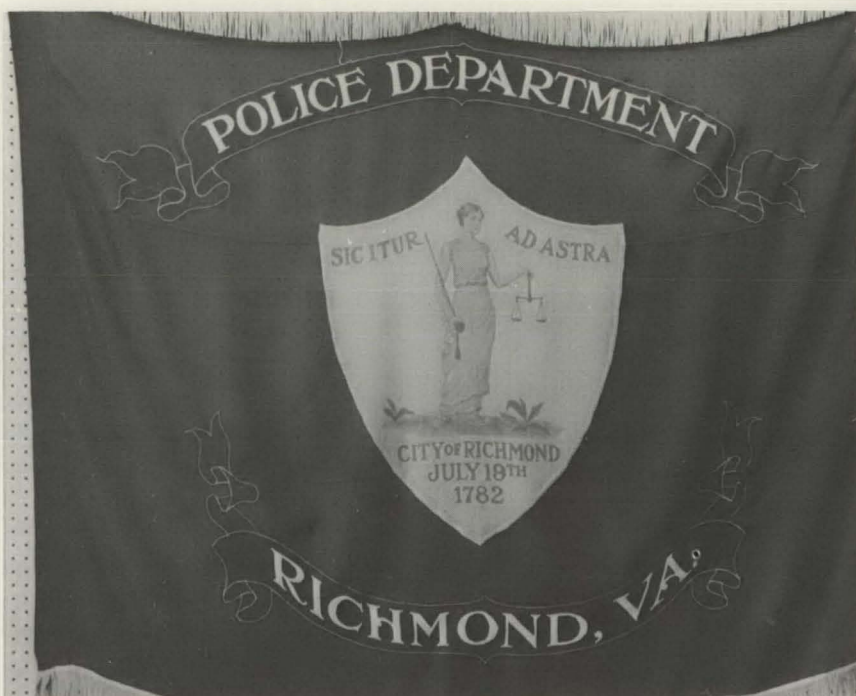
County Police

Generally speaking, the county police departments were established subsequent to the State police and are patterned after them. There are 6 in being throughout Virginia's 95 counties, and they range from Prince George County's 24 uniformed personnel to Fairfax County's 600.

The Chesterfield County Police Department was formed early, about 1900, due probably to the fact this county bounds the city of Richmond on the south and urban problems overflowed into this nearby jurisdiction. Yet, on the other hand, Henrico County bounds Richmond on the north and a police department was not formed there until 1934.

Prince William, Fairfax, and Arlington Counties, all established police departments later, concurrent with heavy traffic and population density increases in suburban areas adjacent to nearby Washington, D.C.

The State now has, in addition to county police departments, 96 sheriffs' departments, and 157 town and 35 municipal police departments.



A reproduction of an early city of Richmond Police Department flag. (Photo courtesy of the Richmond Bureau of Police.)

State Police Activities

The State police patrol all counties, from Arlington with an area of approximately 24.4 square miles and a 1970 population of 174,284, to Pittsylvania with an area of about 1,028 square miles and a population of 58,789.

The Virginia State Police do not generally assist cities and town police departments unless officially requested to do so. So efficiently have the State police handled riots, strikes, and other types of mass disorders throughout the State, when requested, that it has not been necessary to call out the National Guard for such purposes since 1931.

Building on Long Tradition

Virginia, the "Old Dominion State," was the cradle of law enforcement in America. Today, modern, professional law enforcement elements at the city, county, and State level

continue to effectively build on this long tradition extending over 31½ centuries of settlement, 20 decades of independence, and 183 years of statehood. From experience gained and knowledge acquired in the past, we strive to provide citizens and visitors to Virginia with the best law enforcement service possible now and in the future.

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105th Session Boasts 10,000th Graduate

On June 17, 1976, 11 weeks of rigorous, advanced training came to a close for the 248 select law enforcement officers who participated in the 105th Session of the FBI National Academy. Friends and relatives of the graduates and a number of distinguished guests gathered to attend the commencement proceedings which were held in the auditorium of the FBI's extensive training complex at Quantico, Va.

Members of the 105th Session represented the 50 States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Canada, Brunei, the Philippines, Taiwan, Egypt, and Thailand, and raised the total number of National Academy graduates to 10,159 thus giving the class the distinction of having among its members the 10,000th officer to successfully complete the National Academy course since its inception in 1935.

Following a musical introduction by the U.S. Marine Band, the proceedings were called to order by Deputy Assistant Director Edward L.

Campbell, Jr., of the FBI's Training Division. Thereafter, the invocation was delivered by Comdr. Edward E. Jayne, Chaplain Corps, U.S. Navy.

Next on the program was an address



Chief Lloyd DeTienne, Jr., Marshfield, Wis., Police Department, addresses the graduating class of the 105th Session of the FBI National Academy.

by Chief Lloyd DeTienne, Jr., of the Marshfield, Wis., Police Department, selected by his peers to be class spokesman. In his remarks, Chief DeTienne expressed his own and his classmates' deep appreciation for all that had been done to make the 105th Session possible. He also indicated the graduates' high regard for the Academy's facilities and staff, noting that as a result of their experience at Quantico, the "process of learning . . . [has] . . . now become a way of life."

He went on to say, "As we put to work the knowledge we have obtained here, we pledge to you today our very best—we believe in law enforcement, we believe in America, and the principles on which it was founded. We will not relinquish 1 second of time or 1 inch of ground in our endeavor to stand strong. . . . This is a proud moment for us all! We are anxious to assume the commitment accepted by all National Academy graduates. To us, it is the spirit of '76 which we will always call, 'knowledge, courage, and integrity.'"

Following Chief DeTienne's address, Mr. Campbell introduced FBI Director Clarence M. Kelley who extended a warm welcome to the graduates and congratulated them on their outstanding achievements. He also noted that the 105th session would thereafter be known as "the Second Bicentennial Session and the class that boasted the 10,000th graduate."

Reflecting on the National Academy experience, Mr. Kelley remarked, "... one of the extraordinary by-products of your attendance here is the sense of fellowship which develops from your close association with colleagues from throughout the Nation—indeed, from throughout the world." He continued, "This priceless fraternal bond has strengthened incalculably the lines of communication in law enforcement. It has truly enriched our profession."

After his comments, Mr. Kelley introduced the principal speaker, Mr. Glen D. King, executive director of



Mr. Glen D. King, Executive Director, International Association of Chiefs of Police is shown delivering the principal address.

The 10,000th graduate of the FBI National Academy, Lt. Lynn S. Rowe, Westminster, Colo., Police Department, receives his diploma from Assistant to the Director-Deputy Associate Director Thomas J. Jenkins.





Pictured with FBI Director Clarence M. Kelley are the section leaders of the 105th Session. Shown, left to right are: Lt. John Sturner, St. Paul, Minn., Police Department; Mr. Garland D. Austin, Division Chief, Los Angeles County Sheriff's Department, Los Angeles, Calif.; FBI Director Clarence M. Kelley; Sgt. Robert K. Jones, Oberlin, Ohio, Police Department; Dep. Insp. William J. Kelly, New York City, N.Y., Police Department; and Chief Lloyd DeTienne, Jr., Marshfield, Wis., Police Department.

the International Association of Chiefs of Police, who discussed the quality of police leadership in the United States today. Mr. King observed that law enforcement should avoid the tendency to select top national leadership solely from among executives of its largest urban and suburban departments. He maintained, "The fact that a man or a woman chooses to be a police administrator in a small town rather than in a large city should in no way preclude his or her right to be considered a law enforcement leader. If we are going to judge quality on the size of the department rather than on the competency and contributions of the individuals to the profession, then, indeed, we must step back

and take a long hard look at our chosen vocation."

Mr. King termed the increasing ability of police leadership to anticipate and cope realistically with change a "major improvement." He observed, "We deal with imperfections, with deviation and with a kaleidoscopic set of laws and allowable actions. Some of our plans work—and some don't. But we adapt, we improvise, we cope." Mr. King warned against an "I know best" attitude on the part of police administrators and advocated a rational approach to changes in police procedure. He remarked, "Show me a person who will suggest a change, apply the new theory, determine whether it will work and then decide whether to reinstate the old

policy or adopt the new one, and I will show you a bright, realistic and enlightened police administrator."

Following Mr. King's address, Director Kelley introduced other distinguished guests in attendance. Insp. James V. Cotter of the FBI's Training Division then presented the graduating class and each member was awarded a diploma. Thereafter, Mr. Campbell expressed appreciation to M. Sgt. Tom Barlow and the members of the U.S. Marine Band for their excellent performance on this occasion.

The ceremonies were concluded with a benediction by Commander Jayne and the rendering of the National Anthem by the U.S. Marine Band.

FBI

Routine License Checks and the Fourth Amendment

By
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Introduction

Recently, an increasing number of courts have faced challenges to the constitutional propriety of routine license checks in relation to the operation of motor vehicles, and the resulting decisions have not been consistent. It is the object of this article to focus on and examine some of those decisions since they pertain to a fundamental law enforcement activity.

The procedures under discussion are generally termed "routine license checks," or "automobile inspection stops," and are used for the purpose of checking for a valid driver's license and vehicle registration. Routine license checks are accomplished through the use of different procedures. In some instances, a roadblock¹ or license check lane is employed in which all or a predetermined number of vehicles are checked. In other cases, a random stop² is made where a particular vehicle is selected by an officer and stopped.

Traditionally, the authority to make these routine license checks has been

upheld by most courts,³ notwithstanding the fact the officer had no other justification for the stop. In a few States, this authority is expressly granted by statute.⁴ In others, courts have necessarily implied the authority from statutes which mandate that drivers display their license or registration at the request of an officer.⁵ In both instances, there is a presumption of legality based on these statutes. It must be remembered, however, that no legislative act can authorize conduct which would violate the Constitution, which is the supreme law of the land.

The constitutionality of a routine license check poses several difficult questions for analysis: (1) How significant is a motorist's expectation of privacy? (2) Is the intrusion or seiz-

ure so minimal as to be outside the purview of the fourth amendment? (3) Is the public interest in highway safety so compelling as to require judicial approval? and (4) Is there a potential for abuse inherent in certain types of routine license checks, such as the random spot check, which should require additional justification?

Is a Routine License Check a "Seizure" Within the Fourth Amendment?

The fourth amendment to the Constitution of the United States guarantees, in part, that people will be secure in their persons against unreasonable seizures.⁶ The U.S. Supreme Court in the landmark decision of *Terry v. Ohio*⁷ ruled that a person is "seized" within the meaning of that Amendment whenever a police officer restrains his freedom to walk away:

"... It is quite plain that the Fourth Amendment governs 'seizures' of the person which do not eventuate in a trip to the station house and prosecution for crime 'arrests' in traditional terminology. It must be recognized that whenever a police officer accosts an individual and restrains

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.

his freedom to walk away, he has 'seized' that person."⁸

The fourth amendment thus applies to all seizures of a person including seizures involving only a brief detention, and a particular seizure must be reasonable in order to be constitutionally permissible. The Supreme Court further defined the scope of a fourth amendment seizure as follows:

"[T]he Fourth Amendment protects people, not places, . . . and wherever an individual may harbor a reasonable 'expectation of privacy,' . . . he is entitled to be free from unreasonable governmental intrusion."⁹

Although this term seizure is somewhat imprecise and subject to various interpretations, most recent decisions have followed the *Terry* reasoning and characterized routine license checks as limited seizures within constitutional meaning.

What Constitutes a Reasonable Seizure Under the Fourth Amendment?

Since by definition the fourth amendment only prohibits those intrusions or seizures which are characterized as unreasonable, it seems apparent the central inquiry should be whether or not, in all the circumstances, the particular governmental intrusion involved in a routine license check is reasonable.¹⁰

The reasonableness of a seizure is generally determined by making a dual inquiry: (1) Was the officers' seizure justified in its inception? and (2) Was the seizure reasonably related in scope to the circumstances which initially justified the intrusion?¹¹ Applied to a routine license check, this inquiry would essentially be: (1) Was the stop justified in the first place? and (2) Was it limited in scope to the sole purpose of checking for license and registration?

The U.S. Supreme Court has condemned arbitrary seizures, reasoning that only those seizures which are judicially controlled are reasonable and constitutionally permissible.¹² In the order of their judicial preference, the legal safeguards generally relied upon to achieve nonarbitrary and judicially controlled seizures are: (1) a warrant, (2) articulable facts giving rise to probable cause, and (3) for limited seizures like brief investigative stops, articulable facts giving rise to reasonable suspicion of criminal activity.

Assuming that routine license checks constitute limited seizures within the context of the fourth amendment, and that a warrant or probable cause is not required, the threshold question presented is whether articulable suspicion of criminal activity is required before a routine license check can be authorized as constitutionally reasonable and non-arbitrary.

As an introduction to a discussion of some court decisions involving that question, the following statement from a recent U.S. Supreme Court opinion seems appropriate:

"As with other categories of police action subject to Fourth Amendment constraints, the reasonableness of such seizures depends on a balance between the public interest and the individual's right to personal security free from arbitrary interference by law officers."¹³

Traditional View—Articulable Suspicion Not Required to Make a Routine License Check

The decision of the District of Columbia Court of Appeals in *Palmore v. United States*¹⁴ concerned a car that was selected at random for a routine license check. The stop resulted in a plain view seizure of evidence and a subsequent conviction. In ruling the stop lawful, the *Palmore* court stated:

"The touchstone of the Fourth Amendment is reasonableness. It seems to us in this age of the motor car that when the community's interest in limiting use of its highways to licensed drivers in registered autos is balanced against the momentary interruption of the motorist which is necessary to ascertain whether he is complying with these licensing requirements, such intrusion is not so unreasonable as to be violative of the Fourth Amendment."¹⁵

The court thus rejected the view that police need an articulable suspicion of criminal activity to legitimize a license check stop.

The court added, however, that such suspicion would be required if the initial stop was not made in good faith for the purpose of checking license and registration, but rather as a pretext for investigating some other criminal activity unrelated to the possession of a valid license.¹⁶ The court defined the proper scope of a routine license check as follows:

". . . when the driver has produced his permit and registration and they are in order he must be allowed to proceed on his way, without being subject to further delay by police for additional questioning."¹⁷

A similar view was expressed by the Supreme Court of Nebraska in *State v. Holmberg*.¹⁸ In that case, a car was stopped at random for a routine license check during which information was developed leading to the driver's arrest. The stop was made in reliance on a State statute specifically authorizing officers in uniform to stop drivers and require them to display their license and registration. There was no other factual justification for this random stop.

In ruling the stop lawful, the court

adopted the view that a contrary result would cripple law enforcement, and that individual rights on occasion must give way to the rights of society.¹⁹ The court determined that the inconvenience experienced by the individual motorist is relatively slight compared to the benefits to be derived from strict enforcement of the licensing laws, and that a contrary result would emasculate the intent and purpose of those laws.

The court rejected the contention that routine license checks are manifestly unjust and arbitrary unless all or a predetermined number of vehicles are similarly stopped, like at a roadblock or license check lane. The court reasoned that random spot checks caused less inconvenience, had the advantage of being unexpectedly possible, and had a more practical and salutary effect on the enforcement of traffic safety laws.

The court cautioned, however, that any abuses of this authority would not be tolerated and that once a driver had produced his license and it was in proper form he should be promptly allowed to continue on his way:

"We are not unmindful of the possibility of abuse of the statute as we interpret it. We have no hesitancy in saying that if the facts should disclose that the stop is a mere pretext for other reasons, it would be held to be arbitrary and unreasonable and violative of the Fourth Amendment."²⁰

Recent Trend—Articulable Suspicion Required to Make a Routine License Check Stop

Recently, several courts deciding this question have ruled that articulable suspicion is constitutionally required before a random routine license check stop can be made. Probably the first court to clearly express that view was the Supreme Court of

Pennsylvania in *Commonwealth v. Swanger*.²¹

In that case, a single automobile was randomly stopped for a routine license check pursuant to a State statute expressly granting that authority, and evidence was discovered resulting in a passenger's subsequent conviction. An officer testified that he had seen nothing unusual about the vehicle or the manner in which it was being operated before he had ordered it to stop. In other words, he had no articulable suspicion of criminal activity.

In ruling the stop unlawful and suppressing the evidence obtained as a result thereof, the court observed that the fourth amendment protects people wherever they may harbor a reasonable expectation of privacy, such as in an automobile, and that they are therefore entitled to be free from unreasonable intrusions by the government.²² In assessing the unreasonableness of this random routine license check stop, the court embraced the following standard previously set forth by the U.S. Supreme Court:

"... It is necessary 'first to focus upon the governmental interest which allegedly justifies official intrusion upon the constitutionally protected interests of the private citizen,' for there is 'no ready test for determining reasonableness other than by balancing the need to search [or seize] against the invasion which the search [or seize] entails.'"²³

In applying that test to the facts of the case, the *Swanger* court concluded that on balance the interests of the individual to be free from governmental intrusions outweighed those of the State in highway safety, and that before the State may single out one automobile to stop, there must be specific and articulable facts indicating criminal activity.

Just what level of facts the *Swanger* court would require to justify such a

stop is not clear. A recent 4-3 decision by a lower Pennsylvania court indicates disagreement over the quantum of facts mandated by the *Swanger*²⁴ decision. The majority felt that probable cause was required while the minority found the appropriate standard to be only reasonable and articulable suspicion.

The *Swanger* court seemed concerned with the absolute discretion the police would exercise in deciding which car to stop, and that this discretion might be used arbitrarily, or as a pretext for seeking evidence of other crimes. Consistent with that concern, the opinion clearly reflects the court did not intend its decision to be applicable to roadblocks or other systematic stopping procedures.²⁵

It would, therefore, seem appropriate to conclude that a uniform and nonarbitrary method of conducting a routine license check, where the officer's discretion in deciding which car to stop is substantially limited, might be acceptable to the *Swanger* court.

An opinion somewhat similar to *Swanger* is the 1975 decision of the Court of Appeals of New York in *People v. Ingle*.²⁶ That case involved a random stop to check for license, registration, and equipment violations, pursuant to a State statute implying such authority. In ruling the stop unreasonable, the court relied on reasoning comparable to that expressed in *Swanger*. The *Ingle* court was concerned with arbitrariness and abuse of discretion and clearly distinguished the procedure of gratuitously, randomly, and discriminately selecting a particular car to stop from a systematic nonarbitrary procedure such as a roadblock and ruled that the former procedure, without articulable suspicion of some violation, was an impermissible and unreasonable intrusion.

There are, however, several differences in the two decisions worthy of mention. First, the quantum of facts

necessary to make a random stop was characterized in *Ingle* as minimal, whereas in *Swanger*, the court apparently adopted the higher level of probable cause. For example, the *Ingle* court noted that an automobile in a general state of dilapidation might properly arouse articulable suspicion of general equipment violations. The court said: "All that is required is that the stop be not the product of mere whim, caprice, or idle curiosity."²⁷

A second difference is that the *Ingle* court considered and rejected the frequently encountered contention that random stops without articulable suspicion are justified as a right of the police to conduct regulatory inspections incident to an individual's privilege of using the public highways. The court noted that labeling the use of public highways as a "privilege" was not dispositive of whether or not a particular type of stop was constitutionally permissible. The court observed that the concept of constitutional rights turning upon whether a particular government benefit is characterized as a right or privilege had been emphatically rejected by the U.S. Supreme Court.²⁸

In the case of *State v. Ochoa*,²⁹ the Supreme Court of Arizona ruled that State statutes requiring drivers to display their license and registration did not authorize the stopping of vehicles. The court said there was a valid distinction between a stop made for the purpose of investigating a crime already known to have been committed and a stop for the purpose of discovering crime in the first instance. In following the *Terry* rationale, the court concluded that travelers should be protected from harassment unless there exists a founded suspicion of criminal activity.

The court said that founded suspicion required some reasonable ground for singling out a particular vehicle as being involved in criminal activity:

"... due regard for the practical necessities of effective law enforcement requires that the validity of brief, informal detention be recognized whenever it appears from the totality of the circumstances that the detaining officers could have had reasonable grounds for their action. *A founded suspicion is all that is necessary, some basis from which the court can determine that the detention was not arbitrary or harassing.*"³⁰

In that regard, the court then determined that a profile developed by various law enforcement agencies for the detection of stolen motor vehicles, which fit only a small percentage of drivers, provided a sufficient founded suspicion to justify a random stop. It should be noted that the court did not address the issue of whether or not a roadblock or other systematic stopping procedure accomplished in good faith for the sole purpose of checking license and registration would be permissible in the absence of any such founded suspicion.

Another opinion clearly reflecting the view that articulable suspicion is constitutionally required to make a random routine license check is *State v. McKinley*,³¹ decided September 5, 1975, by the Supreme Court of Minnesota. That court firmly rejected the State's contention that any constitutional mandate involved in the limited intrusion of a routine license check should be subordinate to the regulatory police power of the State to enforce highway safety laws.

Routine License Checks Used as a Pretext

A fair conclusion from the cases discussed is that courts are in disagreement over the question of whether articulable suspicion is constitutionally required before a random routine license check stop can be made. One point over which there is

little disagreement, however, is where the stop is not made in good faith for the sole purpose of checking license and registration, but rather as a pretext or subterfuge for investigating other activity. In those situations, the courts generally agree that articulable suspicion of criminal activity consistent with the *Terry* rationale is constitutionally required.³²

For example, in the case of *United States v. Cupps*,³³ a Federal Appeals Court was presented with a factual situation involving a purported license check stop where, after producing a valid license, the driver was ordered out of the car. Under State law, the police were empowered to make such a stop and demand. In ruling this particular stop unreasonable, the court did not find it necessary to express an opinion about the validity of the selective stopping of motorists for the good faith purpose of checking license and registration, but determined that if they had that authority, it was exceeded when they ordered the driver out of the car. It should be noted that evidence in the case indicated the police had ulterior reasons for the stop, to which the court replied:

"Police may not lawfully use their general inspection powers as a pretext for stopping motorists for the purpose of inquiring about their business on the public highways."³⁴

Routine License Checks and the U.S. Supreme Court

With the disparity of opinion apparent in the above-mentioned cases, a brief look at the position of the U.S. Supreme Court on this issue seems merited. Although the Supreme Court has the ultimate burden of interpreting the requirements of the fourth amendment, the court has never squarely confronted the issue of the constitutional propriety of routine license checks.³⁵ However, several

recent Supreme Court opinions concerning stops and searches conducted by the U.S. Border Patrol are instructive and provide insight into the view the Supreme Court may ultimately adopt.

In the case of *United States v. Ortiz*,³⁶ the Supreme Court indicated that there were substantial differences between a checkpoint-type stop and a roving random stop, and that these differences would be significant in determining the constitutional propriety of the stop. The court said the central concern of the fourth amendment is to protect liberty and privacy from arbitrary and oppressive interference by Government officials, which in turn might limit police use of unnecessarily frightening or offensive methods of conducting such stops.³⁷ The opinion clearly suggests the protection of privacy from official arbitrariness is an overriding concern of the court. An assumption that this same concern would be reflected in a decision involving routine license checks seems justified, although in a footnote, the court left unanswered the question of what level of suspicion, if any, is constitutionally required to make a good-faith license check stop.³⁸

In the case of *United States v. Brignoni-Ponce*,³⁹ the Supreme Court was confronted with the question of whether or not a roving border patrol stop to question a car's occupants was constitutionally permissible in the absence of any reasonable suspicion of criminal activity. In that case, the border patrol agents stated that their only reason for singling out and stopping the car was that its three occupants appeared to be of Mexican descent and might, therefore, be illegal aliens. The Government contended the stop consumed no more than a minute and consisted of requiring occupants to answer several questions and possibly produce a document evidencing a right to be in the United States.

The Supreme Court concluded that any such brief detention constituted a seizure under the fourth amendment, and that the reasonableness of the seizure would depend on a balance of the public interest and the individual's right to personal security free from arbitrary interference by law officers.⁴⁰ Furthermore, the Court reasoned that because of the limited nature of the intrusion, stops of that sort may be justified on facts that do not amount to probable cause required for an arrest.⁴¹

In ruling this particular stop unlawful, the Court said they were unwilling to let the border patrol dispense entirely with the requirement that officers must have a reasonable and articulable suspicion of criminal activity to justify a roving patrol stop.⁴² The Court expressed concern with the broad and unlimited discretion that would be left in the hands of the officers, and stated that the legitimate needs of law enforcement (in this case preventing illegal alien entry) did not justify that degree of interference with lawful traffic.

It is arguable the above decision persuasively answers the question vis-a-vis the constitutional propriety of routine license checks if it were not for the following footnote in that opinion:

"Our decision in this case takes into account the special function of the Border Patrol, the importance of the governmental interests in policing the border area, the character of roving-patrol stops, and the availability of alternatives to random stops unsupported by reasonable suspicion. *Border Patrol agents have no part in enforcing laws that regulate highway use*, and their activities have nothing to do with an inquiry whether motorists and their vehicles are entitled, by virtue of compliance with laws governing highway usage, to be

upon the public highways. *Our decision thus does not imply that state and local enforcement agencies are without power to conduct such limited stops as are necessary to enforce laws regarding driver's licenses, vehicle registration, truck weights, and similar matters.*"⁴³

In his concurring opinion, Mr. Justice Rehnquist echoed a similar sentiment in limiting the Court's decision to the type of stop involved in that case:

"I think that just as travelers entering the country may be stopped and searched without probable cause and without founded suspicion . . . a strong case may be made for those charged with the enforcement of laws conditioning the right of vehicular use of a highway to likewise stop motorists using highways in order to determine whether they have met the qualifications prescribed by applicable law for such use."⁴⁴

In its most recent decision in this area, *United States v. Martinez-Fuerte et al.*,⁴⁵ the U.S. Supreme Court dealt with a question remaining after the *Ortiz* and *Brignoni-Ponce* decisions, and ruled that border patrol stops at *permanent checkpoints* for brief questioning may be conducted without any articulable suspicion and need not be authorized in advance by a judicial warrant. The Court continued a process evident in its recent decisions of delineating the constitutional safeguards applicable in particular contexts by weighing the public interest against the fourth amendment interest of the individual (for example, some stopping procedures involve a different balance of public and private interests and appropriately are subject to less stringent constitutional safeguards). The Court noted that the reasonableness of the procedures fol-

lowed by the border patrol in making these checkpoint stops made the resulting intrusions on the interests of the motorist minimal.

The Court clearly distinguished checkpoint-type stops involved in this case from roving patrol stops at issue in *Brignoni-Ponce*. In the case of checkpoint stops, the Court observed that the interference with legitimate traffic is minimal, motorists are not taken by surprise, and discretionary enforcement activity is substantially minimized.

The issue of the constitutional propriety of routine license check stops was not before the Court in *Martinez-Fuerte*, and in a footnote to the opinion the Court made clear it was not deciding that issue.⁴⁶ However, the Court did note that license check stops have a long history evidencing their utility and are accepted by motorists as incident to highway use.⁴⁷

The position the Supreme Court will ultimately take will have to be awaited, but a fair analysis of these recent opinions indicates the Court might be willing to dispense with an articulable suspicion requirement in the case of good-faith routine license checks involving stopping procedures similar to those utilized in *Martinez-Fuerte*.

Conclusion

The question of whether or not a particular routine license check procedure is reasonable within the ambit of the fourth amendment is indeed complex and has been the subject of frequent analysis.⁴⁸ Essentially, the test of reasonableness as applied by most courts consists of a balancing of the legitimate State interests in highway safety against the individual's interest in privacy and freedom of movement. In this context, Mr. Chief Justice Burger in his concurring opinion in *United States v. Ortiz*,⁴⁹ voiced his concern over decisions which restrict expedient law enforcement and render society somewhat impotent to deal

with massive lawlessness. He said: "[I]n that sense history may view us as prisoners of our own traditional and appropriate concern for individual rights, unable—or unwilling—to apply the concept of reasonableness explicit in the fourth amendment in order to develop a rational accommodation between those rights and the literal safety of the country."⁵⁰

In the future, courts that choose to follow the *Swanger* and *Ingle* rationales may reason that imposition of an articulable suspicion requirement, at least in the case of a random stop, is the only way to effectively safeguard against arbitrary intrusions based on inarticulate hunches or subjective prejudices.

The view the courts ultimately adopt may also depend in large part on the professionalism and fairness demonstrated by law enforcement officers in conducting these stops. It is one thing to make a random stop at 12 noon on a busy street and quite another at 3 a.m. on a lonely road. Furthermore, roadblocks and other systematic methods of conducting routine license checks, in which there is a substantial reduction in the discretion and potential arbitrariness feared by some courts, may provide a viable solution whereby a stop can be made without any articulable suspicion, and yet still be consistent with the judicial imperative of preventing potentially arbitrary intrusions.

FOOTNOTES

¹ See, e.g., *People v. Andrews*, 484 P. 2d 1207 (Colo. 1971).

² See, e.g., *Kraft v. State*, 305 A. 2d 489 (Md. App. 1973).

³ See *State v. Allen*, 194 S.E. 2d 9 (N.C. 1973); *State v. Williams*, 116 S.E. 2d 858 (S.C. 1960); *City of Miami v. Aronovitz*, 114 So. 2d 784 (Fla. 1959).

⁴ E.g., Va. Code Ann. § 46.1-8 (Repl. Vol. 1974); Fla. Stat. Ann. § 321.05(1) (Supp. 1975-76) provides in pertinent part: Florida Highway Patrol Officers are empowered to require the drivers of vehicles to stop and exhibit their driver's licenses, registration cards or documents required by law to be carried by such vehicles.

⁵ E.g., Ky. Rev. Stat. § 186.510 (1971); See *State v. Maloney*, 283 A. 2d 34 (R.I. 1971); R.I. Gen. Laws § 31-10-27 (1968) provides in pertinent part that: Every licensee shall have his operator's license in his immediate possession at all times when operating

a motor vehicle and shall display same upon demand of any peace officer.

⁶ U.S. Const. Amend. IV provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

⁷ 393 U.S. 1 (1968); see also, *Adams v. Williams*, 407 U.S. 143 (1972).

⁸ 392 U.S. at 16.

⁹ Id. at 9.

¹⁰ Id. at 19.

¹¹ Id. at 20.

¹² See *Coolidge v. New Hampshire*, 403 U.S. 443 (1971); *Chimel v. California*, 395 U.S. 752 (1969); *United States v. United States District Court*, 407 U.S. 297 (1972).

¹³ *United States v. Brignoni-Ponce*, 45 L. Ed. 2d 607, 614-15 (1975).

¹⁴ 290 A. 2d 573 (D.C. Ct. App. 1972), *aff'd*, 411 U.S. 389 (1973) (cert. denied with respect to the fourth amendment claim).

¹⁵ Id. at 582.

¹⁶ Id. at 583, n. 24.

¹⁷ Id. at 582-83.

¹⁸ 231 N.W. 2d 672 (1975).

¹⁹ Id. at 675.

²⁰ Id. at 678.

²¹ 307 A. 2d 875 (1973).

²² Id. at 877; see also, *Katz v. United States*, 389 U.S. 347 (1967).

²³ *Terry v. Ohio*, 392 U.S. at 20-21, citing *Camara v. Municipal Court*, 387 U.S. 523, 534-37 (1967).

²⁴ *Commonwealth v. Boyer*, 345 A. 2d 187 (1975); see also, *Commonwealth v. Brown*, 323 A. 2d 104 (1974).

²⁵ 307 A. 2d at 877, n. 3.

²⁶ 330 N.E. 2d 39 (1975).

²⁷ Id. at 44.

²⁸ See, *Graham v. Richardson*, 403 U.S. 365 (1971).

²⁹ 544 P. 2d 1097 (1976).

³⁰ See, *Wilson v. Porter*, 361 F. 2d 412, 415 (9th Cir. 1966), quoted with approval in *State v. Ochoa*, *supra* (emphasis added).

³¹ 232 N.W. 2d 906 (1975). See also, *State v. Barber*, 241 N.W. 2d 476 (1976).

³² See *State v. Cooley*, 229 N.W. 2d 755 (1957); *People v. Harris*, 235 N.E. 2d 1 (1968); *Morgan v. Town of Heidelberg*, 150 So. 2d 512 (1963).

³³ 503 F. 2d 277 (6th Cir. 1974).

³⁴ Id. at 282.

³⁵ The point was argued before the Supreme Court in connection with the recent case of *United States v. Robinson*, see 42 U.S.L.W. 3211 (U.S. Oct. 16, 1973), but was not considered in the Court's opinion, 94 S. Ct. 467, 470 (1973).

³⁶ 45 L. Ed. 2d 623 (1975).

³⁷ Id. at 628.

³⁸ Id. at 629, n. 3.

³⁹ 45 L. Ed. 2d 607 (1975).

⁴⁰ Id. at 614-615.

⁴¹ Id. at 616.

⁴² Id. at 617.

⁴³ Id. at 618, n. 8 (emphasis supplied).

⁴⁴ Id. at 620 (footnotes omitted).

⁴⁵ 19 CrL 3356 (July 6, 1976).

⁴⁶ Id. at 3361, n. 14.

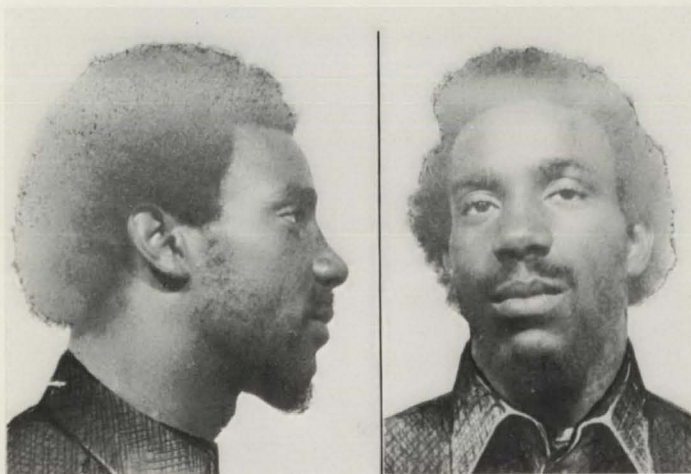
⁴⁷ Id.

⁴⁸ See generally, Note, "Automobile License Checks and the Fourth Amendment," 60 Va. L. Rev. 666 (1974); Note, "Automobile Spot Checks and the Fourth Amendment," 6 Rutgers, Camden, L.J. 85 (1974).

⁴⁹ *Supra*, n. 36.

⁵⁰ Id. at 631.

WANTED BY THE FBI



Photos taken 1970.

THEODORE ALFRED THOMAS, JR., also known as **Thomas Dante**, **Patrice Lamumba**, **Dante Thomas**, **Ronald Thomas**, **Dante Thomass**, **"Meat"**

Interstate Flight—Assault with Intent to Kill, Aggravated Assault and Battery, Aggravated Robbery, Kidnaping

Theodore Alfred Thomas, Jr., is currently being sought by the Federal Bureau of Investigation for unlawful interstate flight to avoid prosecution for assault with intent to kill, aggravated assault and battery, assault and battery, aggravated robbery, kidnaping, violation of the Uniform Firearms Act, and conspiracy.

The Crime

On May 30, 1972, Thomas allegedly shot and seriously wounded a Philadelphia, Pa., police officer after being stopped for a routine traffic check. Shortly after the shooting, Thomas reportedly abducted,

at gunpoint, a man and his wife and forced them to drive him from the vicinity of the shooting. After allegedly robbing the husband, Thomas released the couple and continued on in their car. A Federal warrant was issued for Thomas' arrest on June 2, 1972, at Philadelphia, Pa.

Description

Age ----- 25, born August 14, 1951, Philadelphia, Pa.
Height ----- 5 feet 10 inches.
Weight ----- 167 pounds.
Build ----- Medium.
Hair ----- Black.
Eyes ----- Dark brown.
Race ----- Negro.
Complexion ---- Medium.

Nationality ----- American.
Occupation ----- Supermarket worker.
Scars and Marks-- Cut scars back of both hands, small cut scar under left eye.
Remarks ----- May wear goatee or beard, hair may be worn in Afro style, medium length.
FBI No. ----- 92, 340 L9.
Fingerprint classification:
17 L 27 W O O O 12
M 4 W I M I
Ref: $\frac{27}{8}$
NCIC classification:
17 CO 11 CO 12 12 CI PM CI 16.

Caution

Thomas reportedly shot and seriously wounded a police officer and should be considered armed and extremely dangerous.

Notify the FBI

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



Left index fingerprint.

Courthouse Confiscations

Since the implementation of additional security measures in January of this year by the Federal Protective Services at the U.S. District Courthouse in Detroit, Mich., a number of knives and other weapons have been confiscated from visitors to the building. Pictured below are 166 pocket knives, 4 hunting knives, 3 icepicks, 4 cans of mace spray, and 2 starter pistols that were removed from people entering the building during this period. In addition to these weapons, 6 handguns were also confiscated and turned over to the Detroit Police Department for use in possible prosecution.



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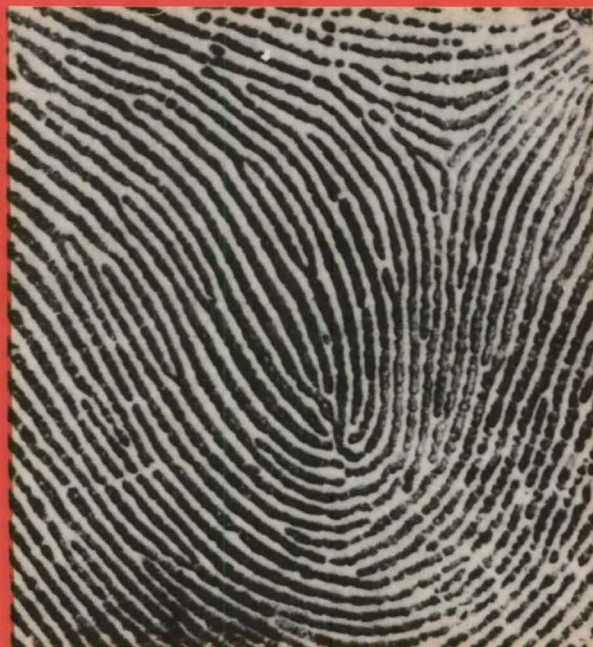
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INTERESTING PATTERN

The interesting pattern illustrated this month at left is classified as a loop with seven ridge counts. At first glance it appears there are two loop formations side by side. However, a closer examination reveals only one loop formation with ending ridges to the right of the core area.