

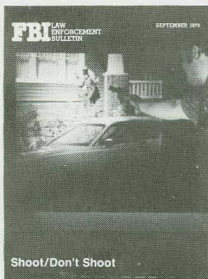
Shoot/Don't Shoot

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**Federal Bureau of Investigation
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William H. Webster, Director

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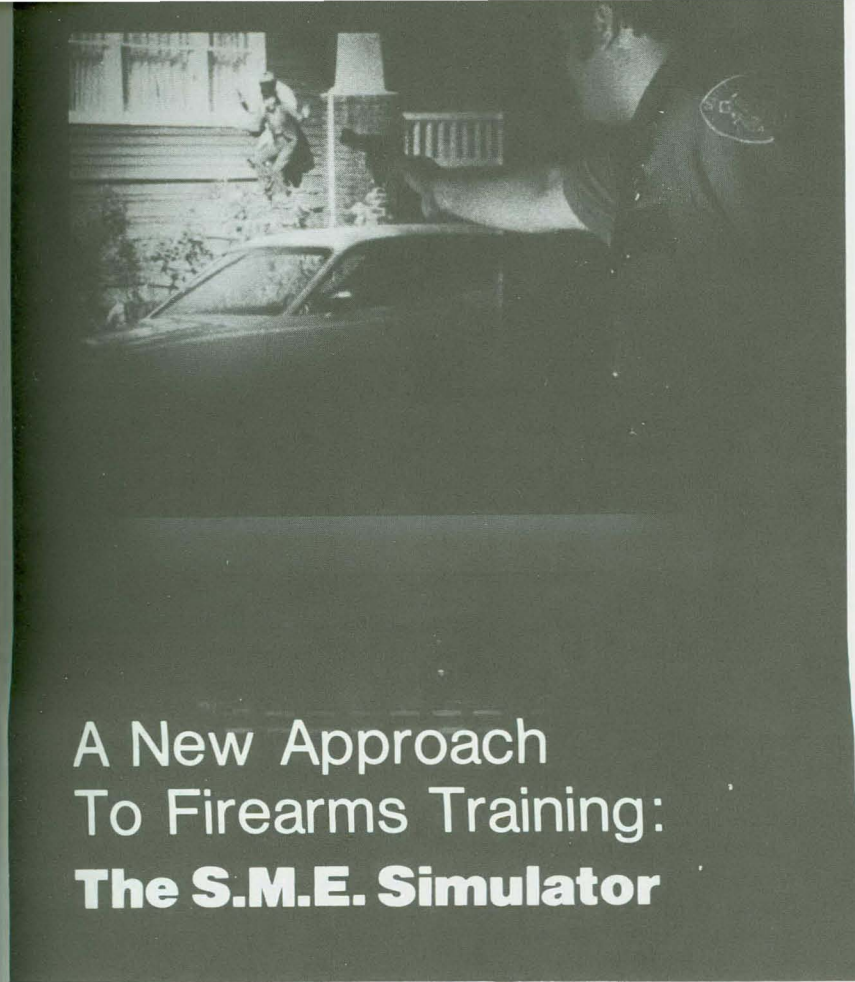
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A New Approach To Firearms Training: The S.M.E. Simulator

By LEE LIBBY

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Assume that you are patrolling in a one-man car on an arterial street in your district. It has been a quiet, uneventful evening, and none of the neighboring patrol cars have been busy either. Radio traffic has been at a minimum—just routine traffic stops and warrant requests. Suddenly, the quiet of your patrol car is interrupted by the dispatcher with a call of a robbery in progress at a convenience store in your district only a few blocks away. You acknowledge the call and head toward the store.

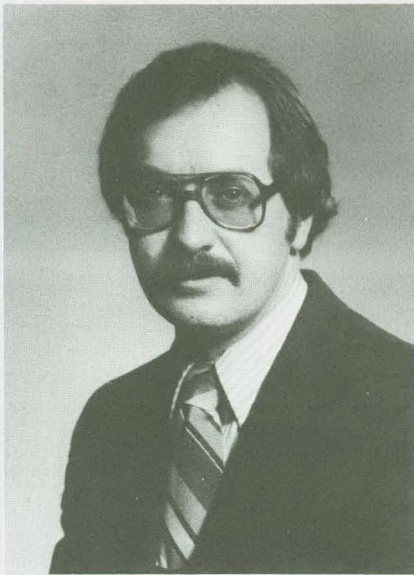
As you proceed, you are informed by the dispatcher that this is a "possible robbery"—a citizen is observing the situation from across the street. The suspect is described as a white male about 6 feet tall, wearing a blue coat. The citizen thinks the suspect is armed, but he is not positive.

You continue on toward the store, and as you radio your arrival, you are informed that your backup unit is only three blocks away. The door to the store opens and a man matching the suspect's description walks out, looking in each direction as he leaves. He is carrying a brown bag in one hand; the other hand is in his coat pocket. You step from your patrol car and confront the suspect.

The officer in the preceding situation has reached a critical point in this particular officer/suspect confrontation. The decisions the officer makes in the next few moments, the actions he takes or fails to take, may well affect his very survival.

One of the biggest single questions that police administrators may have is, "How does a police department adequately train an officer to react properly in a situation such as this?" Those same administrators may have been involved in similar situations themselves during their careers. If so, they are probably aware of the shortcomings of most methods of firearms training when it comes to assessing when to shoot or whether or not to shoot at all.

This is not to say that past training tactics were bad, but rather they did not go far enough in portraying a setting that actually presented an officer with a realistic situation calling for a decision on his part. In short, most firearms training modes have stressed



Mr. Libby



Patrick F. Fitzsimons
Seattle Police Chief

proficiency and left the decisionmaking aspect of the application of deadly force to be forged by classroom theory.

Throughout its history, the Seattle Police Department has relied on a variety of methods to instruct its officers in firearms use. Given the technology and training methods known and available at any given point in time, the majority of these methods were adequate.

Nine years ago, the Seattle Police Department's firearms segment of academy instruction consisted of 5 days of range training stressing accuracy, proficiency, and firearms safety. The matter of instructing new officers on when they could use deadly force was covered primarily in classroom study of the department manual section regarding arrest and use of force. That training extended to defense of self or others and to effect the arrest or recapture of suspects in one of a number of enumerated felonies, provided that certain criteria were present.

Beyond that, training consisted of a series of "shoot/don't shoot" films which again were adequate in light of what was available, but did not actively draw the officer into any dynamic situation of deciding for himself whether or not the use of deadly force was appropriate. There was no interaction between the officer and the training he was receiving.

What we have experienced over the years then are several methods of firearms instruction which fall short of an ideal model. Combat and target ranges have taught *how* to shoot, and classroom training, films, and theory have taught *when* to shoot, but there has never been a viable mechanism by which these two very important aspects of the job could be brought together into one training function.

Although the combat ranges can never be replaced for one very important reason—an officer, in the final analysis, must possess a reasonable degree of proficiency in striking his

target—they are deficient in the same respect as are other training modes in that they lack the most important elements of a shooting situation. That element is the decisionmaking process and its direct product, stress.

Since stress was recognized to be part of all life-threatening incidents, what was needed was a mode of training that would teach both when and how to shoot, while simultaneously introducing a degree of realism sufficient to induce stress. This could only be achieved by creating an environment similar to what an officer could expect to encounter on the street.

Several months ago Seattle's former Chief of Police, H. A. Vanden Wyer, approached a Seattle multimedia production firm with the idea of using multimedia techniques to overcome this obstacle and perhaps create a more efficient method of deadly force instruction. The reason for this was not only because of the inadequacy of past training methods, but also because the police department was, at that time, undergoing a change in shooting policies. Where the old policy was directed at defense of self or others and certain felony suspects, the new policy was somewhat more restrictive, and there were many questions about when deadly force could be used. It was hoped a new training method would resolve these questions. The result was the birth of the Synthesized Media Environment (S.M.E.) Simulator.

To research this new concept (when it was nothing more than a concept) the multimedia firm's personnel spent approximately 400 hours riding with patrol officers in Seattle in an effort to assess needs from the working officer's point of view. At the same time, research data from the University of Washington on how people receive and process information were obtained and proved to be of great value in determining how the concept would be developed into a working training mechanism. While running the risk of being accused of oversimplification, it can be said that the information a person receives ends up being transmit-



This microprocessor enables the operator of the S.M.E. simulator to control completely the settings to which an officer is exposed.



One of the components of the S.M.E. simulator.

ted to the brain as "burst information," that is, entering the brain in the form of short bursts of electrical energy. Following this premise, different media possibilities were examined and tested, and film was ruled out because of its continuous flow of presented information. It was finally decided that a complex slide presentation would be the most feasible way of presenting the desired information in a training situation, since slides could be presented as individual pieces of visual information.

Let us say, for example, that we wish to present an officer with a training situation in which he responds to a possible armed robbery, such as the one described in the beginning of this article. First, a site is selected for the development of a scenario and then the crime is acted out "on location" and photographed as it takes place with a high-speed, motor-driven 35mm camera shooting at five frames per second. The crime can be an armed robbery, a rape, a burglary, or any other potentially life-threatening situation that an officer may encounter.

The slides are then placed in order and numbered, and command staff and training personnel identify which slides appear at critical decisionmaking stages, whether the decision should be to shoot or merely issue an oral command. Realistic sound is added, complete with police sirens, dispatchers, car-to-car communications, and anything else to add the dimension of reality to the scenario and affect the stress-loading of the officer undergoing training.

The present system in use at the Washington State Criminal Justice Training Center in Seattle consists of three 6- by 6-foot rear projection screens for showing the scenarios, the sound system, and a microprocessor computer to control the entire operation. Although the actual "guts" of the system (its computer) are complicated, its makeup is remarkably simple. The simulator is, in effect, a large room by itself housing this apparatus.

When the officer enters the simulator he is given six blank cartridges for his service revolver and steps to a spot on the floor facing the center of the three huge screens. He is immediately surrounded by an envelope of complete darkness and silence while he stands and waits for something to happen. After a brief lapse, standing in

blackness, speakers from both sides and behind begin to bark out information and instructions, setting up the scenario and finally giving the admonition, "Remember! In the final analysis you are responsible for your own actions."

There follows another period of darkness. The officer is alone in the room and he has been primed to anticipate something. The information he received has his imagination working, and the anticipation and darkness help to simulate a stressful street encounter. Suddenly, the screen comes to life with images directly in front and to either side of the officer. Quickly an armed robbery unfolds, and the officer must react based on information he has received.

A man comes running from the store. There is something in his hand. Is he a suspect carrying a gun or an innocent customer running from a robbery with his purchase? Whatever the case and whatever decision the officer makes, there will be no loss of life. It all takes place on a life-size screen so the officer, particularly the recruit officer, can see how quickly the nature of a call can change and he can learn to prepare himself properly and effectively for unpredictable situations.

The simulator was developed at a cost of approximately \$87,000, and the one used in Seattle is presently capable of presenting six different scenarios, each with five different variations of the same call. The training instructor operating the microprocessor has the capability of stopping the action at any time when the officer has made a decision and taken some kind of action. Further instructions can be given and the scenario continued. A command to halt can be ignored or obeyed, suspect information can change, the crime itself can change, and suspects can be armed or unarmed. Indeed, suspects can quickly become innocent bystanders. Because the operator is able to change what is presented to the officer with the push of a button, the effectiveness of the program is not diminished by repetition. If a film concept were used, it is possible that an officer could view a scenario, for example, and know that 30 seconds into the film the suspect in the blue coat will turn with a gun in his hand, because officers

ahead of him had seen it. Because the operator of the S. M. E. simulator can key any individual slide or group of slides, the officer undergoing training cannot make that assumption. One of the ideas of the program, of course, is to eliminate assumption and train officers to react based upon information they have received.

There are two basic factors which make the S. M. E. simulator such an effective training tool. One, already discussed, is the introduction of stress to add to realism. An officer who is faced with a potential shooting situation is under substantial pressure and the simulator comes very close to duplicating that condition. In such a way, the officer, by reacting to the scenarios, becomes conditioned to reacting properly, regardless of the situation.

The second important aspect of this program is its flexibility and adaptability. With the slide technique, the scenarios can be changed as it is considered necessary, adding to or deleting from what is presented on the

screen or developing entire new scenarios altogether. Also, the system is not limited to the three screens now being used in Seattle. The department has called for bids on an advanced simulator and hopes to obtain one consisting of approximately nine screens arranged in a 270° arc to virtually surround the officer with action.

The S. M. E. simulator is now used in conjunction with all other aspects of firearms instruction for Seattle police officers, including range training and departmental policy on use of force. As far as can be determined, the simulator is the only device of its kind in use in the Nation.

When the simulator's acquisition was announced, Chief Vanden Wyer said, "This gives our officers the experience before they have to go out and really do it. We can now expose an officer to realistic conditions where he will experience life-threatening situations under circumstances similar to real life without lives actually being at stake."

FBI

Quarterly Stats Indicate Rise In Crime

Crime reported to U.S. law enforcement agencies rose 11 percent during the first quarter of 1979 when compared with the same period of 1978. When announcing the FBI's Uniform Crime Reports' statistics, former Attorney General Griffin B. Bell commented, "There have been indications in recent quarters that the level of crime was rising, and this significant upswing is very disturbing. The need for vigorous efforts at all levels of law enforcement to reduce the volume of crime—especially violent crime—is evident."

Increases were noted in both the violent and property crime categories that make up the Crime Index.

Collectively, the number of violent Index crimes was up 17 percent. All offenses within that category increased: Murder rose 9 percent; forcible rape, 11 percent; robbery, 19 percent; and aggravated assault, 17 percent.

As a group, the Index's property crimes increased 11 percent in volume. Burglary was up 8 percent; larceny-theft, 11 percent; and motor vehicle theft, 15 percent.

A collection of statistics regarding arson, a newly established Index crime, has begun, but data on this offense are not yet available.

In cities with populations over 50,000, reported crime was up 11 percent. The suburban and rural areas also experienced increases, 13 and 6 percent, respectively. In cities outside metropolitan areas, the recorded rise was 12 percent.

FBI Director William H. Webster, in noting that increases appeared for all offenses in all regions of the Nation, said, "The problem is widespread and not limited to any particular area of the country." The increases were 15 percent in the Southern States, 13 percent in the Northeastern States, 8 percent in the Western States, and 6 percent in the North Central States.

FBI

Threat Analysis

The Psycholinguistic Approach

By MURRAY S. MIRON, Ph.D. and JOHN E. DOUGLAS

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*Special Agent
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On the night of March 1, 1932, the infant son of Col. Charles A. Lindbergh was taken from his crib in his parents' Hopewell, N.J., home. A note left by the abductor was discovered on the windowsill of the baby's nursery. It read:

Dear Sir

Have 50000\$ ready 25000\$ in 20\$ bills 15000\$ in 10\$ bills and 10000\$ in 5\$ bills. After 2-4 days we will inform you were to deliver the mony. We warn you for making anyding public or for notify the police. The child is in gut care. Instruction for the letters are singnature.

This note was one of several sent to the Lindberghs. Errors in spelling and syntax occurred repeatedly in the notes, and these errors, running like links from one letter to another, said more than the writer could have intended. Their author often correctly spelled such difficult words as "hazardous" in other messages, while misspelling such words as "mony," "anyding," and "singnature." The phrasing of these messages and the errors clearly indicated that their author had been born in Germany and that he could be expected to have retained a heavy German accent. His message even contains the German word "gut" for its English equivalent "good" and the German pronunciation for "anything." Although such clues might have helped to narrow the search for this

infamous perpetrator, his apprehension was the result of an alert bank teller's identification of one of the ransom bills deposited by Bruno Richard Hauptmann. A German-born, illegal alien, Hauptmann had an eighth grade education and a history of skirmishes with the law.

Three months later, the baby's body, bearing an extensive skull fracture, was found in a makeshift grave some 5½ miles from the scene of the kidnapping.

The Lindbergh case marked the informal initiation of what today has become a sophisticated modern tool of law enforcement—psycholinguistic analysis.

During the last 6 years, a psycholinguistic research program, under the direction of Dr. Murray S. Miron of Syracuse University and in collaboration with the Behavioral Sciences Unit of the FBI Academy, has been tested and developed into a set of techniques which can be directly applied to the management of threat analysis. This psycholinguistic program is one instance in which an academic science has found widespread application in the demanding circumstances of the criminal world.

Combining the best of both psychology and linguistic disciplines, psycholinguistic techniques provide an understanding of those who use criminal coercion, as well as a rational management strategy, for dealing with such a threat. Psycholinguistics was originally developed as a research tool, but the research has progressed to the point where the techniques are now being used in a wide range of criminal investigations.

These new techniques have already proven effective. Concentrating on the evidence which can be obtained from the form and content of the message, whether spoken or written, the

psycholinguistic technique microscopically examines the message for clues as to the origins, background, and psychology of the originator. Every sentence, phrase, syllable, word, pause, and comma is automatically scanned by computer for what they can reveal about the author. These messages can also establish the author's identity by comparisons with other messages whose authors are known.

"Combining the best of both psychology and linguistic disciplines, psycholinguistic techniques provide an understanding of those who use criminal coercion. . . ."

Evaluation of the Method

Judge William H. Webster, Director of the FBI, referred in a recent speech to psycholinguistics as a valuable tool in criminal investigations. The congressional hearings on terrorist activities record testimony on these methods as a major tool in combating

modern terrorism. The Honorable Richard Ichord, Representative from Missouri and Chairman of the House Committee on Internal Security, speaking on behalf of the committee said, "has become very evident from the testimony received . . . that terrorism is a growing international problem and that our complex industrial society is becoming more and more vulnerable to its many manifestations."¹ Mr. Richard Velde, then Deputy Director of the Law Enforcement Assistance Administration (LEAA), also testified before the committee.

" . . . we are now contemplating a number of additional initiatives which would enhance our ability to assist in international efforts to reduce terrorism. I would like to briefly describe for the committee some of these initiatives now under consideration.

" . . . Prof. Murray S. Miron, professor of psycholinguistics at Syracuse University, [has initiated a] project entitled 'Semantic Analyses of Threat Communications,' [which] would seek to achieve an understanding of the personality of those individuals who employ threats of violence or property damage as the central part of their criminal behavior.

"Threats and subsequent behavior would be studied to form the basis for a threat analysis dictionary. Such a dictionary could be used to automatically scan threat communications as they are received in an attempt to identify the predicted outcome and course of action contained within the threat.

"As a result, police responsiveness to particular threatening communications could be improved markedly. And we do have some experience, Mr. Chairman, with this technique to indicate that there is a good likelihood of success."

"We feel that this discipline can be of major value in these types of situations."²

Dr. Miron (standing) and Special Agent Douglas read computer printout on a threat message.



Since the time of these hearings, terrorism has dramatically increased in the world. The prophecy of these hearings has proven to be correct. The research effort in psycholinguistics was implemented; now more than 4 years later, with funding from LEAA, the methods are being used in case after case.

The Threat Dictionary

When a threatening message is received, it is entered into the computer by means of a terminal keyboard. The computer then scans the message in an attempt to identify every word of the communication. Each word's occurrence is assigned to a set of categories which research has identified as important in the characterization of the threat. These categories represent the word entries of a dictionary. Under each category of the dictionary there are a large number of words which contribute to that category's definition. The computer also serves to separate word meanings which may be represented by the same spelling in a text, and tabulates occurrences of such things as punctuation, speech hesitations, misspellings, sentence constructions, and other aspects of the message. All of these tabulations are printed out and form a profile of the message.

Over the years, the threat dictionary has continued to grow in size and comprehensiveness. Today, there are more than 350 categories representing more than 250,000 words. Both the categories and the words contained in the dictionary are the result of analyzing the wide range of threats gathered in the course of the research. These threats span from suicide notes to terrorist communications, from clear instances of hoaxes to threats which have been carried out.

The computer also stores summaries of over 15 million words gathered from analyses of ordinary spoken and written English. These files are used to compare a message against the usual forms of spoken or written English. Unusual usages or word occurrences which differ from these

stored files are flagged by the computer for closer examination. These files of ordinary language are also used to evaluate samples of speech or writing in cases where the origins of two or more communications are in dispute. By weighing the vocabulary usages of an author or speaker against the usages employed by the average speaker, one can derive a set of "signature" words which are unique to the individual

“... the psycholinguistic technique ... examines the [threat] message for clues as to the origins, background, and psychology of the originator.”

and which can be expected to match across differing communications.

Case Examples

The following actual case analysis is representative of the sort of information that psycholinguistic techniques can provide. Prepared from communications received from an unidentified subject (UNSUB) who threatened a flight from New York to Geneva, Switzerland, Dr. Miron drew several conclusions. On the basis of psycholinguistic analyses, he judged that the UNSUB was a German-born male of at least 50 years of age who had immigrated to the United States as an adult and had resided in this country for at least 20 years. Further, the analyses indicated that the UNSUB had probably written previous messages to prominent officials in both the United States and Germany. Perhaps most revealing was the conclusion that the perpetrator's personality compelled him to leave clues as to his identity in the message itself. At the conclusion of the extortion message, there was a series of three-

digit code numbers which seemed to correspond to the fictitious name of the group UNSUB claimed he directed. The following code appeared at the end of the message:

Sig: 604 247 945 305 734 430
915 837 907 Reciprocal Relief
Alliance for Peace, Justice and
Freedom Everywhere.

Each of the nine code groups appears to correspond to the nine words of the group name. No words are duplicated in the group name or in the three-digit code groups.

However, if the code groups are rearranged so that each group is written as a column of numbers, the code would look as follows:

6 2 9 3 7 4 9 8 9
0 4 4 0 3 3 1 3 0
4 7 5 5 4 0 5 7 7

When arranged in this way, the first three code numbers, 6 2 9, correspond to the alphabet letters of FBI. Using a standard coding device which employs a displacement key for the remaining text, the next code groups translate as "IM" followed by two initials repeated twice. Together the translation would read "FBI, I'm JK JK." A search of the names of the passengers on the flight revealed that one of the travelers matched the profile description and part of the initials of the deciphered code. Search of the records revealed that this passenger had written and signed his name to a series of similar messages written in 1969. Subsequent psycholinguistic comparisons established that these earlier messages were written by the same suspect. After this identification, the psycholinguistic tools were then used to suggest methods for conducting the interview with the suspect. Using the clues gleaned from the messages as to the personality of the suspect, specific stratagems for approaching him were devised. These involved predictions as to how the subject would react, and whether or not he might contemplate suicide or escape.

A member of the Royal Canadian Mounted Police, in evaluating another case involving messages from a terrorist group, said, "There can be no doubt that Dr. Miron's analysis of the threat

communications has been of great value to us. His opinions have helped to resolve certain confusing aspects of the investigation, but most significantly, his analysis assisted us in successfully resolving this case. To my knowledge, the service of a psycholinguistic analyst has not previously been used in Canada and, therefore, this case has been of national significance."

In still another case involving analyses for the Los Angeles, Calif., Police Department, the department reported after identification of the suspect, "The information you supplied narrowed the field to five choices out of 7,000 men." The writer concluded with a personal observation: If he were to leave a threat message he hoped that it would not be analyzed by such techniques.

This case involved a series of television appearances by a masked man who claimed to be a member of the Los Angeles Police Department (LAPD). In his interview, this "Masked Marvel," as he came to be called, reported that he knew of "death squads" on the force who assassinated minority citizens. The LAPD was understandably quite anxious to identify this purported member of their force. The psycholinguistic analyses of the sound track of these interviews not only narrowed the search for members of the LAPD (it was not originally certain that he was an officer at all), but described the Masked Marvel in sufficient detail to narrow the suspects to 5 members of the 7,000-man force. Based only on the speech of this man, the report was able to identify his place of birth, age, education, background, and location of residence over the last 5 years, in addition to those purely psychological factors which motivated him. Some 2 years following these television appearances, the Masked Marvel resigned from the Los Angeles police force and revealed he had been the man who fabricated the exposé.³

Another case assisted by psycholinguistics concerned an extortionist calling himself B. A. Fox, who threatened more than 250 major corporations and their executives with letter bombs, adulteration of products, assassination, and even infected ticks. The psycholinguistic analyses helped to provide identification of the suspect, as well as grand jury testimony leading to his indictment.

"The psycholinguistic analyses of the sound track . . . described the Masked Marvel in sufficient detail to narrow the suspects to 5 members of the 7,000-man force."

The suspect was first identified by an investigation which had been narrowed to a specific region of the country and a probable description of the perpetrator on the basis of the psycholinguistic profile and other physical evidence. After a number of suspects had been identified in this manner, the psycholinguistic analyses were then able to compare the known writing of these individuals against the anonymous extortion messages. As a result of those analyses, one individual emerged as a prime suspect. This evidence presented before a grand jury was sufficient to result in an indictment. At the time of the suspect's trial, there was no precedent for the admissibility of psycholinguistic testimony. Never before had a jury heard testimony which identified a suspect on the basis of such analyses.

Legal Status

The U.S. Attorney's Office had on other occasions contemplated using such testimony, but in each instance the suspect had either pleaded guilty or other case evidence was sufficient to secure a conviction. In the Fox case, the District Court of Colorado ruled against allowing the jury to hear Dr. Miron's testimony on the grounds that there had been no precedent for such testimony. Although the court's ruling

conceded that such analyses could be of assistance in an investigation, it was reluctant to establish a precedent in criminal law. The court stressed its acceptance of the qualifications of the government's psycholinguistic expert, but voiced its discomfort over the possibility of the computer invading the court and of modifying what it characterized as the established procedures of criminal law. The court said:

"Now, I agree or I would concede that this science can be helpful in an investigative procedure. I think you can ferret out things through this method, all right, but when you come to determining the guilt or innocence of a person charged with crime on this type of testimony, if it is the only type of testimony that's available, it is tragic if in fact there is guilt but I wouldn't feel comfortable . . . in presiding over a trial where a man was found guilty solely on this type of evidence.

"I don't think we need a judge. We just punch it up and the computer comes out and he is guilty. That's the way he is going to arrive at his decision, a computer takes the whole human element out of it, it seem to me.

"Well, I just can't feel comfortable in permitting it." ⁴

The U.S. Attorney's Office moved for dismissal of the case after this ruling on the grounds that the government did not have a case without Dr. Miron's testimony.

In a subsequent case, only 11 months later, the Federal precedent for psycholinguistic testimony was to be established. A member of a murder-for-hire ring had been indicted for extortion by the government on the basis of incontrovertible physical evidence of the suspect's complicity in the crime. There were a total of four extortion messages, each representing separate counts in the indictment of the suspect.

Three of these messages were handwritten and one was typewritten. The FBI Laboratory had confirmed that the three handwritten messages were produced by the same individual and had succeeded in matching a fingerprint lifted from one of these messages with that of the suspect. The psycholinguistic analyses had indicated that all four messages were authored by the same person. The judge in this case ruled that the jury would be allowed to hear the testimony of Dr. Miron which linked the fourth letter to the same source as the other three. The jury returned a verdict of guilty on all four counts of the indictment.⁵

The Hearst Case

Perhaps the most dramatic application of psycholinguistic methods was in connection with the Patricia Hearst case.

Soon after the first of the tape recordings sent by the Symbionese Liberation Army had been received by

the authorities, Dr. Miron prepared a series of reports for the FBI. He described the individual calling himself "Cinque" as one who fit the known background of Donald DeFreeze. Perhaps more important, these reports predicted that Patricia Hearst would join the SLA and commit some criminal acts with them. The analyses further indicated that DeFreeze and his followers were suicidal and that they would undoubtedly die in a final shootout with the authorities rather than surrender.

Summary

These case examples represent a fraction of the past applications of the method. Admittedly, this technique is in the developmental stage and its adaptability to criminal investigative matters remains limited in scope. With additional research, experimentation, and refinement, psycholinguistics may well take its place among the more established means of crime detection. **FBI**

Footnotes

¹ U.S. Congress, House Committee on Internal Security. *Terrorism Hearings before a Subcommittee of the House Committee on Internal Security*, 93d Cong. 2d sess. 1974.

² Ibid.

³ "Who Was That Masked Cop," *New West*, September 25, 1978.

⁴ *United States v. Stephan G. Morton*, U.S. District Court for the District of Colorado, 77-CR-211, September 6, 1977.

⁵ *United States v. Gene Willard Gaylord*, U.S. District Court for the Western District of Virginia, 78-0014-R-H, May 4, 1978.

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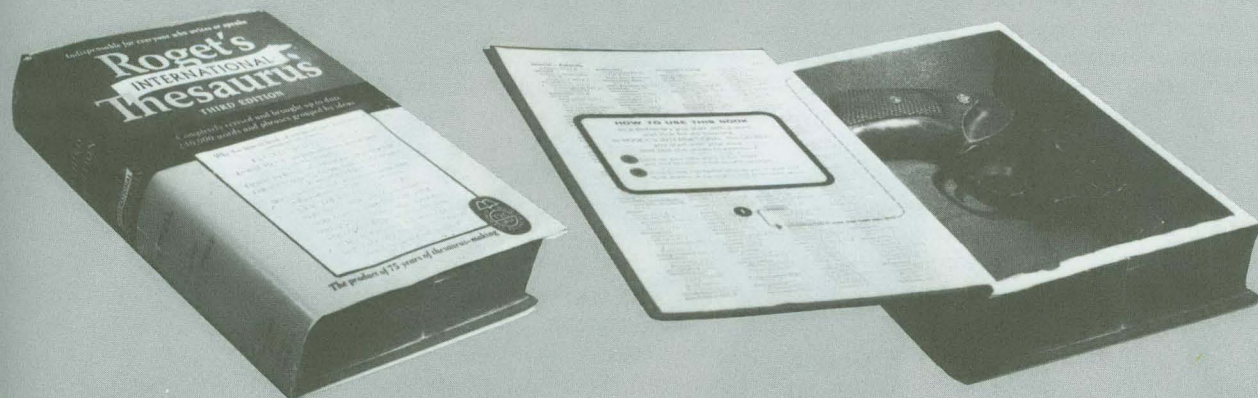
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"You Can't Tell a Book...."

The hollow book pictured here is being produced commercially and advertised in newspapers as a "home defense book" which will accommodate snubnose revolvers as well as small automatic pistols.

It can be purchased by mail order and reportedly cannot be distinguished "from an ordinary book." Various realistic titles are available.

Police personnel should be aware of this product and its possible illicit uses. **FBI**





The Hostage/Terrorist Situation And the Media

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The lone hostage taker sat with his eyes riveted to a television set which he had demanded during tedious negotiations with police and the FBI. He was ready to surrender when the sight of police snipers moving into defensive positions flashed across the screen. Now feeling threatened, he balked at his previous offer to surrender, and negotiations continued for another day.

The conduct of the news media at hostage scenes has become a major concern for law enforcement. This concern has been heightened by the recent upsurge in world-wide terrorism. While the United States has only experienced a few terrorist situations, numerous hostage-taking incidents have filled the headlines of American newspapers.

Since the terrorist often takes a hostage to negotiate his demands, the terms "terrorism" and "hostage taking" are often used interchangeably. However, these terms are distinct, since many hostage situations are the results of a criminal caught in the act rather than a premeditated plan, and many terrorist activities do not involve hostages. The term "hostage/terrorist situation" can be used to describe hostage taking by terrorists and nonpolitical criminals.

The hostage taker, whether political or not, creates a dramatic forum for his demands: Life and death are in the balance; the outcome is suspenseful; there are victims, weapons, and emotions; and in many cases, there is a message for the world. All the elements are present for a lead story. Says one reporter about a hostage taker in Cleveland, "They paid attention to him because of his terrorism."¹ Dr. George Gebner, Dean of the Annenberg School of Communications, describes these acts as media events without which terrorists couldn't exist. He questions to what extent media wants to cooperate with terror.² Halina Czerniejewski wrote in *The Quill*,

"The act of covering a news event changes the character of that event. . . . This leaves news media in a curious and uncomfortable position—that of wanting to be observers, but inadvertently or advertently becoming participants—as victims or vehicles."³

Fierce competition for the story tends to draw more media personnel and intensifies the coverage which results. "It's often the local news competition that compels journalists, maneuvering for each minute-to-minute scoop, to get in the way of police,"⁴ reports Robert Merey of the *National Observer*. In the scramble for news and the competition for scoops, the broadcast media can make mistakes.⁵ This competition creates problems for law enforcement personnel at the scene. Such was the situation with one case in Cleveland, Ohio. A reporter for a local television station called the news producer and told him that the situation appeared to be ending. The producer, wanting to be first with the story, went live via "mini-cam" with pictures of police snipers readying their defensive positions on the surrounding rooftops. The hostage taker, who had access to a television, saw the positioning of snipers and balked. He shouted, "Everything is off, right now." In fact, negotiations went on for at least another day. The chief of police later said that the drama would have ended a day earlier had that mini-cam incident not occurred.⁶

Advancements in technology, like the mini-cam, have posed problems for law enforcement and media alike. Truly an electronic marvel, the mini-cam or portable camera allows live broadcasts from almost anywhere; hence, it gets the story as it happens. Unfortunately, this can be dangerous in a hostage/terrorist situation. Virgil Dominic, news director of a Cleveland television station, stated, "The portable camera is a wonderful tool. But we are just learning how to use it."⁷ The incident described prompted this news director to reconsider his station's coverage of such events. Dominic said it was his feeling that the competitiveness of attracting a larger audience caused the error in judgment of showing the snipers prematurely. The ultimate decision of that station was to not cover such events live in the future. Dominic entreated other local television news directors to follow suit, and where lives are at stake, defuse the competitive nature of these incidents.

Similar situations have generated much discussion between media and police. A recent study conducted by Dr. Michael Sommer at California State University at Northridge, entitled "Project on Media Coverage of Terrorism," surveyed police chiefs and media representatives from the 30 largest cities in the United States. The report contains some divergent opinions on the role of the media in hostage/terrorist situations, and though some of the responses are predictable, others are surprising. Television directors agreed that live coverage is not a good idea, although still holding that the decision should be based on the individual case. Concerning journalists' conversations with terrorists, a plurality of radio, television, and print medias agreed that prior police consent was the way to proceed.⁸

Some of the more sober comments have come from the media itself. Tom Becherer of Detroit's WWJ-TV stated, "There is a difference, I think, between the public's right to know and the public's right to know everything."⁹ Says Wayne Vriesman of WGN-TV, Chicago, "I will never black out a story. That would lead the public to think we will black out other stories. I would draw the line, though, on passing on police plans to a terrorist. . . ."¹⁰ This discussion within the media has caused it to take a closer

"The neglect of the media by law enforcement in its all-out efforts to save lives often creates additional problems."

look at itself and its actions during these events. As a result, network guidelines have been promulgated.

CBS was the first network to draw up guidelines for its news staffs regarding hostage/terrorist situations. The guidelines, though they leave certain questions unanswered, do show a sensitivity for not only the hostage but also law enforcement. NBC likewise has written guidelines, as has United Press International whose guidelines put particular emphasis on establishing procedures at each local station for the coverage of such events. This raises the often-echoed complaint that network and headquarters-type edicts don't hold much water in the individual area stations. Local stations do not want to be locked into a formal set of rules established by network executives which may not allow any flexibility in individual cases.

Guidelines do have some drawbacks. An author for the *The Quill* comments,

"The problem will be to come up with guidelines which will be flexible enough so as not to encroach on news judgment, thoughtful enough to deal with the complexities of the situation and clear enough to help news people deal reasonably with fast breaking, tense life-and-death situations."¹¹

Jim Warren, a reporter for KPHO-TV, Phoenix, believes one basic guideline is that the media work closely with the authorities.¹² Norman S. Hartman, news director of KQVR, Sacramento, says that guidelines "can serve a useful purpose to get news people thinking and talking about news coverage during such incidents."¹³

Ron Tindiglia of ABC News, New York, sees media's role, that of a disseminator of news, as a vital one demanding great responsibilities to reduce vulnerability against manipulations.¹⁴ Dan Rather of "60 Minutes" says in support, "When violent people are playing to the camera, there's no question that the medium itself can become a kind of hostage, and the reporter has to dodge and struggle to keep from being captured and used."¹⁵

The police and media in such hostage/terrorist situations need not be antagonists. In fact, the news media at different times has helped resolve the hostage taker's demands. Such was the case in Cleveland when a police captain and a 17-year-old female employee of the police department were taken hostage in 1977. The hostage taker refused to talk to police negotiators and would only discuss his situation with a local black television reporter. Under the guidance of police, the reporter talked the hostage taker out of the situation, and no one was injured.

A danger arises, however, when media personnel decide to become "freelance" negotiators with the perpetrators, as in the Hanafi Muslim's hostage taking in Washington, D.C. Hamaas Khaalis, leader of the sect, was interviewed on the air concerning the question of whether or not he could trust the police.¹⁶ This question obviously makes the job of negotiation—which is based on trust—a much more difficult one. In another interview, Khaalis was asked whether he had set any deadlines yet. The last thing a negotiator ever wants is a deadline.¹⁷

Law enforcement has had its problems adapting to the hostage/terrorist situation and its relationship to the press. The initial reaction to a hostage/terrorist crisis is to direct all manpower to the tactical and negotiating efforts to free hostages safely, to the exclusion of all else, even the media. The neglect of the media by law enforcement in its all-out efforts to save lives often creates additional problems. The New York City Police Department (NYPD) discovered this phenomenon in its first hostage negotiation case at a sporting goods store in Brooklyn. After the Munich Olympics, the NYPD formed a hostage negotiations team in 1972 under the direction of Dr. Harvey Schlossberg (recently retired) and Capt. Frank Bolz. When the Brooklyn incident broke, the police wanted a news blackout and went so far as to shut off the electric power to the entire area. The media countered by setting up portable generators and floodlights, which inadvertently served to silhouette the police and leave the perpetrators in the shadows. Having learned a lesson from this experience, the NYPD now spends time with the media, to the point of including them in its hostage training sessions.

Communication between media and law enforcement tends to strengthen the trust between the two. As one police chief stated in a nationwide survey, "On-scene liaison between police and media and a policy of department-wide openness promotes a climate of mutual trust and understanding wherein the police and the media can fulfill their respective obligation to the public."¹⁹ The time for communication with the media, however, comes long before the crisis occurs. The chief of police in Warrensville Heights, Ohio, who was involved in a hostage/terrorist situation, says that until that crisis he had never really spent a whole lot of time with members of the media. Now he believes in establishing an on-going relationship with them. "The key is common sense and



FBI Agents rescue two children who were held hostage. (Photo credit Ronald F. Kuntz, UPI)



Warrensville Heights police chief briefs members of the news media. (Photo credit Bernie Noble, Cleveland Press)

cooperation between media and law enforcement," said the FBI Special Agent in Charge during the Warrensville Heights case.²⁰ Building a good rapport with the media—one based on forthrightness, openness, and trust—long before the hostage taker ever strikes is a necessity.

Essential to this trust relationship is a public information officer (PIO). Each police department should have some individual assigned the duty of liaison with the press, and that person should be someone other than the chief. The PIO gives the chief the latitude he needs to run the department and still be available for press conferences and media appearances, while the PIO has daily contact with the press to handle the usual inquiries common to most police departments. The PIO should disseminate public information to the media and remain sensitive to the needs of the press in day-to-day operations and especially during a crisis situation.

In the FBI, Special Agents have been appointed as media representatives in each of the FBI's 59 field offices. All the media representatives are trained in press relations at inservice training sessions held at the FBI Academy. Media representatives have served the FBI, the press, and the American public well, and they become particularly important during a hostage/terrorist situation.

Before a hostage/terrorist situation occurs, the PIO and the chief should take the initiative to meet with the video, radio, and print media, including the wire services. These meetings should involve a discussion with the news director, city editors, and supervisors of reporters concerning the nature of hostage negotiations and the problems associated with them. Sever-

al departments, notably the NYPD, have been very successful with this technique. As Captain Bolz puts it, "We try to take away the mystique."²¹ The press must see that law enforcement is sincere in attempting to balance the people's right to know with the protection of lives. Often, a general presentation to the media by the department's hostage negotiator and the PIO helps to create an awareness and sensitivity to law enforcement's problems.

When the crisis situation comes, the PIO should be one of the first on the scene. His job at the scene is to ascertain immediately the facts and report to the media the who, what, when, where, why, and how of the situation in a general briefing, so that the entire press corps can get the truth from a reliable police official, hopefully eliminating the need for freelancing by the media.



During a recent hostage/terrorist situation, exhausted newsmen catch up on much-needed sleep. (Photo credit Timothy Culen, Cleveland Press)

After the initial press briefing, the PIO should establish a media command post. This post should serve as a centralized area from which press statements can be made, information released, and questions answered. The location depends on each situation. It may be 50 feet or 5,000 feet away from the incident; it may be outdoors or on another floor in the same building where the hostages are being held. Location of the media command post should be accessible, while not intruding or interfering with tactical police or negotiators. However, it should not be at such an unreasonable distance away from the scene so as to invite freelancing. The ideal media command post should have outside telephone lines for the press to call in their stories, toilet facilities, and if possible, a place to sit down or even lie down, as some cases go on for days.

During the hostage/terrorist situation, the PIO serves as a direct link between law enforcement and the media. His job is not only to keep the press informed, but also to buffer the command post from the pressures of the media, so that the chief or commanding officer can concentrate on the job at hand and not be tied up with external interruptions. Finally, the PIO should remain with the media at all times. Since many situations take days to resolve, consideration should be given to having an alternate PIO.

Proper handling of news media at a hostage/terrorist situation not only requires scheduling and coordination, but also a delicate balance between the duty of the press to inform and law enforcement to protect. This is not an easy task. However, the problems can be worked out with mutual effort on the part of both law enforcement and the media.

FBI

Footnotes

¹ David Abbott and Sergio Lalli, "The Media Captured Along with the Hostages," *Sunday Plain Dealer Magazine*, May 8, 1977, p. 34.

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³ Halina J. Czerniejewski, "Guidelines for the Coverage of Terrorism," *The Quill*, July-August 1977, p. 21.

⁴ Robert W. Merry, "On-the-Air Hindrance? Broadcasters Search Souls Over Coverage," *The National Observer*, April 22, 1977.

⁵ John Weisman, "When Hostages' Lives are at Stake . . . Should a T.V. Reporter Push On or Pull Back?" *TV Guide Magazine*, August 26, 1978, p. 5.

⁶ Abbott and Lalli, p. 32.

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⁹ "T.V. Newsmen Split on Air Time for Terrorists," *More*, June 1977, p. 20.

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¹¹ Ernie Schultz, "Censorship Is No Solution to Coverage of Terrorist-Hostage Situation," *RTNDX Communicator*, July 1977, p. 7.

¹² *Id.*, More, p. 20.

¹³ "Many Stations Enact Guidelines on Involvement with Terrorists," *Television/Radio Age*, October 21, 1977, p. 26.

¹⁴ Ibid, p. 74.

¹⁵ Ibid.

¹⁶ Weisman, p. 5.

¹⁷ Ibid.

¹⁸ Ibid, p. 6.

¹⁹ "Police Chiefs Blame TV for Acts of Terrorism," *Editor and Publisher*, August 27, 1977, p. 12.

²⁰ Abbott and Lalli, p. 33.

²¹ Weisman, p. 6.

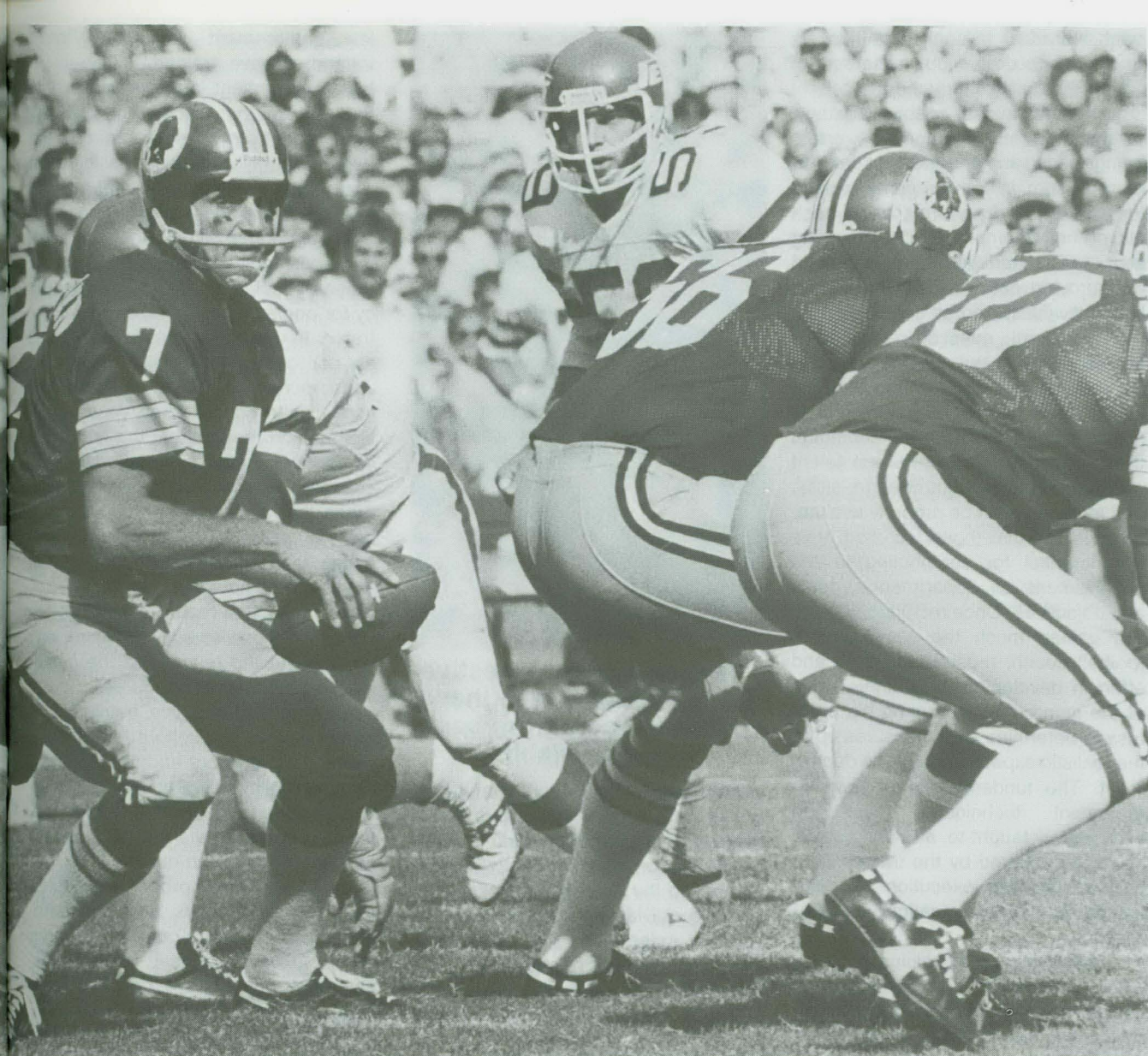
BUILDING A WINNING TEAM

By taking principles
of good football coaching
and transferring them
to law enforcement training,
a winning team may
be created.

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To the police training officer who is a football fan, watching two evenly matched teams play a game might well evoke several training-related questions and comparisons. First, how does one team defeat another capable, well-trained team? Second, what is the key element common to winning teams? Third, how does a winning team get to be that way? And finally, what can the police training officer learn from the way football teams function, and how can the principles learned be applied in the police trainer's environment?



Answering the first question is relatively simple. The winning team has talented personnel who perform better individually and as a team, are highly motivated and well-trained, and demonstrate a firm foundation in the fundamentals of individual positions. Teamwork and discipline are noticeable throughout the game.

This logically leads to the answer of the second question. Again, simply

stated, winning teams execute duties and responsibilities with more effectiveness than their opponents. Superior execution can be a "key" to winning football. Each individual from the players through the coaches executes the skills learned through the training process properly and precisely.

The third question can be answered by combining the answers to questions one and two. Winning teams recruit the best personnel available to fill the team's present and future

needs. The personnel are taught the fundamentals of their positions and are drilled in the proper execution of these fundamentals from the time they join the team until they retire. Those that can't perform to established standards are released.

Pride, confidence, motivation, and teamwork are stressed by the coaching staff. How each position relates to the overall goals and objectives of the team is emphasized. By game time

each individual is confident, inspired, and ready to do his job to the best of his ability. During the game the coaching staff discusses game strategy, weaknesses in the opponent, errors being made, and the steps to take to correct them. When the game is over, the strategy and performance of each player and member of the coaching staff is evaluated with the goal in mind of improving performance and execution, individually and as a team.

The fourth question, however, is not so easily answered. By analyzing the previous questions and answers, a logical basis can be developed. It is critical for effective law enforcement in these times to recruit the best talent available.¹ Requisite knowledge, skills, and attitudes must be properly evaluated to insure that those recruited have the potential for contributing to the achievement of departmental goals and objectives. Once recruited, the police trainer, much the same as the football coach, must spend time and effort in developing the trainee, while at the same time measuring his progress to determine if he measures up to the realistic expectations of the department. The fundamentals of law enforcement techniques must be exhaustively taught to, and understood and demonstrated by the trainee. The goal of faultless execution by each trainee must be systematically accomplished.

During the initial training process, pride, confidence, and motivation to perform to expectations should be instilled. The role the trainee will play in the overall departmental effort is extremely important and is all too often misunderstood, not stressed, or totally overlooked in law enforcement training.

Exposing trainees to working with other officers and other components of the criminal justice system and providing the opportunity to demonstrate learned knowledge and skills in simulations or "scrimmages" will assist the trainee in relating to his position and duties. His confidence and ability will be improved before the recruit is thrust into real-life situations. It should be a major objective of police training, at



"It is critical for effective law enforcement in these times to recruit the best talent available."

every level, to get people working together with an understanding of the tasks to be accomplished and the realization that proper execution will assist in meeting the goals and objectives of both the individual and the department. With an understanding as to why and how each element relates to goal accomplishment, individuals will be better equipped and motivated to do their best.

Throughout an officer's career, execution should be monitored and evaluated, failures and shortcomings corrected, positive performance recognized, and improved performance shown as a major goal of the whole criminal justice team. To maintain an effective organization, training must not cease when the certificate is awarded. A common fallacy in today's

law enforcement setting is "once trained, always trained."² Too often law enforcement administrators hold the opinion that once a person has graduated from a recruit school and has been given a field assignment, performance will always be at least at the level demonstrated during the training program. When on-the-job performance does not measure up to these expectations, there is a tendency for peers, supervisors, and administrators to downgrade training programs as not being worthwhile.³ "Why did Jones screw up this arson case? We sent him to school three years ago." Never mind the fact that this is his first arson investigation since attending the school. Educational psychologists agree that if knowledge and skills are not kept current through practice and usage, they will at best be rusty and at worst lost completely.

Hence, the recruit school certificate should be viewed in the same way as "making the team" and the *beginning* of a professional career. To be meaningful and effective, training must be continuous throughout the officer's career.⁴ Supervisors and trainers have a responsibility to individuals and operational units to insure that knowledge, motivation, and skills are kept current and not lost through disuse. They can do so by explaining proper procedures and analyzing errors and shortcomings. They can point out and reinforce strong points, suggest adjustments, and offer constructive criticism on a regular basis to personnel on the job, in much the same manner as coaches do during a game. Without this type of activity, much of what was accomplished during the training process will lose effectiveness and meaning.

Periodically, such as at the conclusion of a major case or at regularly scheduled supervisory conferences, employee performance and departmental procedures should be reviewed, analyzed, and discussed in detail. Are the training programs meeting individual and departmental needs? Are the training programs improving

performance of the personnel to the degree that common errors and execution deficiencies are being corrected? Are supervisors reinforcing activities learned from training programs, or are they preventing new ideas and/or techniques from being implemented because they are not comfortable with change? Training activities and on-the-job execution must be evaluated, and strategy, performance, training, and supervision improved to assist in meeting the department's goals and objectives.

Instructors and supervisors can be compared to coaches in that they are responsible for taking the raw human talent provided and molding them into highly trained, knowledgeable personnel who will execute their jobs to the best of their ability and in conformance with what is expected of them. Instructors and supervisors must also supply the impetus for motivation, desire, and implementation of knowledge and skills effectively and efficiently within the team concept. Not everyone is cut out to be a quarterback; however, those that cannot play quarterback may fit very well into another position which is equally as important to the overall effort. Instructors and supervisors, as well as good coaches, should realize this and use the talent so that it meets the needs of the individual and the team.

Limited time, expertise, economic resources, and equipment are some of the constraints placed on trainers as well as coaches. These should be viewed as obstacles to be overcome, rather than insurmountable barriers. A possible answer is improved use of what is available both inside and outside the department. Some years ago, a professional team hired a ballet dancer to help improve agility of linemen. Revolutionary? Yes. Effective? Yes. If trainers document that performance is improved through training given, that manpower, money, and



"To be meaningful and effective, training must be continuous throughout the officer's career."

equipment expended in training programs does in fact improve the execution of job-related activities, then supervisors and administrators will be more willing to become involved in the process and to provide necessary resources for training programs.

The referees and spectators are looking over our shoulders and watching our performance with interest. By taking some of the principles of good football coaching and transferring them to law enforcement training, a winning team may very well be created. By recruiting the best talent available, providing constant training in fundamentals and techniques of the profession, providing the positive atmosphere for pride, confidence, and motivation, constantly striving for better execution of duties, providing guidance and direction during performance of duties and realistic evaluation of individual and departmental performance, certainly the department will

benefit. When quality football players are recruited and developed individually and as a team, chances are good that a winning season will result. Most assuredly, there will be an improvement in performance, morale, and motivation. The winning attitude is contagious and seems to perpetuate itself.

As the football coach demands faultless execution from his players and assistant coaches, law enforcement should heed his example and demand no less from our own profession.

FBI

Footnotes

¹ National Commission on Productivity, *Opportunities For Improving Productivity and Police Services* (Washington, D.C.: U.S. Government Printing Office, 1973), p.3.

² George M. Allen, "The Police Managers Role in Training," *Police Chief Magazine*, Vol. XLIII, No. 8, August 1976, p. 38.

³ *Ibid.*

⁴ U.S. Army Engineering School, *Psychology of Learning* (Fort Belvoir, Va.: U.S. Government Printing Office, 1966), p. 11.



"An officer of the New York City, New York, Police Department, with three years of law enforcement experience, was fatally wounded subsequent to making a traffic stop. After observing a vehicle containing two males driving eastbound in a westbound traffic lane, the victim officer and his partner stopped the car and proceeded to search the subjects. Suddenly an individual arrived at the scene claiming that the apprehended men had just robbed his luncheonette. As the victim's partner began handcuffing one of the alleged robbers, a struggle ensued between the two, and the other suspect fled. The remaining subject, aged 36, managed to obtain the partner's .38 caliber handgun and fired three times, striking the 34-year-old victim officer in the back." ¹ The officer died, slain with the weapon of a police officer. Unusual? A rare occurrence? Un-

Gun Retention

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fortunately it is not. Nine officers, nearly 10 percent of the total number (93), were killed in 1977 with their own weapons. Moreover, FBI Uniform Crime Reports' statistics indicate that between 1970 and 1975 the number of officers slain with their own weapons increased 111 percent.

The ever-present potential for such tragedies seems to have escaped the attention of most training administrators and training specialists. There is a scarcity of literature pertaining to preventing being disarmed although techniques of varying degrees of effectiveness abound for disarming the subject who is pointing a weapon at the officer. (Editor's Note: See "Officer Disarmings—A Response," *FBI Law Enforcement Bulletin*, vol. 47, no. 3,

March 1978, p. 8.) Unfortunately, these techniques require a substantial amount of skill and constant reinforcement, and most police officers have neither the time nor the inclination to devote to becoming proficient in combative arts.

We will, therefore, consider the threat of an officer being shot with his own weapon primarily from a preventive standpoint, i.e., that "an ounce of prevention is worth a pound of technique." Hopefully, an officer with a proper mental attitude will consider personal and environmental factors, and will rarely, if ever, be placed in the position of having to resort to physical arts in a life-and-death struggle.

Among preventive measures, we first consider one which is simple to learn although it demands practice and concentration. It is a state of mind in which an officer is constantly aware of his surroundings and any individual he is contacting, as well as any other person(s) nearby. He surrounds himself with an aura of caution. There is a thin line here that must be tread between the jumpy, twitchy gunfighter and the tunnel-visioned individual who is oblivious to everything around him.

Three hundred and sixty degree vision is a necessity. An officer, through relaxation and concentration techniques, can bring himself to a level of mental acuity where he is conscious of everybody and everything around him. This significantly reduces the chances of a sudden surprise attack by an unobserved associate of the suspect, a situation which has arisen frequently in officer deaths involving their own weapons.

This state of mind has the benefits again of reducing or eliminating "peep-hole" concentration where the officer focuses on only one thing (such as filling out a summons) plus the substantial spinoff benefit of forcing an officer to relax. He will only be truly effective in his 360° set when he is relaxed. Tension, stress, and anger only serve to slow him down and make him awkward and stiff. As a matter of fact, such relaxation and concentration techniques are not difficult to learn and their practice can have far-reaching beneficial returns in terms of overall stress reduction.²



Lieutenant O'Neill

The next step on the prevention ladder is the combination of the "posture of the mind" and "posture of the body." Here the officer must be keenly aware that in every call to which he responds, in every field contact he makes, there is at least one man present who has a gun—himself. A strong, on-balance posture is required from which an officer can quickly and efficiently move away from an aggressor and simultaneously keep his holstered weapon beyond the reach of the suspect during conversation with him or her. This is best accomplished by an officer standing just beyond arms' reach of an individual with his body turned so that the weapon is "away" from the subject.

It is alarming to note in casual observation the number of officers who unwittingly place themselves in a position to be disarmed. Most officers allow themselves to be disarmed by standing or sitting in such a position that their holstered weapon, often improperly snapped or unsnapped, presents a most inviting object to an individual who is amenable to the thought of assaulting an officer.



*Chief Arthur G. Dill
Denver Police Department*

It should be noted that within the sphere of this "aura of caution" which includes 360° vision and proper posture is the consideration that overfamiliarity with the subject has been a factor in police deaths. Because an officer knows the person and has dealt with him before, he lowers his mental and physical defenses. Note well the fact that in 1977, 32 percent of the 93 officers killed knew their assailant.³ This reinforces the need for ever-present vigilance and scrutiny.

The next dose of preventive medicine is one which will overlap into the technique area. It has to do with physical conditioning. Studies indicate that considering the rigors and demands of the job, police officers, in general, are in poor condition.⁴ This has to add to the attractiveness of an officer as a target when he is facing a subject who is evaluating the probable success of an attack on the lawman. The studies conclude that the average officer can barely hold his own from a conditioning standpoint with the average citizen and is in worse condition than the average prison inmate. An overweight, obviously out-of-shape officer does not present the same deterrent as one who is trim, fit, and exudes an image of good health and strength. A corollary of this fitness element comes to mind when prevention is of



Proper stance and positioning of the weapon is essential to effective gun retention.



An auxiliary weapon, concealed and readily accessible, should be carried in the event the primary weapon is compromised.

no avail and an officer must fight to retain his weapon. Cardiovascular endurance and strength may now make the critical difference between success and failure, between life and death.

The overall benefits of physical conditioning in improving the longevity and efficiency of police personnel are now a subject of increasing interest to research and development personnel. Perhaps insights will be gained that will lead to the establishment of meaningful, worthwhile programs of fitness that both administrator and "foot soldier" will be able to make a commitment to.

Still pursuing the link between prevention and technique, let us consider accouterment. First on the list is the police holster. Often discussions of equipment turn into heated debates with as many individual opinions as to the effectiveness of specific items as there are individuals. Therefore, we will deal in generalities. In a holster an officer must look for both safety and his own quick access to the weapon. Most experts agree that the "high-ride" holster meets both these criteria. It provides quick access to the gun, yet due to the holster's high position on the belt, where the gun can be readily protected by the officer clamping his arm against it, the assailant is not able to reach it easily. Some styles of these

holsters are designed in such a manner that the weapon will not come out when grabbed from behind as by a member of a crowd. An officer cannot, however, place too much reliance on a holster to the exclusion of other precautions, as is evidenced by the fact that lawmen have had their guns snatched from just about every make and style of holster made.

Another equipment topic that generates considerable controversy when particularities are discussed is the protective vest. While some departments mandate the wearing of the vest, most allow it to be an optional item for the officer. There is no doubt that it is a cost-effective "insurance policy" that no patrol officer can afford to be without. Again referring to statistics, in 1977, 45 of the 83 officers slain with firearms (over 50 percent) were shot in the torso. Eighty-one percent of the overall total were in uniform. One criterion the officer should bear in mind when selecting a vest is that it be capable of stopping the caliber of bullet he carries in his service revolver should the worst happen and he be disarmed. Additionally, the vest has extra benefits as a protective device in

auto accidents, knife attacks, and assaults with personal weapons (feet and hands).

A second "insurance policy" in the equipment category is the auxiliary weapon. The purpose of this weapon is to serve as a backup in situations where there is a failure of the service revolver or where the primary weapon is close to falling or has fallen into the hands of the assailant. For maximum effectiveness this secondary weapon must be concealed, yet readily accessible. Such equipment as ankle holsters and boot guns fail to meet the standard of ready accessibility, while a second revolver or automatic stuck in the belt is as accessible to the suspect as it is to the officer. Some variation of a small snubnosed revolver, especially the shroud model, carried in the front or back pocket of the uniform trousers meets both the accessibility and concealment criteria. Of course, there are administrators with different attitudes, e.g., one may issue or authorize an auxiliary weapon and another may prohibit the carrying of a second weapon, fearing that it will be used as a "throw-down" weapon.

We have now explored the preventive measures. Hopefully, through learning and use of these attitudes and implements, an officer will avoid being put in the position of having to fight a



An officer must disengage from the suspect at all costs.



subject who is trying to unholster the officer's weapon. But, what if the worst happens and suddenly and unavoidably the officer finds himself the object of an attack in which the assailant's goal is to obtain the officer's gun? It is here that presence of mind and physical conditioning will begin to pay dividends.

It is in the physical arena that there is misdirection in training. Officers are often given sophisticated hand-to-hand combat training which, if given enough instruction and practice in the classroom environment, they become very adept at. Unfortunately, much of this training is futile because it is not reinforced by regular review and practice once the officer is on the street. Moreover, the officer often gains a false sense of confidence from his initial training and then finds himself overwhelmed in the actual situation. Physical training in gun retention should stress the most basic techniques, which can be recalled in a combat situation with a minimum of effort. In a struggle for control of his weapon, the officer has so many stimuli affecting his mind that he will never be able to recall and activate anything but the most basic movements. These

basic techniques, which include disabling blows to the eyes, the throat, and the groin, are designed to disable temporarily or permanently the attacker depending on the gravity of the situation. In addition, because of their simplicity, these techniques are easily learned and easily recalled in a stressful situation. The only consideration the officer has to make before using these techniques is a proper assessment of the situation to determine how much force is justified. Most of the time, though, the situation is evolving into one of life and death, since the officer must assume that if the subject obtains the weapon the officer will most assuredly find himself in a grievous position.

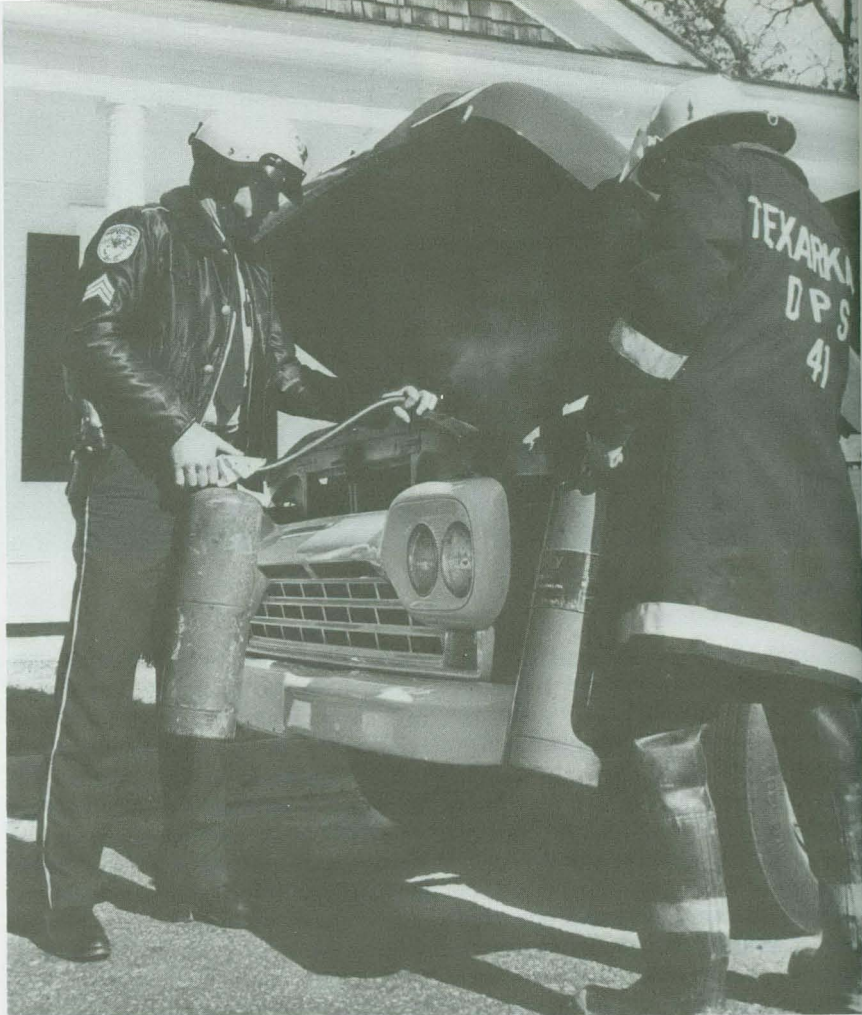
The above techniques are designed to help the officer in attaining the second principle, a rule which must be scrupulously adhered to and that is to DISENGAGE. An officer, regardless of his strength and training, must always assume that his assailant is stronger and tougher than he is. This is frequently true, in fact, because of the influence of drugs and/or alcohol on the subject. A number of powerful and physically talented officers have been overwhelmed, disarmed, and summarily executed because they chose to engage in a wrestling match with their killer. An officer must at all costs *disen-*

gage and then use the appropriate amount of force to thwart the attack. This force can take the form of his mace, baton, service revolver, or auxiliary weapon if his primary weapon has been neutralized. Half-hearted attempts to subdue an individual who is deranged enough to attack physically an armed police officer can only result in undesirable consequences befalling that officer.

In considering responses to the specific problem of a subject attempting to wrest an officer's gun from his holster, just as in the overall crime picture, prevention is of primary importance. When prevention fails, specific techniques are in order. Experience has demonstrated that the more basic these techniques, the more effective they are. Practice concentration, relaxation, physical conditioning. Use the proper equipment and pray that specific disengagement and subduing techniques will not be necessary. **FBI**

Footnotes

- ¹ FBI Uniform Crime Reports, *Law Enforcement Officers Killed in 1977*, U.S. Department of Justice.
- ² Robert K. Koga, *Koga Method: Police Weaponless Control and Defense Techniques* (Beverly Hills, Calif.: Glencoe Press, 1969).
- ³ FBI Uniform Crime Reports, *Law Enforcement Officers Killed in 1977*, U.S. Department of Justice.
- ⁴ National Institute of Law Enforcement and Criminal Justice, *Physical Fitness Programs for Law Enforcement Officers: A Manual for Police Administrators*, LEAA.



Public safety officers extinguish automobile fire.

TEXARKANA'S PUBLIC SAFETY PROGRAM

By BOBBY C. MIXON

*Deputy Director
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Texarkana, Ark.*

Our Nation's citizens are demanding more and better police and fire services, and the City of Texarkana, Ark., is confronting problems similar to those of other American cities in its attempts to provide and improve these services. Texarkana's situation, however, is unique, owing to its "border city" status. It has a population of approximately 22,000 citizens and encompasses an area of 11 square miles. Texarkana, Tex., her sister city, has an approximate population of 35,000 citizens within a 20-square mile area. In addition, the former city operates under a manager-council form of government which is totally separate from the latter. The Texarkana area is a cross-

roads and a major shopping center for a four-State area comprised of Texas, Arkansas, Oklahoma, and Louisiana. Additionally, the Arkansas side is the only alcoholic beverage outlet within a 70-mile radius. Because of its unique situation, the Texarkana, Ark., Department of Public Safety is required to police approximately 70,000 to 80,000 people during peak periods, and this places an extreme burden on a department geared for a smaller population.

In the latter part of 1974 and in early 1975, Texarkana, Ark., was faced with the possibility of being required to employ several additional fire and police personnel because of projected requirements of the Fair Labor Standards Act and the community's Citizen Advisory Committee's demand for improved law enforcement services. With limited local funds, but a genuine desire to provide positive fire and police services to its citizens, Texarkana considered an integrated public safety department.

In Canada and the United States, integrated fire and police services, operating under various titles to varying degrees, dates back several decades. Its history can be traced to around 27 B.C. in Rome. Although the exact number of cities using integrated fire and police services is unknown, it is obvious that the number of cities considering the concept is increasing annually.

The integrated public safety department can be categorized into five basic types: Consolidated service, partial consolidation, selected area consolidation, functional consolidation, and nominal consolidation.

Consolidated service is a complete reorganization of the two separate services into one integrated service. The majority of its force are "generalists" who are trained for and perform both police and fire duties.

Partial consolidation represents a method of using "generalists" as members of a special fire-police unit in an organizational relationship that retains the fidelity of the two services.

Selected area consolidation is characterized by a degree of integration whereby the two protective services function separately, except for the operation of specially trained police-fire personnel throughout a limited geographical area.

Functional consolidation represents a degree of integration in which separate police-fire services are retained, but one or more duties normally performed by one department have been assigned to members of the other department.

Nominal consolidation groups the bureaus that perform functions related to public safety into one agency.

Realizing that each concept varies with each community and that a pure consolidation could be a drastic change from the old dual system, a moderate approach—the combination of the selected area and partial consolidation methods—was determined to be the most desirable for Texarkana. The City of Durham, N.C., was using this type of approach, and in an effort to take advantage of their knowledge and experience, Texarkana city administrators visited Durham for an "on-site" view of the concept in oper-

"The PSO program is not designed to reduce an organization's budget, but to allow better use of manpower and funds."

ation. Subsequently, a detailed community study was conducted. It included a physical and economic makeup, population characteristics, and the anticipated administrative and public support for a public safety officer (PSO) program. A careful analysis of the study by city administrators determined that Texarkana, Ark., was ripe for the PSO concept and that the concept used by Durham, N.C., would be most suitable for our community.

While preparing the plan, several areas were given serious attention, but emphasis was placed on leadership, personnel, training, and financial and legal issues.

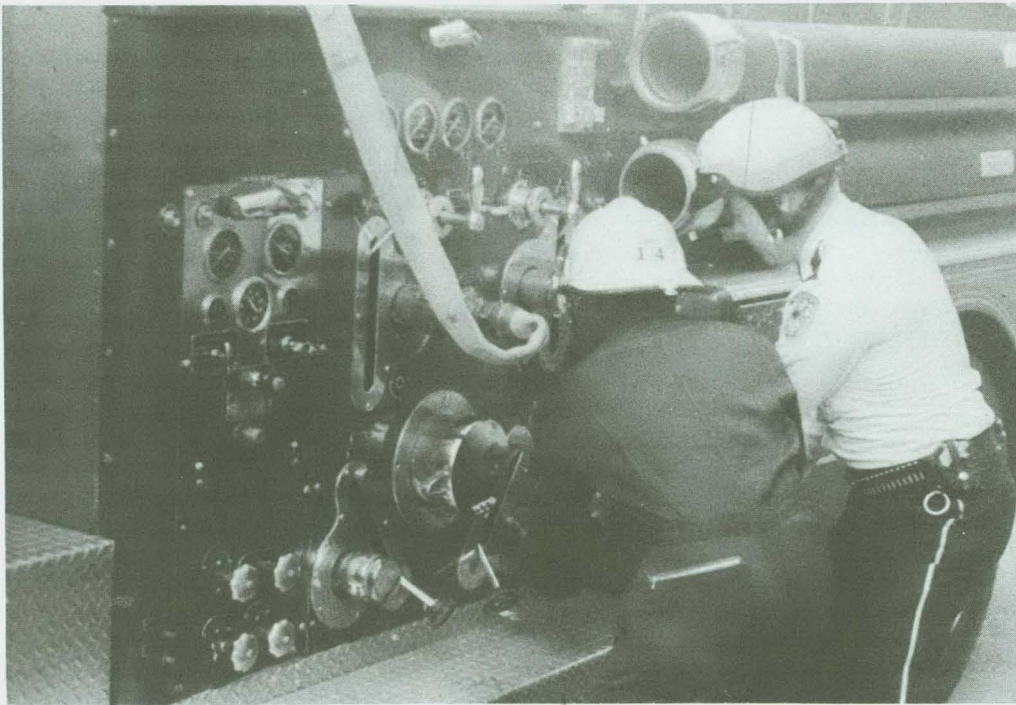
The legality of the concept posed no major problems. Arkansas State law stipulates that a police officer can be required to perform fire functions, but there is no provision regarding a fireman being required to perform police functions. The pension system presented the only difficulty since both services had separate pension plans. However, this problem was resolved with the purchase of an insurance policy which would reimburse the respective pension system of an officer who was injured or killed while performing an alternate function.



Bobby C. Mixon



*John Butler
Director of Public Safety*



Public safety officers operate firetruck equipment.

An organization structure was established which assigned both fire and police services under the authority of a single administrator—a director of public safety. But the structure was revised in 1977 with the official appointment of two deputy directors, one fire and one police. Both deputies had been performing those duties since the program's implementation.

All commissioned personnel were to be governed by a civil service system, and higher standards were required for personnel (firemen, policemen, and new applicants) requesting entry into the PSO program. Personnel were selected on a competitive and volunteer basis.

A training program was designed to teach law enforcement to firemen, fire control to policemen, and fire and police functions to those recently hired. This training period consisted of 6 weeks of basic police training, 6 weeks of basic fire training, and 4 weeks of on-the-job training as a team.

The physical budget for phase I of the plan required the employment of nine additional officers (five policemen and four public safety officers) and the transfer of four firemen and five police officers from their respective budgets, operational funds, and capital outlay funds for the purchase of additional vehicles and equipment.

Phase I of the program was approved by the city administrators, and in August 1975, the program was implemented in district 2 in the northern section of the city. Full responsibility for fire and police service began January 1, 1976. The operational plan called for the assignment of 1 PSO unit consisting of 16 PSO's (the initial group included 4 firemen, 8 policemen, and 4 recruits) to district 2. This unit would have full responsibility for providing fire-police service to that area. Officers would work 8-hour shifts, with one officer assigned to the district substation to operate the firetruck and the other officers assigned to a patrol beat in specially equipped fire/police vehicles. The police commander would supervise these officers except during fire situations which would be supervised by the fire commander.

Phase I was so successful that the citizens of another district, district 3 in the southern section of the city, petitioned city administrators for the program. Phase II was implemented in July 1976. Personnel for this phase consisted of a unit with 21 members, including 2 firemen, 12 policemen, and 7 recruits. This unit assumed full fire and police responsibilities for district 3 in January 1977.

The program continued to be successful and so highly accepted by the public that citizens on the northeast boundary of district 2 requested the program be expanded to cover their area of the community. Their request was granted in January 1978. This expansion consisted of five reclassified policemen assigned to district 2.

Prior to the PSO program, there were 50 commissioned police officers and 46 fire officers. There was an average of 3 patrol vehicles on the streets at any given time, and 15 personnel available for fire service. The response time for both fire and police requests was approximately 6 minutes. Now, there are 73 commissioned police/PSO and 34 fire officers. There is an average of 10.5 patrol vehicles in service at any given time, and 20 personnel available for fire service. Response time for both fire and PSO requests is now an average of 1.5 minutes. Reported Class A offenses for 1975, the last year of police operation without PSO, totaled 1,823, as compared to 1,587 in 1978 with PSO. The figures represent a 13-percent decline.

The city has maintained for several years an aggressive code enforcement program resulting in an extremely low fire rate. This extremely low fire rate allows a PSO to spend approximately 90 percent of his time in patrol functions. Due to this increase in patrol strength and faster response time, our crime rate is down considerably, while crime in most other cities in the Nation is up. It is also noted that faster response time and additional manpower for fire situations has brought about a decrease in fire insurance rates and has reduced property loss substantially. In 1975, the last year of fire operations without PSO, the estimated fire loss was \$1,108,650, as compared to \$494,981 in 1978 with PSO. The figures represent a 55-percent decrease.

The PSO program is not designed to reduce an organization's budget, but to allow better use of manpower and funds. Texarkana's overall DPS budget increased during Phase I and II mainly in the areas of personnel and capital outlay. However, the expansion of district 2 required no increase, only a reclassification and reassignment of personnel and equipment. It appears that manpower and capital outlay have stabilized, and a large savings is projected over a 5-year span by measuring services provided under the PSO concept when compared to the old dual system.

The initial plan did not include phase III, which is the reclassification of all remaining traditional police positions in district 1. However, because the program has progressed so successfully, phase III will begin in early 1979, and it is anticipated that by 1980 the traditional police officer will cease to exist in Texarkana, Ark. There are no current plans for the reclassification of the remaining fire positions (phase IV). The program is working very smoothly and no further changes are anticipated in the near future.

"The public safety concept may be used by agencies large or small."

In conclusion, the public safety officer program is based on certain principles which need to be adhered to for the program to be effective:

1. Appointment of a public safety director with full authority over police and fire services.
2. Consolidation of communications and dispatching.
3. High standards for personnel selected to be public safety officers.
4. Complete and thorough training of personnel in both fire and police duties before they are placed in the field.
5. Detailed planning before implementation.
6. Additional compensation for the increased responsibility.
7. Thorough briefing of public officials and organizational personnel, plus public education.
8. All participating personnel should be volunteers—no mandatory assignments.
9. Appropriate legislation must be developed.
10. Sufficient funds must be available and high original capital outlay considered.
11. Strong public commitment by the city council.

It must be noted that PSO programs can fail, and abuse of one or more of these principles will usually dilute the program's effectiveness.

The quality and quantity of fire and police services can be difficult to measure. However, since the implementation of the PSO program, our fire and police statistics plus our citizens comments and compliments indicate that the program is providing professional public safety services.

The public safety concept may be used by agencies large or small. The five basic alternative categories within the public safety concept enable an agency to select various combinations to design a program to meet its own particular needs. The results of our selected area/partial consolidation program indicate that this department is now providing public safety services more effectively, efficiently, and economically. Because inflation and tight money budgets are rapidly increasing, and police departments are searching for more practical methods of providing the desired level of services to their citizens, each police administrator should examine the feasibility of the PSO concept, as applied to his department.

FBI

The Plain View Doctrine

(Part 1)

By JOSEPH R. DAVIS

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

Pamela, a 14-year-old girl, left her home in Manchester, N.H., on the evening of January 13, 1964, during a heavy snowstorm, apparently in response to a telephone call from a man requesting a babysitter. Her family never again saw her alive. Eight days later, Pamela's frozen body was found in a snowdrift beside an interstate highway a few miles from her home. Her throat had been slashed and she had been shot in the head.

The community was understandably shocked. A large-scale investigation was launched under the direction of the State's attorney general, who was also later to serve as the chief prosecutor at the trial. Approximately 1 month later, the investigation culminated with the arrest of Edward Coolidge and the execution of several search warrants, one of which authorized the seizure and search of Coolidge's automobile. The vehicle, which was parked in the driveway in front of his residence, was impounded by the officers executing the warrants and was later towed to the police station. The car was searched and vacuumed 2 days after it was seized, again approximately a year later, and a third time in April 1965.

At Coolidge's trial on charges of murder, vacuum sweepings, including particles of gunpowder taken from the vehicle, were used to show that it was highly likely that Pamela had been in Coolidge's car. The defendant objected to introduction of this and other evidence, but it was ruled admissible. The jury found Coolidge guilty, and he was sentenced to life imprisonment.

In 1971, the case, *Coolidge v. New Hampshire*,¹ reached the U.S. Supreme Court for review. The Court held that the search and arrest warrants, which had been signed and issued by the State's attorney general acting as a justice of the peace, were invalid. The Court noted that due to his close involvement in the investigation, the attorney general could not properly serve as the "neutral and detached magistrate" required by the fourth amendment.²

Since the search warrant for the vehicle was declared invalid, the State was forced to argue alternatively that the automobile was properly searched pursuant to one of the recognized exceptions to the warrant requirement of the fourth amendment.

“... although plain view can never expand the area of *search*, it may expand the area from which items may properly be *seized*.”

One of the theories offered by the State to justify the seizure was that the car itself was an “instrumentality” of the crime, and therefore, might be seized from Coolidge’s property because it was in plain view of the officers when they were on the premises to arrest Coolidge.³ While seizures by the police of evidence which had been discovered in plain or open view had been permitted before,⁴ the Court had not previously attempted to set forth the parameters of this doctrine or to establish it formally as an exception to the warrant requirement of the fourth amendment.

In *Coolidge*, Justice Stewart, writing for a plurality of the Court, undertook to describe the scope of the plain view doctrine, as well as to establish its limitations. He began by reaffirming the established proposition that “searches conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions.”⁵

Justice Stewart then proceeded to set forth the three conditions or limitations of the doctrine.

1. There must be a prior lawful intrusion which brings the officer within plain view of the item.

2. The discovery of the item must be “inadvertent.”

3. The item seized must be “immediately apparent” as contraband or evidence of a crime.

Applying these limitations to the seizure and subsequent search of Coolidge’s automobile, the Court found that although the officers were lawfully

on the premises to arrest Coolidge and the car was immediately apparent as evidence of the crime, the necessary “inadvertence” was not present. It was pointed out by the Court that the officers in *Coolidge* had advance knowledge of the description and location of the car and its connection with the crime, had ample opportunity to obtain a valid warrant, and intended to seize it when they came upon Coolidge’s property.⁶

This article will undertake to examine each of the elements of the plain view doctrine set forth in *Coolidge* and to illustrate how these requirements have been interpreted and applied by Federal and State courts in subsequent cases.

Part I of this article will examine the “prior valid intrusion” aspect of the doctrine. The conclusion of the article (Part II) will discuss the “inadvertence” and “immediately apparent” limitations of the rule.

Prior Valid Intrusion

The requirement that a plain view seizure follow a prior valid intrusion is the least controversial, and hence, the least litigated aspect of the plain view doctrine. Nonetheless, establishment of this element is absolutely critical to proper application of the principle.

Federal and State courts have recognized a variety of different circumstances which may satisfy this element.

Officers may be present to execute a search warrant for specified items. If, during the course of the search for the items named in the search warrant, the officers inadvertently come within plain view of other evidence which is immediately recognizable as such, these items may properly be seized.⁷ A typical example is provided in *United States v. Truitt*,⁸

where officers were in a store executing a search warrant for gambling paraphernalia. In the course of the search, a sawed-off shotgun was unexpectedly discovered underneath a counter in a location where gambling paraphernalia might reasonably be expected to be found. In approving the seizure under the plain view doctrine, the court noted that the search warrant provided authorization for a prior valid entry and search of the premises and that neither the area or time period of the search was expanded in order to discover the shotgun.⁹

Officers may be present to execute an arrest warrant, either for the accused or some other person,¹⁰ or to make a proper warrantless arrest.¹¹

Of course, at the time of an arrest, a limited search may be made of the place of the arrest in order to discover weapons or evidence within the arrestee’s immediate control. Since *Chimel v. California*,¹² decided by the U.S. Supreme Court in 1969, the area which may properly be searched incident to an arrest is limited to the area within the reach, or as it is sometimes expressed, the “grabbing distance” of the arrestee.¹³ The plain view doctrine may not be used to expand the area of the *search* incident to the arrest. However, both *Coolidge* and subsequent State and lower Federal court cases have recognized that if officers come within plain view of evidence in the course of a properly limited search incident to an arrest, but *outside the area of permissible search incident to arrest*, they also may seize those items.¹⁴ Put simply, although plain view can never expand the area of *search*, it may expand the area from which items may properly be *seized*.

"If officers come within plain view of items immediately recognizable as evidence in the course of a justified and properly limited protective sweep, they may seize such items."

Both Federal and State courts have recognized that in addition to a careful search of the area within arrestee's immediate control, discussed above, a cursory examination of the entire premises may under certain circumstances be justified at the time of, or immediately following, a valid arrest. This limited search is generally permitted only for the protection of arresting officers and only justified when there is some reasonable suspicion or belief that the officers' safety is impaired by the presence of others in the house.¹⁵ The search, often referred to as a "protective sweep," is limited to looking in areas where a person might be concealed, and could not justify searching areas such as drawers, small cabinets, or other containers in which a person could not reasonably be expected to be found. If officers come within plain view of items immediately recognizable as evidence in the course of a justified and properly limited protective sweep, they may seize such items.¹⁶ An example of such a situation is provided by *United States v. Cravero*.¹⁷ In that case, officers had arrest warrants for three men for narcotics-related offenses and entered the premises of a third party to execute the arrest warrants. Following the arrest of two of the subjects, one of whom was within reach of a loaded pistol, the officers heard scuffling sounds coming from an adjacent bathroom. They immediately entered the bathroom and observed an individual attempting to dispose of cocaine in the shower stall. The seizure of the narcotics was upheld by the court as a valid "protective sweep" to "secure the immediate area and to insure their own physical safety."¹⁸ Since the officers were properly within the bathroom and the narcotics were within their plain view, they were properly seizable.¹⁹

Similarly, courts have upheld seizure of evidence found in plain view when the officer accompanied the arrestee into another room to allow him to dress,²⁰ or where the officer obtained clothes for the suspect when it would have been unreasonable for police to remove the defendant from the premises in his then state of attire.²¹

Additionally, the U.S. Supreme Court and lower Federal and State courts have established that evidence inadvertently found in plain view upon "hot pursuit" of a suspect into private premises is properly seizable.²² In contrast to the limited scope of a search incident to an arrest, a search of a dwelling in a valid hot pursuit situation may extend throughout the dwelling and may justify searching in any place where the suspect could be hidden, and if there is reason to believe he is armed, any place where a weapon could be concealed until the point in time when the suspect is arrested.²³ Again, the plain view doctrine does not justify a broader search, but only serves to validate a seizure of evidence observed in plain view in the course of the search authorized by the "hot pursuit" exception.

Finally, where the entry and search is justified by any other recognized exception to the warrant requirement, this may serve as the basis of a valid plain view seizure. Consent to enter private premises from an occupant, either to search or simply to talk,

may satisfy the lawful prior intrusion requirement, so that an item inadvertently discovered in plain view may properly be seized.²⁴

Caretaking-type searches of properly impounded vehicles have also provided a basis for valid plain view seizures. In a case which predated *Coolidge* and is cited in that opinion, the Supreme Court dealt with just such a situation. In *Harris v. United States*,²⁵ decided in 1968, the defendant was arrested on a robbery charge. The automobile he was entering at the time of his arrest was impounded. Pursuant to police department procedures and also because it was beginning to rain, the arresting officer opened the door of the car to roll up the windows and lock it. In the course of doing so he noticed an identification card lying on the floorboard which bore the name of the victim of the robbery. The Court, although not discussing the plain view doctrine, upheld the seizure of the card on the basis that the officer was lawfully present in the course of a reasonable care-taking function and the evidence that was unexpectedly observed in plain view could be seized.²⁶

Courts have also upheld plain view seizures following emergency entries based on an officer's reasonable belief that someone within the premises was in need of immediate assistance,²⁷ or to administer medical aid,²⁸ or to fight a fire in progress.²⁹

Even when authorities can establish that they have a valid reason to be present inside premises or a vehicle, they are not entitled to seize anything that falls within their gaze. Two additional limitations must be satisfied before a valid plain view seizure can be made: (1) The discovery must be "in-

“... evidence inadvertently found in plain view upon ‘hot pursuit’ of a suspect into private premises is properly seizable.”

advertent”; and (2) the item to be seized must be “immediately apparent” as contraband or evidence of a crime. These two requirements, established in *Coolidge*, will be discussed in the conclusion of this article, to be published in the next issue of the *FBI Law Enforcement Bulletin*. **FBI**

Footnotes

- ¹ 403 U.S. 443 (1971).
- ² *Id.* at 453.
- ³ *Id.* at 464.
- ⁴ *Harris v. United States*, 390 U.S. 234 (1968) (Per Curiam).
- ⁵ *Coolidge*, *supra* note 1, at 454–55, quoting from *Katz v. United States*, 389 U.S. 347 (1967). Legal commentators, and occasionally courts, have questioned whether the portion of the *Coolidge* opinion which deals with the plain view doctrine is binding as authority, because only four of the nine Justices joined in this portion of the opinion. However, practically all courts have accepted Justice Stewart’s formulation of the doctrine. See, Comment, “Plain View”—Anything But Plain: *Coolidge* Divides the Lower Courts, 7 Loyola of L.A. L. Rev. 489, 508; Moylan, *The Plain View Doctrine: Unexpected Child of the Great “Search Incident” Geography Battle*, 26 Mercer L. Rev. 1047, 1048–49.
- ⁶ *Supra* note 1, at 472–473.
- ⁷ *Coolidge*, *supra* note 1, at 465; *Stanley v. Georgia*, 394 U.S. 557, 571 (Stewart, J. concurring in result); also see, *United States v. Pacelli*, 470 F. 2d 67 (2d Cir. 1972),

- cert. denied*, 415 U.S. 983 (1973); *United States v. Maude*, 481 F. 2d 1062 (D.C. Cir. 1973).
- ⁸ 521 F. 2d 1174 (6th Cir. 1975).
- ⁹ *Id.* at 1176.
- ¹⁰ *United States v. Harper*, 550 F. 2d 610 (10th Cir. 1977), *cert. denied*, 434 U.S. 837; *United States v. Boyer*, 574 F. 2d 951 (8th Cir. 1978), *cert. denied*, 99 Sup. Ct. 457.
- ¹¹ *Ker v. California*, 374 U.S. 23, 43 (1963); *United States v. Titus*, 445 F. 2d 577 (2d Cir. 1971), *cert. denied*, 404 U.S. 957; *United States v. DiStefano*, 555 F. 2d 1094 (2d Cir. 1977); *State v. Vineyard*, 497 S.W. 2d 821 (Mo. Ct. App. 1973).
- ¹² 395 U.S. 752 (1969).
- ¹³ *Id.* at 763.
- ¹⁴ *Coolidge v. New Hampshire*, *supra* note 1; *Ker v. California*, *supra* note 11; *United States v. Harper*, *supra* note 10; *United States v. Boyer*, *supra* note 10.
- ¹⁵ *Guidi v. Superior Court*, 513 P. 2d 908 (Calif. 1973) and *State v. Toliver*, 487 P. 2d 264 (Wash. Ct. App. 1971) are typical cases. For a detailed discussion of this theory see “The Protective Sweep” by SA Donald J. McLaughlin, published in the August 1974 issue of the *FBI Law Enforcement Bulletin*.
- ¹⁶ *United States v. Broomfield*, 336 F. Supp. 179 (E.D., Mich. 1972); *People v. Block*, 499 P. 2d 961 (Calif. 1971); *State v. Vineyard*, *supra* note 11; *Guidi v. Superior Court*, *supra* note 15; *United States v. Cravero*, 545 F. 2d 406 (5th Cir. 1976), *cert. denied*, 429 U.S. 1100 (1977); *United States v. Bowdach*, 561 F. 2d 1160 (5th Cir. 1977).
- ¹⁷ *Cravero*, *supra* note 16. It should be noted that the Court held that the initial entry into the house of the third party was improper because the Court felt an arrest should not be made in the residence of a third party absent “exigent circumstances” requiring immediate action, which the Court failed to find in this case. However, the Court upheld the arrests as lawful, and therefore, found the officers were lawfully present at the time they heard the noises from the bathroom.

- ¹⁸ *Id.* at 417, 418.
- ¹⁹ *Id.* at 418.
- ²⁰ *United States v. DiStefano*, *supra* note 11.
- ²¹ *United States v. Titus*, *supra* note 11.
- ²² *Warden v. Hayden*, 387 U.S. 294 (1967); *United States v. Santana*, 427 U.S. 38 (1976); *United States v. Flores*, 540 F. 2d 432 (9th Cir. 1976).
- ²³ *Warden v. Hayden*, *supra* note 22, at 298–99.
- ²⁴ *United States v. Griffin*, 530 F.2d 739 (7th Cir. 1976); *United States v. Brown*, 540 F. 2d 1048 (10th Cir. 1976), *cert. denied*, 429 U.S. 1100 (1977).
- ²⁵ *Supra* note 4.
- ²⁶ *Id.* at 236. Also see *United States v. McCambridge*, 551 F. 2d 865 (1st Cir. 1977) (Officer entering properly impounded vehicle to secure it saw barrel of sawed-off gun protruding from under seat; seizure was justified under plain view doctrine) and *United States v. Variano*, 550 F. 2d 1330 (2d Cir. 1977), *cert. denied*, 434 U.S. 892 (Officer driving impounded auto could properly seize gambling records in plain view).
- ²⁷ *United States v. Barone*, 330 F. 2d 543 (2d Cir. 1964), *cert. denied*, 377 U.S. 1004 (Police officer who heard screams from apartment properly demanded entry and could seize narcotics in plain view).
- ²⁸ *United States v. Brand*, 556 F. 2d 1312 (5th Cir. 1977), *cert. denied*, 434 U.S. 1063 (1978), *pet. reh. denied*, 435 U.S. 961 (1978) (Police officer entered with medical personnel to treat drug overdose victim, narcotics in plain view could be seized).
- ²⁹ *Michigan v. Tyler*, 436 U.S. 499 (1978) (Entry to fight fire and determine cause, bottles of flammable liquid found in plain view and seized were admissible).

COMMUNICATIONS SYSTEMS GUIDE

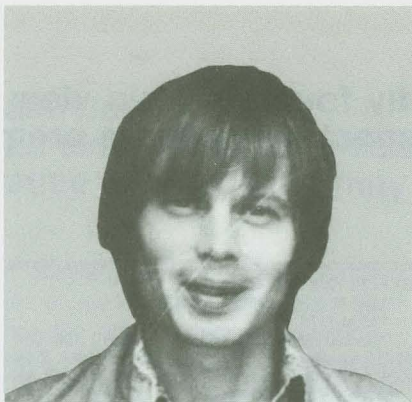
The Law Enforcement Standards Laboratory (LESL) at the National Bureau of Standards has prepared a Communications Systems Guide. The guide is intended primarily as an aid to local police, fire, and ambulance departments interested in providing better services to the public through the selection and use of more elaborate and sophisticated communications systems.

Described in the guide are systems and their principal components, such as transceivers, antennas and combiners, control consoles, power sources, standard interfaces, and tele-

phone interfaces. The advantages and disadvantages of computer-aided dispatch centers, the 911 public calling system, emergency medical service, digital equipment, automatic vehicle location, voice privacy, and other communication aspects are examined. Also addressed are cost considerations and equipment purchasing.

The Communications Systems Guide (NBS S.P. 480-12) costs \$1.60 per copy and can be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Order by stock number 003-003-02012-5. **FBI**

WANTED BY THE FBI



Photograph taken 1977 or 1978

William Michael McCandless

William Michael McCandless, also known as William Michael Rhodes and Mike McCandless.

Wanted For:

Racketeer Influenced and Corrupt Organizations; Interstate Transportation of Stolen Property.

The Crime

William Michael McCandless, who has threatened bodily harm and arson to witnesses and their families, is being sought in connection with the major theft of heavy farm equipment.

A Federal warrant was issued for his arrest on May 17, 1978, at Nashville, Tenn.

Description

Age 33, born August 17, 1946, at Paducah, Ky. (not supported by birth records).
 Height 5'9".
 Weight 135 to 150 pounds.
 Build Slim.
 Hair Brown.
 Eyes Blue.
 Complexion Medium.
 Race White.
 Nationality American.
 Occupations Swimming pool construction and maintenance employee.
 Remarks Has been closely associated with race horses and race tracks in the past.
 Social Security No. used 348-42-1757.
 FBI No. 764 064 R9.

Caution

McCandless should be considered armed and dangerous.

Notify the FBI

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

Classification Data:

NCIC Classification:

PO5614CO21PI6014221

Fingerprint classification:

6 O 13 R IOO 21 Ref: 5
 I 17 R OOO 17



Right thumb print.

Change of Address

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FBI LAW ENFORCEMENT BULLETIN

Complete this form and return to:

Director
Federal Bureau of
Investigation
Washington, D.C. 20535

Name

Title

Address

City

State

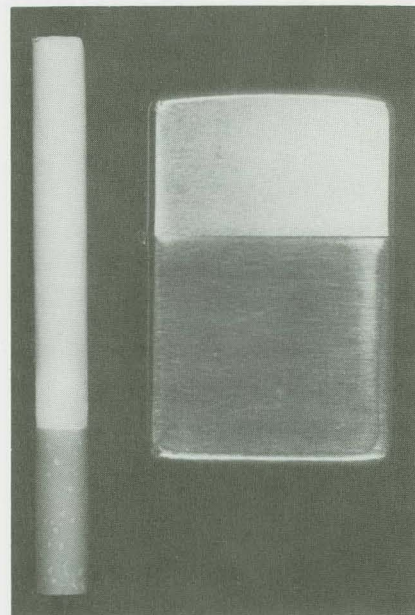
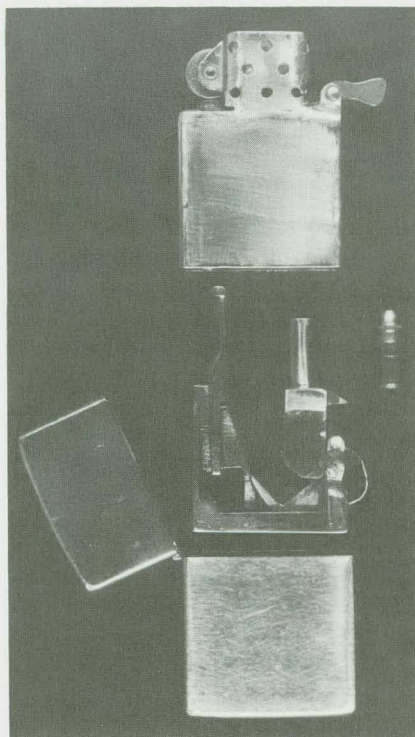
Zip

CIGARETTE LIGHTER PISTOL

Concealed lethal weapons are a constant threat to law enforcement officers. Recently, a weapon falling within this category, a cigarette lighter converted into a .22-caliber single-shot pistol, was turned over to the Aurora, Colo., Police Department.

This deadly instrument looks like any other lighter (see photographs). However, when the casing is removed the barrel swings out for breach loading. It may fire either a .22-short or .22-long bullet. When cocked for firing, a trigger protrudes above the flame guard about one-fourth inch.

Law enforcement officers should be alert for such a weapon when searching a suspect—particularly in a "pat-down" for weapons.



United States Department of Justice
Federal Bureau of Investigation
Washington, D.C. 20535

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Interesting Pattern

This pattern presents no problem as to classification. It illustrates the minimum requirements for a whorl—two deltas and a recurve in front of each. It is classified as a plain whorl with a meeting tracing.

