



It Can Happen in Centerville, U.S.A.

Nuclear Extortion

FBI LAW ENFORCEMENT BULLETIN

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The Cover:
Considerable preparation and planning by several Government agencies are essential to protect our Nation against the criminal misuse of nuclear materials. See article p. 1.

**Federal Bureau of Investigation
United States Department of Justice
Washington, DC 20535**

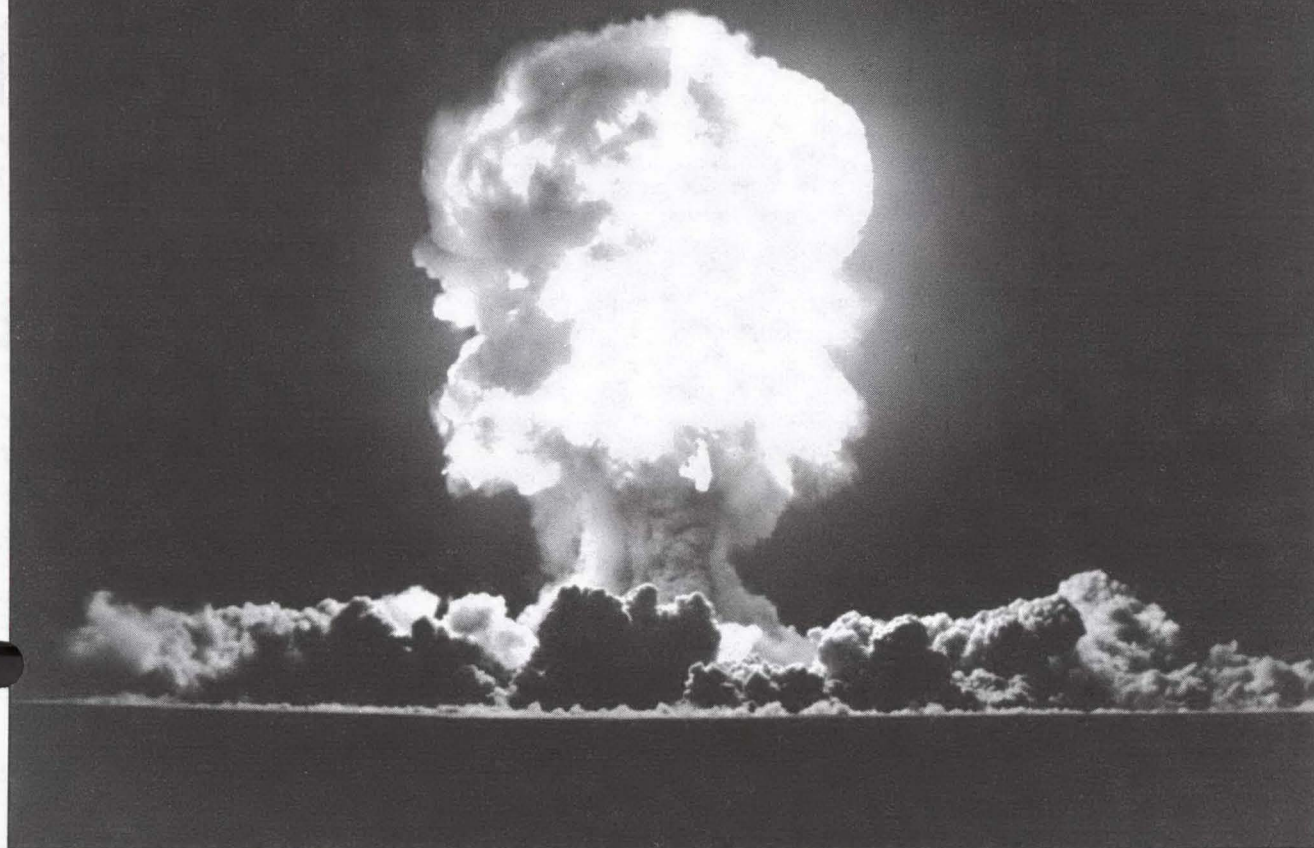
William H. Webster, Director

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It Can Happen in Centerville, U.S.A.

Nuclear Extortion

“Cooperation and mutual understanding in a deployment of this magnitude are essential.”

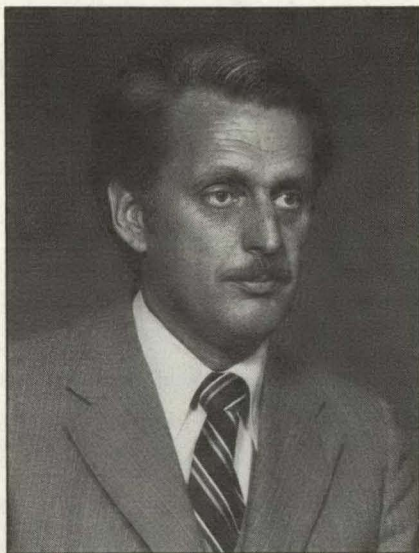
The rain was falling and most of the citizens of our town were at home. The rush hour was especially bad earlier this evening—we had several minor accidents. The basketball game at the high school was nearly over, and last I had heard, our team was losing to the State champs from the town 50 miles north of here. Tomorrow

is a big day for many citizens of our town. It is State fair time and thousands of people will travel to Parksburg to celebrate the 100th anniversary of our State. The fair program will include the governor, the U.S. Senator, and several mayors from towns all over the State. Hopefully, the weather will clear, or that 55-

By

JOEL A. CARLSON

*Special Agent in Charge
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SAC Carlson

mile drive to Parksburg will be miserable.

As the evening progressed, the demands on our department slowed to a crawl. We had a couple of drunk arrests, a suspicious person call to the jewelry store on Central Avenue, and an assistance request from the fire department to a residence on the East Side. The usual cranks called about electric beams, the neighbor's cat, and a strange noise behind the tavern on Adam Street. The graveyard shift was coming in to take over. It was a quiet night in our town.

The phone rang and the dispatcher answered, "Centerville Police Department." The caller, a male with a slight accent, said, "I want you to listen carefully! I have hidden a nuclear device in your county. If the U.S. Government does not satisfy my demands, the device will be detonated and tens of thousands of people will be killed." The dispatcher's eyes rolled back; she put her hand over the receiver and said, "It must be a full moon. I've got another nut!"

"This is the police department, sir, I don't have time for jokes!" The caller said, "Miss, don't take me lightly. I mean what I say. The deprived people of the world are depending on me. Have an officer go to the phone booth at Central and 5th Avenue downtown where there will be a message that will help you know that I mean what I say." "Wait a minute," said the dispatcher. The caller had ended the conversation. "304, go to the phone booth at Central and 5th and ascertain whether there is a message of some type there. 501, please back up 304." "10-4" was the reply.

Fifteen minutes later, 304 comes on the air, "Dispatch, I have an envelope that is addressed to the President of the United States and the note inside is a list of demands, including \$10 million and a change in foreign policy toward several mid-Eastern countries. There's a plastic envelope with some grey dust attached to the letter. Ask the sergeant what he wants me to do." "10-4, 304, standby."

Is it a deranged person? Should the preposterous demand be taken seriously? The envelope in the phone booth does make the telephone call more believable. Could the envelope of gray dust be radioactive? What should be done now?

Perhaps a call to the local FBI Agent might be the right thing to do. "Hello, John, this is Sergeant Thompson at the p.d. Sorry to bother you at 1:00 a.m., but we had this call and found a note we thought you should know about." The details of the case were relayed, and both the FBI Agent and the sergeant notified their superiors.

The FBI Agent in Parksburg was awakened at 1:30 a.m. and was told of the incident in Centerville. "John, what can you do up there to corroborate this threat?" "Boss, I'm going down to the p.d. to look at this note. The sergeant and I will try to sort this out, and I'll call you back in a half hour." At the p.d., a call from a female comes in at 2:20 a.m., "You have 22 hours to do what we asked in the note or the bomb goes off. Tell your President that we mean it!" At 2:30 a.m., the FBI Agent called his boss and said, "We had a second call. This thing looks real." The Agent in Charge called FBI Headquarters in Washington, DC, relayed the facts, and advised that he was en route by

"A nuclear criminal act may necessitate the swift resolution of involved legal questions of search and seizure, arrest and detention, and intrusive investigative techniques."

car with several Agents from Parksburg. He expected to be at the Centerville p.d. by 5:00 a.m. and would call Washington with an update at that time. The Agent in Charge requested that the Department of Energy (DOE) headquarters in Washington, DC, be notified of a possible criminal incident involving nuclear material.

Something only found in novels? Not really. The criminal misuse of nuclear materials or the threat of such misuse is a significant concern of the Federal Government. Not only is it a concern, it is a topic that has precipitated considerable preparation and planning in several departments of our Government.

When notified of a potential criminal incident involving nuclear material, the FBI, DOE, Department of Defense (DOD), Federal Emergency Management Agency (FEMA), Secret Service, and other Federal agencies are placed on alert. Agreements between the agencies specify the role each will play if they are deployed to the site of the incident; however, the FBI is designated to assume the lead role of the incident. A senior FBI official will act as the onsite principal decisionmaker and the focal point for inquiry from Washington, DC. He will direct the activities of all involved persons.

The DOE will furnish sufficient scientific resources and manpower both on the scene and in support locations to provide analytical, containment, and search support to the effort. The DOD will provide support to the FBI, DOE, and FEMA. This could include transportation by military aircraft and ground vehicles, commu-

nications support, noncombatant manpower support, and other logistical backup. If the incident elevates in hostile action to the point that the FBI advises the Attorney General of the United States that the incident is beyond the capability of civilian agencies, the President could order the DOD to assume command of the incident and take any necessary military action. The DOD, in conjunction with DOE, also provides personnel with specialized skills to deactivate the nuclear device after it is located.

FEMA assumes the responsibility for planning evacuation of the civilian population from the target area. Should the decision be made to evacuate and relocate the population, FEMA would manage that process in conjunction with local and State public safety agencies. Cleanup following detonation of a nuclear device or a disbursement of nuclear material would be handled by FEMA, DOE, and DOD, as well as State and local agencies. The Secret Service would assume responsibility for the safety of designated officials in the area of the incident.

Local and State law enforcement, fire and safety, civil defense, emergency preparedness, medical, transportation, and communications agencies and facilities would also become an integral part of handling the multiple demands at the scene of a nuclear incident. Coordination of these resources, management of communications, and liaison with the media are all essential functions that would be managed through the FBI command structure.

A sizeable command center, possibly as large as a school building, may be necessary. An extensive communications staff from several agencies would be required to install and

maintain radio and telephone service to the command center and mobile units from the involved departments. Residential and eating facilities for several hundred Federal employees would have to be provided by the host city, town, or county. Necessary equipment and personnel brought to the scene by the Federal Government would be flown in by military and civilian aircraft. Some of the ground transportation support for these personnel would be provided by local resources or rental agencies. Security of the massive amounts of equipment brought to the scene would be essential to ensure the integrity of the effort and may become the joint responsibility of the host police department and Federal law enforcement personnel. Additional facilities to house a press center, a motor vehicle pool, indoor storage, and tactical staging areas may also be needed. Obviously, the demands placed on the resources of a local community could be sizeable.

The blending of tactical personnel into a disciplined, responsive, and effective resource that could be called upon should deployment be necessary is a challenge that can only be met after all personnel assemble onsite. Using negotiators from several law enforcement agencies in a number of simultaneous negotiation transactions might be a "worst scenario" possibility and would require close coordination with command and tactical commanders.

"An understanding and informed media would be a necessary link in communications with the public should an evacuation become necessary."

Close liaison with DOE scientific personnel concerning health considerations would be necessary in all deployments, assaults, searches, and overt actions taken by the joint law enforcement force. The assessment and intelligence-gathering capabilities of DOE, the FBI, and other Federal agencies would be melded with the intelligence-gathering capabilities of State and local law enforcement agencies. The joint intelligence analytical unit of the command center would be a critical element in the effective command control of the Government's handling of the incident. Technical support of tactical, negotiations, and intelligence-gathering functions would be provided by the joint resources of the agencies involved and would be subject to the emergency authority provisions established by the U.S. Attorney General.

Communications in support of all of these functions, as well as peripheral functions such as aircraft assistance, firefighting, utilities management, and civil defense, is a vital and demanding control function. The diversity of frequencies, differences in equipment, variety of trained personnel, and the unpredictability of terrain and physical environmental influences would present a challenging management problem for command personnel.

Computer support for the law enforcement command function may be required to track the outstanding investigative leads and to record and collate the results of the investigation. Inventory control, vehicle assignment, time and attendance, shift scheduling,

lodging assignments, and other administrative functions can be done through data processing support onsite. Of course, operational summaries for use by command personnel, public affairs offices, and liaison units are essential and can be facilitated through automation. In addition to onsite computer assistance for law enforcement, the DOE, DOD, and other nonlaw enforcement agencies may need automated data and other computer assisted functions.

Legal services to command and control personnel will be essential. A nuclear criminal act may necessitate the swift resolution of involved legal questions of search and seizure, arrest and detention, and intrusive investigative techniques. Civil liability questions will arise and continue afterward, especially if evacuation of civilian population is involved. The legal resources could include representatives of the staffs of the U.S. attorney, State attorney general, and local district attorney, as well as legal representatives of the major law enforcement agencies present. The U.S. Attorney General should also take an active and personal interest in the conduct of the events at the scene.

Media interest in this type of criminal act would be intense. The movement of large quantities of supplies, as well as the influx of personnel, would attract attention and emphasize the importance of the event. Command personnel would be required to furnish the media necessary information in a controlled environment. The importance of maintaining close contact with the media and soliciting their cooperation could prevent unnecessary alarm in the public

sector and could immeasurably assist in the resolution of the problem. An understanding and informed media would be a necessary link in communications with the public should an evacuation become necessary. A press center in a location separate from the command center would also be necessary to facilitate regular briefings of the press and preserve the integrity of operational interests in the command post.

Cooperation and mutual understanding in a deployment of this magnitude are essential. The public safety in a nuclear-related criminal act is paramount in the minds of all law enforcement and other governmental officials and of those other supporting agencies. The demands of this type of incident would require every bit of patience, expertise, and dedication that we professionals in law enforcement could offer.

FBI

The Citizen Police Academy



By
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*Community Relations Section
Police Department
Orlando, FL*

"Community involvement is the most powerful, efficient, and practical force any local law enforcement agency has in the fight against crime."

"It is anticipated that this program will ultimately assist in the reduction of the crime rate through deeper community support for our local police."

The Orlando Police Department (OPD) has a new police academy. The curriculum and teaching methods are similar to the traditional police academy, but its students are not potential police officers. They are bankers, attorneys, city council members, judges, business owners, housewives, media representatives, and neighborhood watchers.

The Citizen Police Academy (CPA) is a pilot program being conducted by the community relations section of the Orlando Police Department. The purpose of the CPA is to increase better understanding between citizens and police through education. The academy will create a growing nucleus of responsible, well-informed citizens with the potential of influencing public opinion with regards to police practices and services. For these reasons, much time and energy has been devoted to developing an informative overview of the fundamentals of police affairs taught by both management and nonmanagement representatives of the department. During the 10-week course, students meet once a week in the evenings for 3 hours. Course topics include virtually every aspect of police work, ranging from planning and research to SWAT and undercover operations.

Although graduates of the academy will not be ready for street combat, they will be familiar with the operations of the OPD and will have gained a deeper understanding of the problems and policies facing Orlando police officers. Graduates will also have completed, on a voluntary basis, an 8-hour tour of duty with a patrol officer and a short course on the use and handling of the department's standard issue firearm.

The First Police Night School

To our knowledge, CPA is the first of its kind in the United States. The concept was borrowed from the British, specifically the Devon and Cornwall Constabulary, Middlemoor, Exeter. The Police Night School, as it is called there, was established in 1977. Since that time, public interest and participation has snowballed with many other constabularies following suit. Citizens were anxious to learn of the operations of their police force, which were previously obscure and private.

Held at the Exeter headquarters of the Devon and Cornwall force, the classes were held on 10 Wednesday evenings. Precourse publicity produced an immediate response, and the course was heavily over-subscribed.

Consequently, enrolling arrangements were devised to eliminate casual inquiries. Seventy persons attended the course, ranging from professional people through "pensioners and school leavers." The most encouraging features of the pilot scheme were the enthusiasm of the police speakers, who volunteered their time, and the response of the public attending the course who, at the conclusion, expressed a desire to learn more about the functions of the force.

The experience of the pilot course indicated that a 10-week series of talks and discussions was sufficient to meet basic information requirements, although more time could be devoted to individual subjects of particular interest. The group quickly developed an "identity," which enhanced discussion, and it became apparent in the early stages of the course that most members of the public were almost totally ignorant of features of police work that the aver-

age police officer takes for granted. Even something as basic as rank structure is only vaguely understood, let alone the complexities of a modern police organization.

The Orlando Police Department Citizen Police Academy

The first Citizen Police Academy evoked the same enthusiastic reactions and wide-eyed eagerness as did the first Police Night School. A positive learning atmosphere and camaraderie among the students were quickly developed. This reaction was facilitated, in part, by the total commitment to the program by the OPD. On the first night, the chief and four deputy chiefs wore their full dress uniforms, and each gave a brief message to the group. Students were given nameplates, notebooks, and an outline of each topic to be covered. Refreshments were served before class and during each class break.

No major problems were encountered during the first academy. A very small minority of students, however, believed that the subject matter dealing with homicide was too graphic. Actual crime scene photography was shown to the students in an attempt to depict the realism of the job. This was representative of the entire course, as students received an honest, direct, and explicit presentation of police work. The end result was that the OPD received a generous amount of praise from both those who were part of the course and those who were aware of our efforts.

There was no preacademy publicity. All students who attended the first class were hand-selected. Members of the local television and radio media were present during the first and last nights of the course.

During graduation, the chief of police addressed the graduates, complimenting them on their accomplishments. He presented each with a certificate of completion, an OPD cap, and a commemorative paperweight. A photo was taken of each recipient and later mailed to them.

It was very interesting to watch the students on graduation night. The class had developed the same kind of closeness that regular academy graduates form. They felt sad that the school had reached its conclusion; most stayed around and talked long after the ceremonies ended. Several weeks after graduation, they planned a class barbecue.

The Police Night Schools in England produced a core of articulate, responsible citizens with a broad understanding of police practices and objectives. It is our hope that the charter graduating class of the CPA will be the first of many whose members will also possess this knowledge. Even the most law-abiding, well-disposed citizen has only a vague notion of police affairs. Misconceptions range from the widely held view that police traffic patrols exist merely to persecute the unfortunate motorist to the view that the new police computer systems are a "big brother" threat to the liberty of the individual. The night school program, which is scheduled for September 1985, is designed to correct such misconceptions and provide a cross-section of society with a broader appreciation of police affairs.

Graduates of the first CPA are already spreading the good word about the OPD. They are speaking with authority and intelligence when police operations, practices, and management are discussed in their communities. It is anticipated that this program will ultimately assist in the reduction of the crime rate through deeper community support for our local police. This added support and confidence will result in a commitment by the community to report crime or suspicious activity, comply with security measures, and maintain involvement in neighborhood watch groups.

The CPA is another effective tool to aid in educating the public and gaining their appreciation of our job. In order to continue our progress in reducing crime, more responsibility and emphasis must be placed on the community relations function in all departments. Community involvement is the most powerful, efficient, and practical force any local law enforcement agency has in the fight against crime.

This vital reserve, which is virtually untapped, has the potential of making crime in the neighborhoods a rare occurrence. Emphasis being placed on community involvement has had a positive impact on crime rates for the past 5 years. With continued guidance and encouragement from the police, citizens will take seriously their responsibility in helping to maintain a safe and crime-free environment. Hopefully, the Citizen Police Academy will assist the OPD in achieving these community-oriented goals, thus aiding in the reduction of crime.

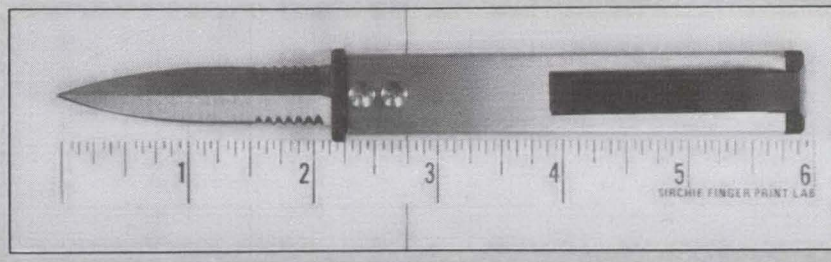
FBI

If your agency is interested in the CPA, contact Lt. R. Ferguson, Community Relations Section, Orlando Police Department, P.O. Box 913, Orlando, FL 32802, or call 305-849-2461.

Concealed Knife

When placed inside a shirt pocket, this knife gives the appearance of a writing pen. It features a fixed blade and one-hand operation. A spring action causes the sheath to retract into the handle, exposing the blade.

(Submitted by the Village of Lombard, IL, Police Department.)



How to Prepare An Informative Speech

By

STEPHEN D. GLADIS

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Unit, FBI Academy

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A professional golfer always makes a booming tee shot look so easy. He approaches the tee with a look of confidence, and after a couple of practice swings, pulls the club back smoothly and smacks the ball straight down the fairway. What we never see, however, are the hours of practice or the constant fine tuning of shots on the driving range that helped engineer that effortless drive. Experienced public speakers also appear relaxed, even casual, in their deliveries. But rest assured, the key to good public speaking is the same as the key to good golfing—preparation.

Preparing a Speech

The speech to inform is composed of three major sections—the introduction, the body, and the conclusion. The introduction engages the audience with an attention getter, makes them want to know more, states a thesis that gives direction to the speech, and provides an initial presummary of the major supporting points of the speech. The body provides evidence establishing the credibility of the main supporting points and the main thrust of the speech. The conclusion provides an overall

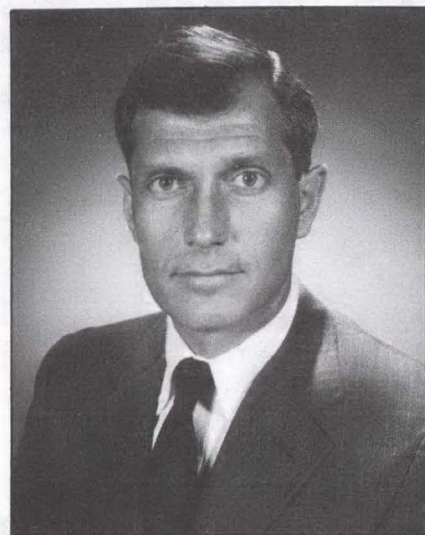
summary of the speech by restating the thesis and main points and ends with a final statement that provides the speech with a sense of completeness and gives the audience a sense of finality.

Choosing the Topic

The request for a speech usually comes by letter or a phone call: "Could you talk to our club about law enforcement?" The topic is most often left to the speaker's discretion. How should you choose a topic that will be suitable for a particular group? The answer is simple: Let the topic choose you. Why hunt for a topic that sounds impressive but may not be in your area of expertise or is of little interest to you? Let something that interests you become something that you use to interest others. You will be amazed how easily you can prepare a speech on an exciting subject and how the audience will catch your enthusiasm.

For example, if your specialty is juvenile crime and you've been asked to speak to a group of businessmen, why not stick to your strong suit (juvenile crime), while suitably tailoring your speech to the needs and interests of businessmen—profit and loss. The topic of teenage shoplifting might also be a good one for you.

“ . . . a good speech requires considerable analysis, research, and preparation.”



Special Agent Gladis

Next, consider your audience. What is their educational background? How old are they? What is their socioeconomic level? How large is the audience? Match the topic with the audience. Don't speak to senior citizens about how to protect their businesses from fraud when most of them are retired. More interesting to them would be a speech on scams and bunco schemes of which they might be targets.

To help you analyze the group, try to meet with the person who asked you to speak and interview him in depth. Ask about the topics other speakers have presented to the group. Determine which speakers have been successful and why. Get some sense of the meeting agenda and what the group expects, versus what they say they want. For example, you may have been asked to give a half-hour speech when, in reality, the meeting schedule allows only 10 minutes. Determine exactly what the group wants before you expend unnecessary energy in the wrong direction.

Researching the Topic

Interview yourself

After choosing a topic and analyzing the audience, how do you proceed? First, consider your personal experiences. Speaking about your personal experiences builds your credibility because the audience begins to view you as an expert. However, you are at just the *first* step in the research process.

Interview your colleagues

The next step is to obtain from your colleagues pertinent information, ideas, and illustrations. Interview them in depth to ascertain what resources they have used when preparing presentations, what cases they have investigated, and what anecdotes or examples they may have that could pertain to your speech.

Go to the library

Finally, you may want to go to a library to gather some up-to-date statistics and facts that will document your subject and reinforce your thesis. The *Criminal Justice Periodical Index*¹ and the *Reader's Guide to Periodical Literature*² are helpful references. The *Criminal Justice Periodical Index* is a particularly good source for law enforcement officers. Published annu-

ally, it indexes thousands of articles from major law enforcement magazines by subject, author, and title. The *Reader's Guide to Periodical Literature*, which indexes popular magazines like *Newsweek*, *Time*, and *U.S. News and World Report*, is excellent for current information about cases and world news.

While periodical guides will direct you to up-to-the-minute events, library card catalogs will guide you to books that may provide background for your topic. Entries are listed by author, title, and subject—three different ways to get the same information. When you find a book, check the table of contents and index first to see if and how the book will help you. You need not read an entire book when a chapter or a few pages will do. For example, if you're researching juvenile shoplifting, refer to a book on juvenile crime, and check both the table of contents and index for those chapters or pages devoted to shoplifting.

Newspapers such as *The New York Times*, *The Washington Post*, and *The Los Angeles Times* index daily events, providing the wealth of detail on which magazines and books draw. These guides are published monthly and are hardbound annually.

"Speeches that capture and hold an audience's interest begin with a good introduction."

You might also try *Newsbank*,³ which chronicles over 150 newspapers, using a microfiche system. If your local newspaper is indexed, it could provide you with local examples that would make your speech even more specific and relevant to your audience.

Developing a Thesis

Once you have chosen your topic, develop a clear thesis statement. A good thesis statement indicates to the audience your particular focus, and it helps you organize your speech. It is generally stated in a declarative sentence.⁴ For example, while the main topic may be shoplifting, you need to narrow this topic into a statement that will give the speech direction. A suitable thesis statement might be, "Teenage shoplifting has devastating effects on the profit margins of small businessmen." Notice how this single sentence both narrows the topic and defines the direction the speech will take. Listeners will automatically anticipate certain kinds of supporting information. What are some of the methods of shoplifting? How much money does it cost? And how do you prevent the loss? Your audience is programmed from the beginning by the thesis.

A poorly constructed thesis statement can cause problems. Many know that the thesis controls and directs the speech; however, when they apply the concept, the statements produced often neither control nor give any direction. They can be too broad, purely factual, or irrelevant.

The most common error is the overly broad thesis. The speaker often chooses a topic but never clarifies it for the audience. For example, if the speaker merely tells his audi-

ence that juveniles will be discussed in the speech, the audience doesn't know what to expect, and often, neither does the speaker. The speaker should narrow the focus of audience attention.

A thesis should not merely be a fact statement. Far more, the thesis must take a stance—establish a focus on the topic. Consider the following thesis: Juvenile crime is a problem. How much of a stance does this thesis take? Will the audience have a clear idea of where the speaker is headed? Is it a narrow enough topic to work with adequately in a speech?⁵

Speakers will sometimes deliver what sounds like a thesis statement early in the speech and then proceed to talk about something totally different, causing either the thesis or the body of the speech to become irrelevant. As an example, the speaker might provide a thesis like: "Juvenile crime can significantly erode profits." Though still somewhat broad, this thesis could work. Suppose, however, that the speaker begins to talk about how slow the courts are to punish or how reluctant juries are to convict juveniles. The audience becomes confused, inattentive, and apathetic.

The Introduction

Speeches that capture and hold an audience's interest begin with a good introduction. Audiences best remember introductions and conclusions. The purpose of the introduction is to introduce both the subject and the speaker to the audience, to grab the audience's attention, and to create a need in the audience to know more.⁶

The "Grabber"

An effective "grabber" attracts the audience's interest quickly. Grab-

bers vary widely and are limited only by your imagination.

Everyone loves a story. Any kind of narration immediately creates listeners. Why not, then, consider using one in a speech? When somebody says to you, "I want to tell you a story," you generally move closer or lean toward the speaker. A story "grabber" will get the attention of your audience naturally, effortlessly, and at the same time, allow you the luxury to relax. You can use conversational, nontechnical language, dissipate excess energies and stage fright, and experience immediate reinforcement as the audience lends its collective ear with interest.

Consider using storyteller techniques to improve your delivery. Keep your eyes on the audience at all times. Eye contact makes the story seem more real, sincere, and natural. Tell a story that illustrates or has a logical link to your topic. If the story does not relate to your topic, your audience will be unable to bridge the gap and will be left thinking about the story while you plunge on alone into your subject.

A second method to use when opening a speech is with the use of quotes. To be effective, the quote must relate directly to your topic and be from a credible source. If your topic is juvenile delinquency and you quote an expert in marriage counseling, the quote, even if it is relevant, doesn't have as much impact as one from a director of a juvenile delinquency center.

A third way to open your speech effectively is to use a startling statistic. Statistics can be riveting if they relate to your topic, come from a credible source, and create a "wow" response. Once you have found a sta-

tistic or two that will impress your audience, be careful not to give in to the temptation of overusing statistics.

Involving the members of your audience by placing them directly into a hypothetical situation is also an excellent way to begin a speech. Like role playing, hypothetical involvement forces listeners to experience vicariously whatever the speaker wishes. Such an opening might go like this: "Consider yourself as a small businessman in inflationary times—not hard to imagine—and day after day you see your inventory shrink as hoards of high school students cruise through your stationery store."

Jokes, favored by many speakers, immediately relax the audience, and in turn, relax the speaker, who perceives audience laughter as positive reinforcement. Jokes are only effective, however, if they are relevant to the topic and if they are *very* funny. Nothing is more elevating than a joke that works and nothing more depressing for a speaker than a joke that fails. Faced with a sober audience after the punchline, most speakers lose self-confidence. If you decide to use a joke, test it first in social settings and be sure that it gets a hearty laugh every time. Rehearse the timing and delivery of your joke, even at the expense of your family and friends.

The purpose of these speech openers, of course, is to rivet the attention of the audience quickly to the speech. Audiences, in fact, decide early in the speech whether they want to listen to it and whether they like the speaker.

Keeping the Audience's Attention

Once you have introduced yourself and your speech topic, you must create the audience's need to know.⁷

To do this, you may decide to appeal to the audience's basic needs. When you address the impact of shoplifting on business survival, you may want to appeal to the safety needs of your audience. Indicate that the security of the employees and proprietor may be at risk, not necessarily from a physical standpoint, and that business success may erode as shoplifting reduces the profits. A good speaker must consider the audience's basic motivations to establish a clear need for the speech. Retired senior citizens may have little interest in institutional white-collar crime, but will appreciate a speech on how to defend against white-collar schemes and swindles that affect them personally.

Presenting the Thesis

Now that your audience wants to hear your speech, state your thesis in bold un mistakeable terms. Remember, it must comment on or judge the topic and be stated in a single sentence. By limiting and controlling the size of your topic, you will give your speech clarity and direction.

Your thesis for the juvenile delinquency speech to local businessmen might eventually evolve to: "I contend that a large portion of the economic dollar in local business is lost through juvenile crimes because of improper methods for detection and protection." The audience now knows your stand; it is programmed and will expect supporting evidence and appropriate recommendations.

Presummary

After stating your thesis, briefly outline the main points that support your thesis. This presummary makes the transition between the introduction to the body of your speech, and more importantly, previews the organization of your speech.⁸ In the juvenile

speech, you might offer as main points to support your thesis the cost to business of juvenile shoplifting, a profile of a typical juvenile shoplifter, some strategies to detect the offenders, and some ways to prevent the problem.

Body

After completing your research and formulating the information into several supporting main points, you must present them to the audience. To be consistent, you'll want to restate each point in the order you promised in the presummary and then undergird each point with a structure of convincing support documentation.

The general types of effective supporting information are similar to the grabbers found in the introduction: Illustrations or stories, quotes or testimony, statistics, and hypothetical situations.⁹

All hard data used in the speech should be subjected to a three-way test before using it to support a main point. The speaker must ask: Is the data relevant, credible, and accurate?

Relevant data

Your information should be relevant both to the main point and to the thesis it supports. If you're discussing white-collar crime, for example, why use bank robbery statistics to help support your position? Also, ensure that any illustrations used relate directly to your audience. When talking to businessmen, use stories about business, not education.

Credibility

The nature of your source colors the data you use. If your source is well-known and reliable, your data will be quickly accepted. Use well-known

"The conclusion serves as a review . . . to summarize what you told them in the body and to fortify the expectations you raised in the introduction."

authors, quote established practitioners, and refer to reputable periodicals to make your point.

Accuracy

Check and doublecheck facts, statistics, and quotes or testimony. Inaccuracies make the audience doubt whether any of your facts were correct.

Organization

The backbone of any structure is the organization. If you expect to keep the readers by your side as you walk them through your speech, you'll have to use some structuring elements to help strengthen the body of your speech.

First, start strong—always lead with your strongest main point. Burying your strongest point in the middle of your speech means you are burying the information you should be highlighting.

Second, enumerate each of the main points so the audience doesn't get lost on the way. Your audience will thank you for it.

Third, provide transitions for listeners, so if you take a sharp turn, they won't turn down the wrong road. Words that show relationship help make it clear for the audience where you are headed by pointing out the relationship between one concept and another. Using words such as "and," "but," "therefore," and "however" can point the way to your audience quickly and efficiently.

When drafting a speech, you should think of your thesis as the roof that covers the entire speech, spanning it and providing the cover of consistency to all below. This roof must be supported by the pillars or main points in your speech (which should

be limited to three or four). To do their supporting job well, each of these pillars must be able to withstand elements of close scrutiny and doubt which the listeners will cast on them. To help the pillars stand true and strong, each must be made from reliable, strong brick and mortar—facts, illustrations, testimony. These bricks come from the labor of research, which forms and hardens these bricks into uncompromising support.

Conclusion

The conclusion serves as a review for the audience. It is your chance to summarize what you told them in the body and fortify the expectations you raised in the introduction.¹⁰ The conclusion is also, however, a safety valve for any speaker.

The first thing you should do in a good conclusion is restate your thesis. Next, review each one of your main supporting points. Depending on audience attention and time, you can review your main points in greater or lesser detail. If you moved quickly through the speech body, you may want to take a little extra time here to ensure a detailed review of each of the supporting points. On the other hand, if you've made your point and you find the audience rustling around, or time is getting late, just touch on the main points quickly by listing them and move into your final statement.

The final statement should function much like the grabber. It should be memorized, should be relevant to your topic, and should be delivered to the audience in an emphatic and appropriate manner. When you are finished, there should be no doubts left in the minds of the audience. They should be prepared to applaud or in some way react to your final statement.

Preparing an effective speech is not easy. Contrary to the belief of

many, a good speech requires considerable analysis, research, and preparation. Remember, like any professional, whether addressing the ball on the tee or an audience of 50 or 500, there is no substitute for good, solid preparation.

FBI

Footnotes

¹ The *Criminal Justice Periodical Index* is published three times annually. The first two issues are in paperback, and the final cumulative issue is hardbound.

² The *Reader's Guide to Periodical Literature* is published periodically throughout the year in paperback, and the cumulative annual edition is hardbound.

³ The *Newsbank Index* is published monthly in paperback, and the cumulative annual edition is hardbound.

⁴ Edward P.J. Corbett, *Classical Rhetoric For The Modern Student* (New York: Oxford University Press, 1965), pp. 36-37.

⁵ *Ibid.*

⁶ Anita Taylor, *Speaking in Public* (Englewood Cliffs, N.J.: Prentice-Hall 1979), pp. 149-156.

⁷ Douglas Ehninger, Bruce E. Gronbeck, and Alan H. Monroe, *Principles of Speech Communication* (Glenview, IL: Scott, Foresman and Company, 1980), p. 219.

⁸ *Ibid.*, pp. 219-220.

⁹ Bobby R. Patton, Kim Giffin, and Wil A. Linkugel, *Responsible Public Speaking* (Glenview, IL: Scott, Foresman, and Company), pp. 76-93.

¹⁰ Leon Erletcher, *How to Speak Like a Pro* (New York: Ballantine Books, 1983), pp. 99-108.

Crime in the United States 1984

For the third consecutive year, overall serious crime in the United States recorded a decrease, according to statistics compiled by the FBI's Uniform Crime Reporting (UCR) Program. The 1984 decrease was 2 percent from 1983. An estimated 11,881,800 Crime Index offenses were reported to nearly 16,000 law enforcement agencies covering 96 percent of the Nation's population. Not since 1978 has the Index total dropped below 12 million offenses.

VIOLENT CRIMES

The violent crimes of murder, forcible rape, robbery, and aggravated

assault as a whole recorded a 1-percent increase in 1984. While murder and robbery showed decreases of 3 and 4 percent, respectively, aggravated assaults rose 5 percent and forcible rape was up 7 percent.

MURDER—In the United States during 1984, an estimated 18,692 murders were committed. Of every 100 murder victims, 75 were males,

57 were white, and 46 were between the ages of 20 and 34. Relatives or persons acquainted with the victims committed 57 percent of the murders. Arguments resulted in 40 percent of all murders, while 18 percent occurred as a result of felonious activities such as robbery, arson, etc. Approximately 3 of every 5 murders were committed with a firearm, the most frequently

Index of Crime, United States, 1975-1984

Population ¹	Crime Index total ²	Modified Crime Index total ³	Violent crime ⁴	Property crime ⁴	Murder and non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny-theft	Motor vehicle theft	Arson ⁵
Number of offenses: ²												
1975-213,124,000	11,292,400		1,039,710	10,252,700	20,510	56,090	470,500	492,620	3,265,300	5,977,700	1,009,600	
1976-214,659,000	11,349,700		1,004,210	10,345,500	18,780	57,080	427,810	500,530	3,108,700	6,270,800	966,000	
1977-216,332,000	10,984,500		1,029,580	9,955,000	19,120	63,500	412,610	534,350	3,071,500	5,905,700	977,700	
1978-218,059,000	11,209,000		1,085,550	10,123,400	19,560	67,610	426,930	571,460	3,128,300	5,991,000	1,004,100	
1979-220,099,000	12,249,500		1,208,030	11,041,500	21,460	76,390	480,700	629,480	3,327,700	6,601,000	1,112,800	
1980-225,349,264	13,408,300		1,344,520	12,063,700	23,040	82,990	565,840	672,650	3,795,200	7,136,900	1,131,700	
1981-229,146,000	13,423,800		1,361,820	12,061,900	22,520	82,500	592,910	663,900	3,779,700	7,194,400	1,087,800	
1982-231,534,000	12,974,400		1,322,390	11,652,000	21,010	78,770	553,130	669,480	3,447,100	7,142,500	1,062,400	
1983-233,981,000	12,108,600		1,258,090	10,850,500	19,310	78,920	506,570	653,290	3,129,900	6,712,800	1,007,900	
1984-236,158,000	11,881,800		1,273,280	10,608,500	18,690	84,230	485,010	685,350	2,984,400	6,591,900	1,032,200	
Percent change; number of offenses:												
1984/1983	-1.9		+1.2	-2.2	-3.2	+6.7	-4.3	+4.9	-4.6	-1.8	+2.4	
1984/1980	-11.4		-5.3	-12.1	-18.9	+1.5	-14.3	+1.9	-21.4	-7.6	-8.8	
1984/1975	+5.2		+22.5	+3.5	-8.9	+50.2	+3.1	+39.1	-8.6	+10.3	+2.2	
Rate per 100,000 inhabitants:												
1975	5,298.5		487.8	4,810.7	9.6	26.3	220.8	231.1	1,532.1	2,804.8	473.7	
1976	5,287.3		467.8	4,819.5	8.8	26.6	199.3	233.2	1,448.2	2,921.3	450.0	
1977	5,077.6		475.9	4,601.7	8.8	29.4	190.7	247.0	1,419.8	2,729.9	451.9	
1978	5,140.3		497.8	4,642.5	9.0	31.0	195.8	262.1	1,434.6	2,747.4	460.5	
1979	5,565.5		548.9	5,016.6	9.7	34.7	218.4	286.0	1,511.9	2,999.1	505.6	
1980	5,950.0		596.6	5,353.3	10.2	36.8	251.1	298.5	1,684.1	3,167.0	502.2	
1981	5,858.2		594.3	5,263.9	9.8	36.0	258.7	289.7	1,649.5	3,139.7	474.7	
1982	5,603.6		571.1	5,032.5	9.1	34.0	238.9	289.2	1,488.8	3,084.8	458.8	
1983	5,175.0		537.7	4,637.4	8.3	33.7	216.5	279.2	1,337.7	2,868.9	430.8	
1984	5,031.3		539.2	4,492.1	7.9	35.7	205.4	290.2	1,263.7	2,791.3	437.1	
Percent change; rate per 100,000 inhabitants:												
1984/1983	-2.8		+3	-3.1	-4.8	+5.9	-5.1	+3.9	-5.5	-2.7	+1.5	
1984/1980	-15.4		-9.6	-16.1	-22.5	-3.0	-18.2	-2.8	-25.0	-11.9	-13.0	
1984/1975	-5.0		+10.5	-6.6	-17.7	+35.7	-7.0	+25.6	-17.5	-5	-7.7	

¹Populations are Bureau of the Census provisional estimates as of July 1, except April 1, 1980, preliminary census counts, and are subject to change.

²Because of rounding, the offenses may not add to totals.

³Although arson data are included in the trend and clearance tables, sufficient data are not available to estimate totals for this offense.

⁴Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, and motor vehicle theft. Data are not included for the property crime of arson.

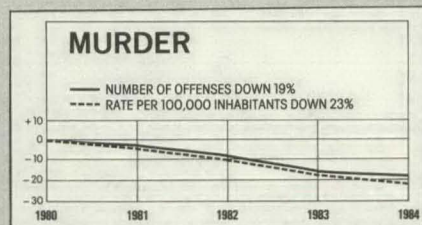
⁵Annual totals for years prior to 1984 have been adjusted and may not be consistent with those in prior editions of this publication. See "Offense Estimation", pages 3 and 4 for details.

All rates were calculated on the offenses before rounding.

used murder weapon.

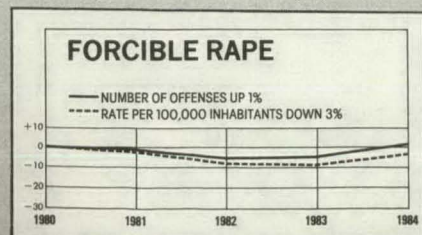
In 1984, the murder volume dropped in the cities and rural counties, while the number in suburban counties increased. Geographically, the Western States was the only region showing an increase; the remaining three regions reported decreases.

The highest Crime Index clearance rate nationwide (74 percent) was for murder. Of those arrested in 1984 for this crime, 41 percent were under 25 years of age, 54 percent were white, and 45 percent were black.



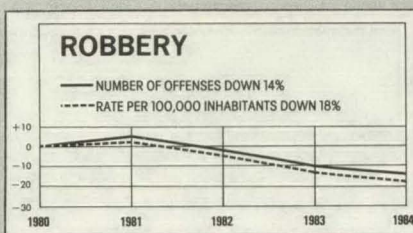
FORCIBLE RAPE—By UCR definition, the victims of forcible rape are always female, and in 1984, an estimated 69 of every 100,000 females in the Nation were reported rape victims. Of the more than 84,000 offenses, rapes by force comprised 79 percent of the total; the remainder were attempts to rape. As compared to 1983 volumes, the number of forcible rapes reported during 1984 rose 11 percent in the South, 8 percent in the Northeast, 7 percent in the Midwest, and 1 percent in the West.

Law enforcement agencies cleared 54 percent of known forcible rapes by arrest or exceptional means. Arrests last year increased 8 percent over those of 1983, and of those arrested for this violent crime, 53 percent were white, 46 percent were black, and 47 percent were under the age of 25, with 31 percent in the 18- to 24-year age group.



ROBBERY—An estimated 485,008 robbery offenses took place in 1984, accounting for a total estimated loss of \$295 million or an average property loss of \$609 per incident. As in previous years, robberies on streets and highways accounted for more than half of the offenses. Of all robberies occurring in 1984, 41 percent were committed through the use of strong-arm tactics, 36 percent with firearms, 13 percent with knives or cutting instruments, and the remainder with other weapons.

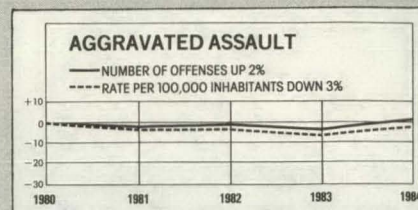
Twenty-six percent of all robbery offenses reported to law enforcement were cleared. When the 1984 robbery arrest total was compared to that of 1983, a 6-percent decrease was shown for the Nation. During 1984, 67 percent of the persons arrested for robbery were under 25 years of age, 93 percent were male, 61 percent were black, and 37 percent were white.



AGGRAVATED ASSAULTS—In 1984, there were 685,349 aggravated assaults reported or 290 offenses for every 100,000 people in the United States. Weapons used to commit this violent crime included blunt objects or other dangerous weapons (31 percent), personal weapons such as hands, fists, feet, etc. (25 percent), knives or cutting instruments (23 percent), and firearms (21 percent).

Collectively, law enforcement agencies nationwide cleared 61 percent of the reported aggravated assault cases, with a total of 300,860 persons arrested—a 2-percent increase from 1983. Female arrests increased 4 percent over the previous year, while arrests of males were up 2 percent. Whites comprised 61 percent of the arrestees; blacks, 38 percent;

all other races, 1 percent. Forty-five percent of those arrested were under 25 years of age.



PROPERTY CRIMES

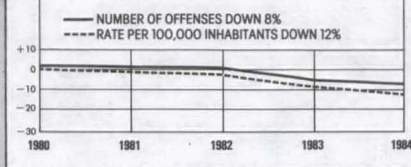
Property crimes occurring in 1984 declined 2 percent from the 1983 total. Among the crimes in this category, larceny-theft and burglary decreased 2 percent and 5 percent, respectively, while motor vehicle thefts and arson each were up 2 percent.

LARCENY-THEFT—The estimated 6,591,874 larceny-thefts occurring in 1984 comprised 55 percent of the Crime Index total and 62 percent of all property crimes. The 1984 larceny-theft rate of 2,791 per 100,000 inhabitants showed decreases of 3 percent from the 1983 rate and 12 percent from that of 1980. The average value of property stolen was \$376; however when this value was applied to the estimated number of larceny-thefts, the annual loss to victims nationally was \$2.5 billion. Thefts of motor vehicle parts, accessories and contents constituted a large portion of larcenies (37 percent).

Twenty percent of the reported larceny-thefts nationwide were cleared in 1984. Of the national clearances, 24 percent involved only persons under 18 years of age.

Larceny-thefts accounted for 55 percent of the total arrests for Index crimes in 1984. Sixty-two percent of the arrests were of persons under 25 years of age, and 34 percent of the arrestees were under age 18. Females were arrested more often for larceny than for any other crime, comprising 30 percent of all larceny-theft arrestees. Whites accounted for 68 percent of the overall larceny-theft arrests and blacks for 30 percent.

LARCENY—THEFT

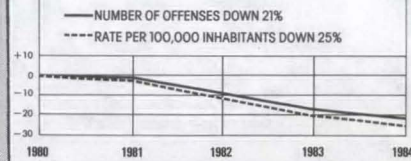


BURGLARY—The nearly 3 million burglary offenses in 1984 accounted for 25 percent of all Crime Index offenses. Down 6 percent from 1983 and 25 percent lower than in 1980, the 1984 burglary rate was 1,264 per 100,000 inhabitants nationwide.

Estimated losses to victims totaled \$2.7 billion, with an average loss of \$900 per incident. The average loss was \$927 for residential property and \$846 for nonresidential property. Two of every 3 burglaries were residential in nature, and 39 percent occurred during the nighttime hours. Seventy percent of all burglaries involved forcible entry, 21 percent were unlawful entries (without force), and the remainder were forcible entry attempts.

Adults were involved in 78 percent of all burglary offenses cleared, and those under 18 years of age were offenders in the remaining 22 percent. Arrest trends for 1983 and 1984 show an 8-percent decrease in total burglary arrests, with those of persons under 18 down 10 percent and those of adults down 7 percent. Among burglary arrestees, 93 percent were males, 74 percent were under 25 years of age, 70 percent were white, and 29 percent were black.

BURGLARY

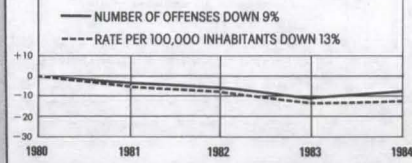


MOTOR VEHICLE THEFT—More than 1 million motor vehicles were stolen in the United States in 1984, 76 percent of which were automo-

biles. An estimated average of 1 of every 169 registered motor vehicles was stolen, with an estimated national loss of \$4.6 billion and an average value per vehicle of \$4,418.

Law enforcement agencies cleared 15 percent of the thefts reported, and arrests were up 3 percent from the 1983 total. Of all persons arrested for this offense in 1984, 72 percent were under 25 years of age, 91 percent were males, and 68 percent were white. Adult arrests rose 2 percent, and those of persons under age 18 were up 5 percent.

MOTOR VEHICLE THEFT



ARSON—More than 12,000 law enforcement agencies reported 101,836 arson offenses in 1984. The national arson rate was 53 per 100,000 people.

Targets of arsonists included structures (58 percent); mobile property, e.g., motor vehicles, boats, etc. (24 percent); and other properties, e.g., crops, timber, etc. (18 percent). Fifty-nine percent of the structural arsons involved residential property, while motor vehicles comprised 91 percent of all mobile property arsons. Averaging \$10,378 per incident, the reported monetary value of property damaged was \$855 million.

The national arson clearance rate during 1984 was 17 percent. Persons under the age of 18 were involved in 35 percent of all arson clearances, a higher percentage of juvenile involvement than for any other Index crime. There were an estimated 19,000 arrests for arson during 1984. Forty-three percent of the arrestees were under age 18 and 64 percent were under 25 years of age. Arson arrests of persons under 18 increased 7 percent and those of adults dropped 9 percent. Males comprised 88 percent

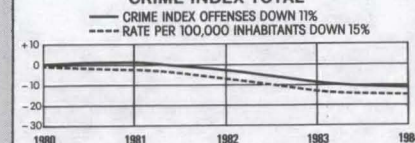
of all arson arrestees; whites, 78 percent; blacks, 21 percent.

CRIME DISTRIBUTION

When comparing the Crime Index of 1983 and 1984, last year's regional trends ranged from a 5-percent drop in the Northeast to a less than 1 percent increase in the South. The Midwest recorded a 3-percent decline, while the West showed a 1-percent decrease. Cities and suburban counties recorded 2 percent fewer Index crimes in 1984, and the volume in rural counties dropped 3 percent.

Relating the crime volume to population, the 1984 national Crime Index rate was 5,031 offenses per 100,000, a 3-percent decline from 1983. The rate was 15 percent lower than the 1980 rate and 5 percent below the 1975 rate. The violent crime rate of 539 per 100,000 inhabitants increased less than 1 percent over 1983, but the number of property crimes per 100,000 population — 4,492 — was down 3 percent.

CRIME INDEX TOTAL



ARRESTS AND CLEARANCES

Of the total Crime Index offenses recorded by law enforcement agencies in 1984, 21 percent were cleared, with a 47-percent clearance rate for violent crimes and an 18-percent clearance rate for property crimes. Persons under the age of 18 were involved in 10 percent of violent crime clearances and 23 percent of property crime clearances.

In 1984, arrests for all offenses except traffic violations totaled an estimated 11.6 million, of which 1.8 million were for driving under the influence of liquor or narcotics, 1.2 million for drunkenness, and 1.3 million for larceny-theft. The national arrest rate was 4,951 per 100,000 inhabitants.

Total Estimated Arrests¹, United States, 1984

TOTAL²	11,564,000	Drug abuse violations	708,400
Murder and nonnegligent manslaughter.....	17,770	Opium or cocaine and their derivatives.....	181,800
Forcible rape.....	36,700	Marijuana.....	419,400
Robbery.....	138,630	Synthetic or manufactured drugs.....	19,000
Aggravated assault.....	300,860	Other dangerous nonnarcotic drugs.....	88,300
Burglary.....	433,600	Gambling	34,700
Larceny-theft.....	1,291,700	Bookmaking.....	3,200
Motor vehicle theft.....	121,200	Numbers and lottery.....	8,800
Arson.....	19,000	All other gambling.....	22,700
Violent crime ³	493,960	Offenses against family and children.....	44,300
Property crime ⁴	1,865,600	Driving under the influence.....	1,779,400
Crime Index total ⁵	2,359,500	Liquor laws.....	505,500
Other assaults.....	527,000	Drunkenness.....	1,152,300
Forgery and counterfeiting.....	82,400	Disorderly conduct.....	665,900
Fraud.....	270,700	Vagrancy.....	29,100
Embezzlement.....	8,100	All other offenses (except traffic).....	2,406,900
Stolen property; buying, receiving, possessing.....	123,100	Suspicion (not included in totals).....	21,300
Vandalism.....	245,900	Curfew and loitering law violations.....	86,600
Weapons; carrying, possessing, etc.....	177,500	Runaways.....	147,000
Prostitution and commercialized vice.....	112,200		
Sex offenses (except forcible rape and prostitution).....	97,800		

¹Arrest totals based on all reporting agencies and estimates for unreported areas.

²Because of rounding, items may not add to totals.

³Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault.

⁴Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

⁵Includes arson.

There was virtually no change in the number of total arrests in 1984 and 1983. Adult arrests remained at the 1983 level, while arrests of persons under 18 increased 1 percent. Of all arrestees, 51 percent were under the age of 25 and 83 percent were male.

ASSAULTS ON LAW ENFORCEMENT

An average of 16 of every 100 local, county, and State law enforcement officers were assaulted in 1984, a 2-percent decline from the 1983 rate. Over 10,000 law enforcement agencies nationwide reported 60,153 assaults. Personal weapons (hands, fists, feet, etc.) were used in 84 percent of the assaults, firearms in 4 percent, knives or cutting instruments in 3 percent, and other dangerous weapons in the remainder.

Responses to all types of disturbance calls (family quarrels, man-with-gun calls, bar fights, etc.) continued to lead all other circumstances with 33 percent of all assaults. Vehicle patrol officers were victims in 4 of every 5 assaults, and 1 of every 3 line-of-duty assaults resulted in personal injury to the officer.

LAW ENFORCEMENT OFFICERS KILLED

During 1984, 72 law enforcement officers were killed feloniously in the line of duty, fewer than in any other year since 1968. Of the victims, 35 were city policemen, 21 were county officers, 13 were employed by State law enforcement agencies, 2 by agencies in U.S. territories, and 1 was a Federal officer.

As in past years, more officers (35) were killed while attempting arrests than while involved in any other activity, and 8 officers were killed while attempting to thwart robberies or were in the pursuit of robbery suspects when slain. The other circumstances leading to officer killings included handling drug-related matters

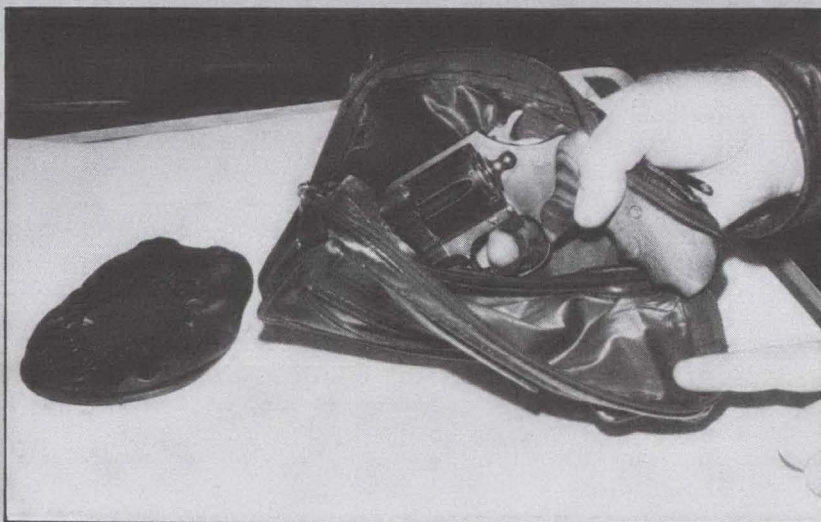
(4), handling burglary-in-progress calls or pursuing burglary suspects (2), and attempting arrests for other than the above-mentioned crimes (21). Of the 72 officers slain, 66 were killed by firearms, with handguns being used in 46 of the murders. Twelve officers were killed with their own service weapons, and law enforcement has cleared 92 percent of the murders.

FBI

Loaded Purse

A California Highway Patrol officer stopped a driver for reckless driving. The suspect had in his possession a purse that contained a .38-caliber revolver that was well concealed in an off-road headlight cover. The pistol could be fired without removing it from the purse.

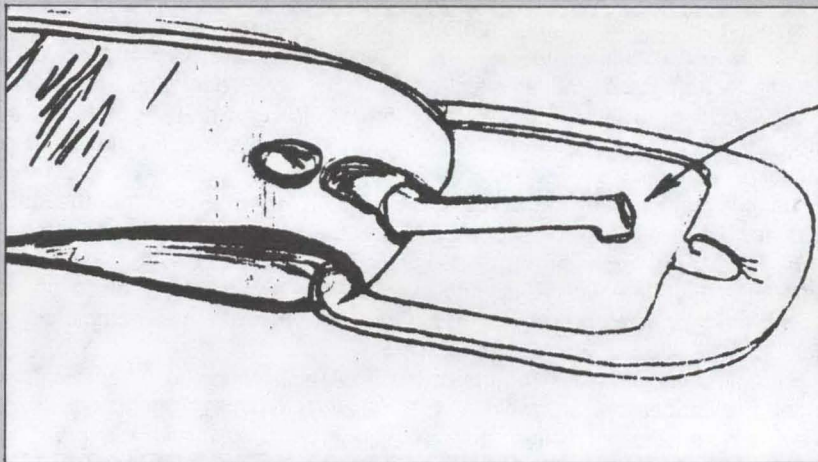
(Submitted by the California Highway Patrol)



Handcuff Belt Key

This Brannigan Back Up (handcuff belt) is being sold on the open market. It is a spare handcuff key designed to be worn as a belt buckle. It opens all standard handcuffs, is virtually undetectable, and fits any 1 1/2-inch-wide belt.

(Submitted by New York City Correctional Institution for Men)



The Complete Investigator

Recognizing the Potential for Suicide and Violence

“ . . . a role of the complete investigator [is] to not only uncover evidence of criminal activity through the interview process but also to consider and identify behavioral clues in the interview process that may save a life.”

By
HENRY E. MCINTURFF

and
STEPHEN R. BAND

*Special Agents
Federal Bureau of Investigation
Indianapolis, IN*

A 39-year-old bank vice-president, employed by a major city banking institution for 10 years, married with two children, and owner of an expensive suburban home, is confronted with financial difficulties. He is suspected of bank fraud and embezzlement. Following an interview with law enforcement investigators in which the suspect admits to wrongdoings, the banker commits suicide by hanging himself in his garage.

A 51-year-old president of a small corporation in bankruptcy is interviewed by investigators regarding a bankruptcy fraud. An apparent scheme emerges in which corporate property is concealed, later sold by a co-conspirator, and profits are shared between the two subjects. Subsequent to the interview, the ex-president viciously assaults his co-conspirator, resulting in murder charges.

Following a confrontation with investigators, a 24-year-old drug dealer is taken into custody for questioning in order to gather intelligence on the source of the dealer's supply of cocaine. The dealer consents to wearing a body recorder and transmitting device during a meeting with his drug source at his apartment. Investigators parked outside the source's apartment, in order to monitor the anticipated meeting, hear the sound of a single gunshot. Responding to the gunshot, investigators discover that the 24 year old has committed suicide.

A high school is extensively vandalized, and police round up 15 high school seniors involved in the exten-

sive damage. The teenagers are charged, and school authorities respond by taking disciplinary action. Timely graduation is prohibited for those involved. One of the 15, who had no previous record of school disciplinary action or any involvement with the police is overwhelmed by the incident, becomes distraught over losing a scholarship opportunity, and commits suicide shortly thereafter.

The above hypothetical situations are characteristic of incidents that have actually occurred and are frequently viewed by the seasoned law enforcement investigator as tragedies that could not have been anticipated or prevented. This article advocates a role of the complete investigator to not only uncover evidence of criminal activity through the interview process



Special Agent McInturff



Special Agent Band

but also to consider and identify behavioral clues in the interview process that may save a life. If one were to consider the bigger picture of professional and ethical law enforcement practice, priorities might emerge on the occasion of a difficult confession that would lead the investigator to consider that a subject, overwhelmed by guilt and hopelessness, may emerge as a prime candidate for suicide or other desperate and violent acts.

The critical interview situation is one in which the law enforcement investigator could do more than just solve a crime. He may be able to turn the individual away from a life of crime. A subject in a crisis situation is highly vulnerable to being directed by the interviewer. Behavioral scientists have identified this emotional crisis state that emerges in a subject under interview as a time of both danger and opportunity. The attitude the law enforcement officer demonstrates during the interview with the first offender might encourage more positive behavior as opposed to recidivism. The investigator should not make assumptions that the crisis the subject is facing is not the ultimate crisis for this individual. Human differences and limitations suggest that what may be a crisis for one individual may not be a crisis for another. It then becomes important for the professional law enforcement investigator to be able to define crisis and consider the basic emotional state of the subject that he is confronting.

How to Behaviorally Identify the Subject in Crisis

The prediction of dangerous and violent behavior is certainly not an absolute science. If it were, behavioral

scientists could predict violent and criminal acts before they occur. There are, however, signs or symptoms that are observable in individuals who are being interviewed that would suggest that danger is a distinct possibility. In addition to behavioral clues, there is information that could easily be ascertained from the individual being interviewed or other parties familiar with the interviewee that would suggest that the subject is at risk of committing an act of violence because of the crisis in which they are placed by the law enforcement investigation.

These behavioral clues and information cues include:

- 1) A history of suicidal behavior marked by episodes of specific attempts;
- 2) A history of assaultive behavior marked by episodes of violent acts against others;
- 3) A history of alcohol and/or substance abuse, coupled with behavior described in numbers 1 and 2;
- 4) A history of mental illness, specifically of a paranoid nature or depressive/manic nature marked by a history of episode behavior as noted in numbers 1 and 2;
- 5) Pacing behavior, emotional verbal outbursts, including profanity and seemingly uncontrollable episodes of crying, coupled with a past history of behavior as noted in numbers 1 and 2.

A history of mental illness is not necessarily indicative of dangerous or violent behavior. The most relevant predictors of this type of behavior are a history of assaults and previous suicidal attempts. The more recent the suicide attempt or assault, the more dangerous the individual may immediately be to himself or others.

"The interviewing investigator can establish rapport through suggesting rational coping alternatives for the problem confronting the interviewee."

Crisis has been defined as an emotional and physical state in which an individual has attempted to cope with stress or a series of stressors, failed to cope, became fatigued at efforts to cope, and has begun to employ irrational strategies for dealing with the overwhelming situation in his life. This emotional and physical state of crisis is a time of both danger and opportunity for the law enforcement investigator. It is the time to develop a relationship with the subject by assisting him in getting through a critical time. The interviewing investigator can establish rapport through suggesting rational coping alternatives for the problem confronting the interviewee. The trust that is developed could create a turning point of such significance to prevent potential acts of violence.

Ethical Questions

Mental health professionals operate under a code of ethics that highlights the importance of patient/client confidentiality. This vow of confidentiality could be violated if the client exhibits symptoms of dangerousness to either himself or others. The role of the mental health care professional when confronted with a potentially violent client is to develop a supportive network through the client's family and other close friends to aid in the prevention of violent acts. In extreme cases, mental health care professionals could initiate involuntary hospitalization of clients who represent a danger to themselves or others, opting first for voluntary supportive treatment on the part of the client.

What can law enforcement professionals learn from the code of ethics of mental health professionals? Is it the role of the law enforcement investigator to consider the human concerns of a targeted subject? Is there room for a law enforcement investigative code of ethics that incorporates concern for the potentially suicidal interviewee? What potential liabilities exist for law enforcement agencies that do not recognize homicidal and/or suicidal behavior in targets of investigations? Should law enforcement investigators use the investigative interview as a supportive intervention that directs the subject away from future criminal activities and prevents him from hurting himself or others?

Conclusion

The purpose of this article is to raise questions and an important dialog in response to a behavioral phenomenon encountered by law enforcement investigators. Certain subjects under interview or interrogation will, as a result of situational and emotional crisis, commit suicide or resort to other violent acts as a way of coping with their overwhelming problems. Law enforcement has evolved into a professional service with primary goals focused on protecting the lives and rights of people. It is not the intention of the authors to advocate over-concern of all law enforcement professionals to maintain a keen awareness of human behavior that impacts on law enforcement activities.

Behaviors observed in interviews with suicidal subjects have included behavior such as an emotional and tearful confession, despondency, and victim-like behavior, including anxiety, disbelief, hopelessness, overwhelming guilt turned into anger toward self, and a total loss of self-esteem. Law

enforcement investigators who do not take an interview beyond the point of confession and who leave the interviewee in a potentially destructive state are not fulfilling their professional responsibilities. The complete investigator should consider the impact of his role on the subject interviewed, consider the powerful impact of the moment on the subject's life in relation to deterring recidivism, and should maintain a professional priority of protecting life.

Law enforcement personnel engaged in investigative activities should be trained to identify the characteristics of a subject who is potentially dangerous to himself or others and be aware of supportive resources provided by mental health professionals in order to deter and prevent destructive behavior. Law enforcement administrative authorities should also consider investigative guidelines and procedures that would include procedural steps to take in the event that an investigator is confronted by this behavioral phenomenon during an interview or interrogation.

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The Constitutionality of Organizational Policies Regulating Employee Speech

"The ideal employee speech policy for law enforcement will carefully tailor speech restrictions to legitimate organizational goals and objectives."

The law permits law enforcement organizations to impose reasonable restrictions on the work-related speech of law enforcement employees. However, the degree of constitutionally based speech protection that employees enjoy depends on the interaction of many variables.

Previous issues of the *Law Enforcement Bulletin* discussed some of the variations in protection afforded by the first amendment to the nonpartisan speech of law enforcement employees and offered recommendations for the development of employee speech policies. First, law enforcement managers should particularize in formal policy statements the speech rights and obligations of employees. Second, employees and management should be guided by written policy that affirmatively encourages reasonable employee criticism and also protects legitimate law enforcement interests. Third, speech restrictions should be carefully tailored to accommodate law enforcement needs such as the protection of confidential information from improper disclosure and the maintenance of on-duty discipline. And, fourth, law enforcement organizations can mitigate the likelihood of unnecessarily disruptive employee speech by establishing reasonable internal communication and grievance procedures.¹ With those recommen-

dations in mind, this article examines the constitutional validity of particular employee speech policies and procedures.

The primary organizational objective in formulating employee speech policies should be to adopt legally defensible rules and procedures that reasonably accommodate the legitimate interests of managers, employees, and the public. Organizational policy should provide the general framework from which specific rules and procedures can be adopted. In other words, policy develops attitudes; rules mandate particular behavior; and procedures spell out the orderly manner to be followed in particular situations. Within this framework, then, this article examines how courts have resolved constitutional challenges to departmental policies and procedures varying from broadly worded catch-all-type rules to particularized restrictions affecting speech content, timing, and location. Two important questions are addressed. First, what kinds of rules are facially invalid (invalid as written) on grounds of either overbreadth or vagueness? Second, when are procedural restrictions, such as prepublication review or prior channeling chain-of-command rules, a permissible form

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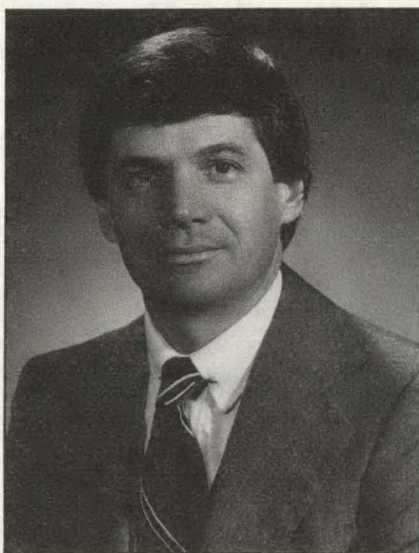
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Federal Bureau of Investigation

Quantico, VA

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



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of employee speech restriction? Following a discussion of those issues, this article proposes a model speech policy for law enforcement and evaluates the legal and managerial impact of its provisions.

CATCHALL REGULATIONS— JUDICIAL RELUCTANCE TO FACIALLY INVALIDATE FOR OVERBREADTH OR VAGUENESS

Organizational policy is communicated in two ways to employees: It is conveyed by written rules and regulations, or it is informally expressed by managerial conduct suggesting acquiescence in a particular policy. Many law enforcement organizations have adopted broadly worded catchall rules that warn employees disciplinary action is appropriate whenever they engage in "conduct unbecoming an officer." Because these rules affect the quality and quantity of employee speech, their facial validity may be challenged through the doctrines of overbreadth and vagueness. The doctrines are functionally interrelated insofar as they both operate to prevent chilled expression.² Overbroad speech regulations cover both protected and unprotected speech by encompassing within their reach expressive activity otherwise protected by the first amendment. Vague regulations run afoul of the due process clause by failing to provide employees sufficient notice of proscribed speech and thus inviting excessive discretion and arbitrary enforcement.³ Although both doctrines work to provide a unique species of protection against the chilling of potentially valuable employee speech, courts are reluctant to facially invalidate catchalls that purport to regulate unprotected conduct of government employees.

Supreme Court Precedent

In *Broadrick v. Oklahoma*,⁴ the Supreme Court set forth a rigorous standard for the facial invalidation of catchall regulations on overbreadth grounds. *Broadrick* ruled that a regulation which affects both speech and conduct is facially unconstitutional only if its overbreadth is substantial.⁵ The degree of permissible coverage of a particular regulation is therefore a function of the quantity of unprotected conduct covered by that rule.⁶ A particular regulation is not overbroad if it covers a substantial quantity of unprotected conduct. The significance of *Broadrick's* "pure speech" versus "speech plus conduct" distinction is illustrated by comparing catchall rules prohibiting "all speech critical of the chief" with those prohibiting "conduct unbecoming an officer." While both regulations may chill protected speech, the former regulates only speech and is more susceptible to facial invalidation under *Broadrick* than a "conduct unbecoming an officer" rule which purports to regulate both speech and conduct.

*Arnett v. Kennedy*⁷ also demonstrates the Court's resistance to facial invalidation. A nonprobationary Federal employee in the civil service was fired after publicly accusing his boss and administrative assistant of attempted bribery. The employee challenged on vagueness and overbreadth grounds a catchall provision which restricted dismissals to "such cause as will promote the efficiency of the service." The Court ruled the provision constitutional because it covered both speech and conduct and regulated only publicly expressed employee speech damaging to governmental interests.⁸ *Arnett* narrowly construed the scope of the catchall provision and concluded it was sufficiently explicit in view of the variations of em

“... courts are reluctant to facially invalidate catchalls that purport to regulate unprotected conduct of government employees.”

ployee speech that could warrant disciplinary action.⁹ In a similar vein, *Parker v. Levy*¹⁰ upheld two sections of the Uniform Code of Military Justice which prohibited “conduct unbecoming an officer and a gentleman” and “all disorders and neglects to the prejudice of good order and discipline in the armed forces.”¹¹ Vagueness and overbreadth challenges were rejected because the Court determined that the Court of Military Appeals and other military authorities had “. . . narrowed the very broad reach of the literal language of the articles, and at the same time . . . supplied considerable specificity by way of examples of the conduct which they cover.”¹² Since the articles applied to a wide range of unprotected conduct, they were not unconstitutionally overbroad under the *Broadrick* “speech plus conduct” standard.

Lower Court Adjudications

Lower courts also view facial invalidation as an extraordinary remedy to be used sparingly. The “pure speech” versus “speech plus conduct” distinction adopted in *Broadrick* is the principal analytical framework for determining the constitutionality of catchall rules. A “conduct unbecoming an officer” standard is generally upheld because it reaches a significant quantity of unprotected conduct. Conversely, a rule prohibiting “disparaging remarks” regulates only speech and is subject to invalidation under *Broadrick*. For example, in *Gasparinetti v. Kerr*,¹³ three different regulations of the Newark, NJ, Police Department were declared facially invalid on overbreadth grounds. The three regulations were directed solely at the speech of police officers and prohibited *inter alia* “unfavorable comments” and “public disparagement.”¹⁴ The

Gasparinetti court decided the “unfavorable comments” proscription unnecessarily sweeps within its ambit the following examples of employee speech that could be protected under *Pickering*: (1) Criticism of departmental work rules voiced by officers at a public PBA meeting, (2) an officer’s expression to the media that the public’s interest is not served by a rule requiring patrol cars be manned by one officer, and (3) an officer’s charges that the police director is not negotiating in good faith with the police union.¹⁵ Distinguishing the broadly phrased regulations in *Arnett* and *Parker* which restricted both speech and conduct, *Gasparinetti* held the “public disparagement” rule was a direct prohibition of speech lacking any interpretive guidance to delimit its scope.¹⁶ The court also rejected the contention that a “reasonable man” standard should be read into the “comment unfavorably” rule because that prohibition is not susceptible to objective measurement.¹⁷ Citing as unpersuasive the department’s interpretation that a policeman at a public meeting would be permitted to call a department policy unwise but would be in violation of the rule if he used the word “stupid,” the Court observed:

“[W]e do not think that a police officer should be required to make such a subtle distinction when it involves his First Amendment rights. It is precisely this kind of broad, overinclusive restriction on speech which deprived First Amendment freedoms of the breathing space those liberties need to survive, . . . since the person regulated can never be certain that he will be penalized for speech which is indeed protected.”¹⁸

In *Barrett v. Thomas*,¹⁹ regulations in the Dallas County Sheriff’s Office²⁰ were declared facially invalid because they attempted to limit unprotected speech through “. . . a prophylactic approach that prohibits constitutionally protected activity.”²¹ The court was particularly troubled by a flat prohibition on “unauthorized public statements” and a rule denying employees the right to speak to reporters on controversial topics. *Barrett* offered the following criticism of the impermissible overbreadth of those rules:

“[A]lthough promoting loyalty, discipline, and efficiency in the department is a legitimate goal, these rules sweep beyond their intended ambit and impermissibly chill protected speech by the department’s employees.”²²

Barrett upheld other catchall rules that prohibited *inter alia* “conduct subversive of good order” and “the use of abusive, insulting, or indecent language to a supervisory officer.”²³ The court expressed reluctance “. . . to circumscribe narrowly the sheriff’s discretion . . .”²⁴ and ruled in deferential fashion that such catchall regulations are appropriate to promote discipline, esprit de corps, and uniformity in law enforcement. *Barrett* thus represents a clear application of the *Broadrick* “pure speech” versus “speech plus conduct” approach.²⁵

Not all Federal courts agree on the facial validity under *Broadrick* of “speech plus conduct” type catchall rules in law enforcement. In *Bence v. Breier*,²⁶ the U.S. Court of Appeals for the Seventh Circuit ruled unconstitutional on vagueness grounds a catchall rule in the Milwaukee Police Department which prohibited “conduct

“... prior communication requirements are constitutional insofar as they further important government interests by protecting confidential information.”

unbecoming a member and detrimental to the service.” Two officers were officially reprimanded under that rule after they sent a letter to the city’s chief labor negotiator complaining of inadequate compensation for late shift work. *Bence* distinguishes the police department’s catchall rule from one upheld by the Supreme Court in *Arnett* by concluding that the catchall rule in *Arnett* was by necessity broadly worded because it regulated a diverse group of Federal civil service employees.²⁷ In contrast, the Milwaukee Police Department rule is directed at a homogeneous unit whose members perform similar functions. That distinction in *Bence* is important because it addresses a major problem with catchall rules. Commenting on the lack of ascertainable standards for the terms “unbecoming” and “detrimental,” the court wrote:

“[L]ike beauty, their content exists only in the eye of the beholder. The subjectivity implicit in the language of the rule permits police officials to enforce the rule with unfettered discretion, and it is precisely this potential for arbitrary enforcement which is abhorrent to the Due Process Clause.”²⁸

Bence, then, essentially holds that greater particularization is constitutionally required where it is administratively feasible.²⁹ The court was concerned that catchall rules may operate to chill protected speech.³⁰ The court was also troubled that officers were not officially informed—either by departmental policy or through authoritative interpretation—that protected speech is not covered by the provision prohibiting “conduct unbecoming a member and detrimental to the service.”

In *O'Brien v. Town of Caledonia*,³¹ the U.S. Court of Appeals for the Seventh Circuit reaffirmed its earlier decision in *Bence* and found unconstitutionally vague a catchall regulation prohibiting police officers from conduct “leading to the discredit of the town.”³² The court expressed concern over its lack of objective criteria and the threat of subjective and arbitrary enforcement. *O'Brien* also declared the following two sections of a police department manual facially invalid on overbreadth grounds:

“Respect. No member or employee shall, on or off duty, by word or deed, evince disrespect, discourtesy or criticism of a supervisory officer or fellow personal [sic].

“Criticism. Members and employees of the Department shall not speak in a critical or derogatory manner to any person outside of the Department, regarding the orders or instructions issued by supervisory officers.”³³

The court held those sections facially invalid because they prohibited all criticism of the department regardless of the context, forum, or public interest involved.³⁴ In contrast, the seventh circuit in *Zook v. Brown*³⁵ upheld the facial validity of the following particularized speech restriction which regulated the public statements and appearances of employees in the Campaign County Sheriff’s Department:

“When acting as representatives of the department, officers shall receive approval from the sheriff before they address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or periodical release, or divulge investigative information or any other matters of the department.”³⁶

Zook concludes the above rule is not unconstitutionally overbroad because it only prohibits officers from making public statements when acting as departmental representatives and is not directed at expressions of opinions by officers in their capacities as private citizens.³⁷

PROCEDURAL RESTRICTIONS

Organizational policies and procedures are either substantive or procedural in terms of their effect on employee speech. Substantive restrictions generally regulate speech content, while procedural restrictions focus on the timing, place, and manner of employee speech. Law enforcement organizations impose various procedural restrictions on employee speech, including prepublication review, prior-permission obligations, and chain-of-command-type rules, all of which require prior channeling of speech to a designated person or established grievance system. This section explores the constitutionality and utility of these procedural restrictions on employee speech.

Prepublication Review

In *Snepp v. United States*,³⁸ the Supreme Court upheld a prepublication review procedure in the Central Intelligence Agency (CIA). Frank Snepp began employment with the CIA in 1968 and executed as a condition of employment a secrecy agreement that expressly stipulated that he would not publish any material relating to the agency during or after his employment without specific prior approval by the agency.³⁹ While serving in Vietnam during the period the

United States withdrew from participation in the war, Snepp was granted frequent access to classified information, including information regarding CIA intelligence sources and methods. Snepp became dissatisfied with the manner in which the CIA conducted its affairs in Vietnam and resigned in 1976. In connection with his resignation, Snepp executed another secrecy agreement reaffirming his obligation to submit material for prepublication review. Snepp subsequently published a book entitled *Decent Interval*, which contained serious allegations of misconduct in regard to CIA participation in Vietnam. Since Snepp published the book without submitting the manuscript for prepublication review as required in the secrecy agreements, the Court ruled he breached a fiduciary obligation.⁴⁰ Conceding that *Decent Interval* contained no classified information, the Court nevertheless upheld Snepp's contractual obligation of prepublication review and applied a constructive trust on the book's proceeds. The majority in *Snepp* expressed concern about the dangers of similarly situated employees deciding for themselves whether particular information is properly classified and the associated risk that sensitive information might be disclosed. The prepublication review procedure was viewed as a reasonable method to ensure *in advance* the protection of vital governmental interests in the secrecy of national security information and to preserve the appearance of confidentiality essential to the effective operation of foreign intelligence.⁴¹

To avoid overstating its significance, it is important to understand what *Snepp* did not decide. First, the case did not address the scope of

Snepp's first amendment right to publish or speak about the CIA. The narrow question before the Court concerned Snepp's legal obligation to submit to prepublication review.⁴² Second, the Court did not address the difficult first amendment questions that could arise if Snepp had complied with the prepublication review requirement and then published despite CIA objection. The decision is predicated on the assumption the secrecy agreements gave the CIA no independent authority to censor Snepp's writings and that the agency would have the burden of seeking an injunction to block publication.⁴³ Third, the Court did not delineate the extent to which other governmental employers could enforce similar contractual or fiduciary obligations as conditions of employment. However, the following quotation from the opinion suggests that prepublication review would be a permissible procedural restriction for law enforcement organizations to impose on their employees:

"Without a dependable prepublication review procedure, no intelligence agency or responsible government official could be assured that an employee privy to sensitive information might not conclude on his own—innocently or otherwise—that it should be disclosed to the world."⁴⁴

That quotation implies that law enforcement organizations can constitutionally use secrecy agreements and prepublication review procedures whenever employees are granted special access by virtue of their employment to confidential government information. Law enforcement organizations have legitimate interests in preventing the improper disclosure of secret information and preserving the appearance of confidentiality. That improper disclosure of sensitive informa-

tion concerning pending criminal investigations or investigative techniques seriously compromises the effectiveness of the government's prosecutive efforts. Moreover, the successful cultivation of good citizen and criminal informants requires the public perception that law enforcement employees are disciplined and trustworthy in the handling and protection of confidential information.

Distinguishing Unconstitutional "Prior Restraints"

By definition, "prior restraints" are prohibitions on speech imposed in advance of utterance or publication that effectively prevent information from reaching the public. Prior restraints have appeared in various forms, including licensing systems for the press, administrative preclearance schemes where the prior permission of an executive official is mandated, and injunctions. While legal scholars continue to debate the contours and wisdom of the prior restraint doctrine, it is sufficient for present purposes to point out that prior restraints are specially disfavored in first amendment jurisprudence because they either prevent speech from reaching the public or share in common the evils of discretionary censorship.⁴⁵

The CIA's prepublication review contingency is distinguishable from an unconstitutional prior restraint. First, *Snepp* upholds the enforceability of the secrecy agreement only to the extent it requires prepublication review. As construed by the Court, the agreement gave the CIA no authority to censor or suppress speech. Despite literal language purporting to re-

"Courts acknowledge the constitutional legitimacy of a reasonable chain-of-command obligation, but readily excuse employee noncompliance whenever a particular rule is preceived as unnecessarily burdensome, unevenly enforced, or ineffective."

quire *prior approval*, the Court interpreted the secrecy agreement as mandating only the *prior communication* of intended speech within the context of the prepublication review procedure. Second, prepublication review is a reasonable procedural restriction on employee speech because it is narrowly tailored to important governmental interests that blossom when employees are granted special access to confidential government information during the course of their employment. If the first amendment permits substantial restrictions on the content of employee speech to facilitate important governmental interests, then it is logical to conclude that prior communication requirements are constitutional insofar as they further important governmental interests by protecting confidential information.

Chain-of-Command Obligations

Chain-of-command-type obligations that purport to channel employee work-related speech to designated individuals are constitutional if narrowly tailored to meet legitimate organizational objectives. Procedural restrictions that mandate only a *prior channeling* of employee speech are not unconstitutional prior restraints because they do not provide for the censoring or suppression of speech. Many police agencies have rules that require officers to direct their criticism to an immediate superior or established internal grievance system. These chain-of-command obligations reflect a legitimate law enforcement need for the orderly communication and internal resolution of employee complaints. By discouraging employees from blowing the loudest whistle

first, they establish a filtering process that allows for the discussion of organizational problems and an assessment of the risks and consequences associated with employee expression.

Courts acknowledge the constitutional legitimacy of reasonable chain-of-command obligations, but readily excuse employee noncompliance whenever a particular rule is perceived as unnecessarily burdensome, unevenly enforced, or ineffective. For example, in *Czurlanis v. Albanese*,⁴⁶ an employee addressed a public meeting of the county board concerning various problems in the Division of Motor Vehicles. The employee was subsequently disciplined for failing to adhere to a chain-of-command policy which required that he present his complaints to his immediate supervisor and county manager before appearing before the county board. The U.S. Court of Appeals for the Third Circuit held the county's chain-of-command policy incompatible with the first amendment because it compelled employees to route complaints about poor departmental practices to the very officials responsible for those practices.⁴⁷ While *Czurlanis* concludes the policy impermissibly chilled speech and deterred whistleblowers, the court would presumably approve a prior channeling chain-of-command requirement that compelled employees to route complaints to a neutral official or agency ombudsman specially designated to receive such complaints.

The U.S. Court of Appeals for the Seventh Circuit in *O'Brien v. Town of Caledonia*⁴⁸ ruled unconstitutional a police department's chain-of-command grievance rule, which it called an absurd exhaustion of administrative remedies requirement.⁴⁹ The rule required officers to file an internal grievance prior to expressing any

work-related concerns to other agencies or persons. In contrast, the U.S. Court of Appeals for the 11th Circuit in *Boyd v. Secretary of the Navy*⁵⁰ responded favorably to a rule which required employees to submit complaints and suggestions to immediate and secondline supervisors before sending them to a department head. *Boyd* characterized the prior channeling chain-of-command rule a valid time, place, and manner restriction because it left open adequate channels of communication by which important information could ultimately reach the public.⁵¹

The enforceability of a particular chain-of-command obligation depends on the interaction of several factors, including the importance and urgency of the message, prior efforts at compliance, consistency and uniformity of prior enforcement, and likelihood that compliance will produce a meaningful dialog. Carefully tailored chain-of-command obligations are functionally no different than reasonable time, place, and manner restrictions because they only delay speech from reaching the public. Chain-of-command rules foster internal resolution of employee complaints and serve important governmental interests in employee discipline and esprit de corps. A chain-of-command obligation works to deter employees from engaging in speech that unnecessarily damages legitimate law enforcement interests for it alerts employees and management to the possible risks and probable consequences of a particular expression.

A Proposed Model Policy

The ideal employee speech policy for law enforcement will carefully tailor speech restrictions to legitimate organizational goals and objectives. Such a policy should encourage responsible speech, yet allow managers to act swiftly and decisively to discipline employees for nonprotected activity. Employee speech rights and obligations should be specifically set out in written policies, and they should spring from a careful assessment of speech value and organizational responsibilities. In drafting such policies, four goals should be met. First, the policies should reflect as a central theme the institutional encouragement of responsible employee criticism. Second, managerial prerogatives to maintain order and discipline employees for misconduct should be carefully preserved. Third, policies should establish an effective mechanism to resolve conflicts including, if possible, an ombudsman or other designated official to coordinate employee criticisms and work-related concerns. Fourth, special protection and guidance for employee whistleblowers should be established.⁵²

The proposed model set forth below consists of a general policy statement and 10 specific categories of rules and regulations. It is designed for a medium-sized police department, but can be easily modified to accommodate the needs of other types and sizes of law enforcement organizations.

General Statement Regarding Employee Speech Rights and Obligations

Law enforcement employees are entrusted with special responsibilities. They must conduct themselves in a professional manner

and are subject to discipline for engaging in "conduct unbecoming an officer" or "conduct detrimental to the department." This department recognizes that employees enjoy constitutional protection to engage in reasonable speech activity, including work-related criticism and complaints. This employee speech policy is designated to provide guidelines for employees and management to ensure that employee speech does not unnecessarily harm legitimate law enforcement interests. Specific restrictions on employee speech set forth below are necessary to protect the integrity of the department and ensure that efficient and effective police services are delivered to the community. Employees are encouraged to express their views in a responsible and productive manner. Employees contemplating speech activity should carefully review the following rules and procedures.

1. *Speech unprotected as a matter of law*

Employees are subject to disciplinary action for speech constituting treason, libel, slander, perjury, incitement to riot, or knowingly false statements regarding departmental operations or personnel. Employees shall not publicly criticize departmental operations, policies, or personnel by speech, writing, or expression in any other manner when such speech is factually inaccurate or is made with a reckless disregard for its truth or falsity.

2. *Off-duty speech unrelated to employment*

When employees are off duty and out of uniform, they enjoy the same

speech rights as other citizens, except for restrictions on partisan political speech imposed by law or for specific restrictions imposed by departmental policy.

3. *Chain-of-command grievance procedures and office of the ombudsman*

A departmental chain-of-command grievance system and office of ombudsman is established to provide for the orderly and effective resolution of employee problems and concerns. Employees are strongly encouraged to express their work-related criticism and complaints to their immediate supervisor and then to the ombudsman. Employees must submit to their immediate supervisor a written summary of any personal internal grievance. Such personal grievances will be processed through the chain of command, and employees will receive a written response from the office of ombudsman within 14 working days. Any questions concerning the meaning or implementation of the department's employee speech policies should be directed to the ombudsman.

4. *Secrecy agreement to protect confidential information and prepublication review obligation*

All employees are required to sign a secrecy agreement as a condition of employment wherein they promise not to disclose or divulge any "confidential" information obtained by virtue of their employment to persons not specifically authorized to receive such information. "Confidential" information includes investigative, informant, internal affairs, personnel files, and any other information relating to departmental operations or

"Employee speech rights and obligations should be specifically set out in written policies."

personnel that a reasonable person would consider "confidential." Uncertainty over whether particular information is "confidential" should be resolved by consultation with the ombudsman or chief.

Employees are required to submit to the ombudsman for review any writing intended for publication relating to law enforcement. This prepublication review in no way serves to censor an employee's writing; rather, it is designed to prevent the improper disclosure of confidential information and to alert employees to the possible consequences of their intended publication.

5. Whistleblower protection and procedures

Employees are required to report immediately any evidence of another employee's criminal wrongdoing to the chief or ombudsman. In the event either the chief or ombudsman is suspected of criminal wrongdoing or of covering up another employee's wrongdoing, employees are required to report such information directly to the appropriate prosecuting attorney. Employees are subject to termination for any activity that interferes with or hinders the successful prosecution of an employee's criminal misconduct. Employees are not subject to retaliatory disciplinary action for reporting under this rule. However, employees are subject to discipline for making frivolous reports.

6. Impartiality requirement

Employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, a professional

service, or a commercial service including but not limited to the services of an attorney, bondsman, funeral director, ambulance service, or towing service. Employees are prohibited while on duty or in uniform from making political endorsements or expressions of favoritism toward a particular political issue or candidate. Employees are prohibited from using their official capacity to influence or interfere with the results of any political election except for a legitimate labor association election. Any exception to the above must be authorized by the chief.

7. Public appearances representing the department

Employees must receive the prior permission of the chief before making any public appearance officially representing the department or one that gives the impression they are representing the department. Officers in departmental uniform, whether on or off duty, shall not make any speeches or presentation to any civic club, religious gathering, private or public organization, or any other organized gathering without the prior approval of the chief. The off-duty expression of personal views by employees in their capacity as private citizens is not covered by this rule.

8. Onduty speech restrictions

The need for esprit de corps, discipline, and harmony in a law enforcement organization necessitates some additional restrictions on employee speech when employees are on duty. Employees on duty or in uniform should restrain from using indecent or profane language. Employees shall be courteous to citizens,

maintain command of their temper, and refrain from coarse, boisterous, or insolent language. Upon request, employees are required to provide citizens their name and badge number.

Employees shall treat superiors, subordinates, and associates in a respectful manner. Employees are prohibited from making personal attacks that ridicule, belittle, or defame another member of the department. No employee shall use epithets or terms that tend to denigrate a particular race, religion, sex, or ethnic group.

Management-level employees have a duty of loyalty to support and defend management policies when addressing nonmanagement-level employees or subordinates.

The failure or deliberate refusal to obey a lawful order or command of a superior constitutes insubordination and is grounds for termination. Employees who feel a particular order is unfair or unwise are required to obey that order to the best of their ability. Employees are, however, encouraged to express objections to orders to their immediate supervisor or ombudsman for processing as a formal grievance through the appropriate chain of command.

Employees must obtain permission from the chief to circulate while on duty or on department property any petitions, questionnaires, or other material relating to employee grievances or conditions of employment.

9. Public criticism

Public criticism of departmental operations or personnel can undermine the public's confidence in law enforcement and adversely affect morale. Accordingly,

employees are required to express either orally or in writing any work-related criticism to their immediate supervisor or ombudsman prior to expressing that criticism publicly. Constructive criticism is encouraged, and employees will not be disciplined for responsibly expressing their criticism to the ombudsman. While it is not possible to list all the factors that will be evaluated in deciding whether an employee should be disciplined for public criticism, the presence of one or more of the following factors will be considered as grounds for disciplinary action:

(a) The employee personally criticized another person in a way that undermined discipline or a close working relationship.

(b) The employee failed without justification to use the chain-of-command grievance procedures or office of the ombudsman prior to engaging in public criticism.

(c) The speech related only to a personal internal grievance of the employee and did not concern a matter of significant public interest, such as serious mismanagement, a gross waste of funds, the abuse of authority, or a specific and substantial danger to public health.

(d) The speech was delivered in an intemperate, offensive, or unprofessional manner.

(e) The speech violated a specific provision of departmental policy.

10. *Contact with the news media*

All inquiries by the news media concerning information under the control of the department—computerized information or the status of either a closed or pending investigation—should be referred to the ombudsman or official in charge. All requests for press releases or

interviews must be coordinated with the ombudsman or official in charge.

CONCLUSION

To review, there are at least five important benefits to be gained by law enforcement organizations that develop particularized employee speech policies that encourage responsible employee criticism. First, the regulation of employee speech within clearly established boundaries mitigates many of the constitutional concerns associated with unpredictable standards. The potential for chilling protected speech is significant where employees are unable to make informed predictions about their speech rights. Employee speech otherwise protected by the first amendment may be chilled because conscientious employees, uncertain of their rights, refrain from speaking. Unpredictable standards tend to induce an undesirable level of self-censorship in cautious employees. By excluding speech from the reach of catchall rules through an affirmative policy statement of employee speech rights and obligations, law enforcement organizations can reduce those legal concerns associated with unpredictable speech standards, and at the same time, retain the managerial benefits of catchall regulations.

Second, particularized employee speech regulations protect important law enforcement interests in confidentiality,⁵³ loyalty, internal order, and morale. Unpredictable standards may cause employees to unwittingly damage these governmental interests and suffer disciplinary sanctions, both of which could be avoided by particularized policies. For example, employees who are uncertain of their speech rights, yet determined to speak, may recklessly and unnecessarily disclose confidential information—then attempt to immunize themselves from discipli-

nary action by claiming first amendment protection. Unpredictability may thus have the unintended effect of encouraging employees to blow out the loudest whistle first.

Third, particularized employee speech policies properly protect managerial interests. Vague or overbroad regulations can hinder rational decisionmaking by inviting knee-jerk responses from managers. Uncertainty over employee rights and obligations can lead managers to impose arbitrary and unprincipled disciplinary action whenever they are faced with dramatic or abrasive employee criticism. Law enforcement managers need wide discretionary authority and flexibility to impose discipline for employee conduct that is harmful to legitimate law enforcement interests. That important managerial prerogative can be preserved if law enforcement organizations properly particularize employee speech rights and obligations as an adjunct to the use of catchalls.

Fourth, organizational policy that encourages responsible employee criticism works to heighten public confidence in law enforcement and also improves employee morale and job satisfaction. The manner in which internal conflict is managed contributes significantly to the public's perception of the legitimacy of an organization's decisionmaking. Employee speech policies that reasonably encourage employee criticism increase the credibility of managerial decisions by reducing the suspicion and distrust that sometimes accompanies low visibility decisions in law enforcement organizations that are, by necessity, closed to regular public scrutiny. Moreover, the morale of law enforcement employees depends in part on the degree to which they are afforded an

"... law enforcement organizations will benefit from policy that moderates the natural inclination of management to squelch employee criticism."

opportunity to responsibly criticize decisions that effect their profession. One author suggests that the increasing level of employee dissidence in both the public and private sectors is attributable to educational and cultural influences that have produced employees who are more apt to challenge oligarchic pronouncements.⁵⁴

Fifth, organizational policies that encourage reasonable employee speech contribute to organizational development and change by facilitating the orderly integration of employee suggestions and criticisms. A reasonable level of employee dissidence, in fact, contributes to institutional health and effectiveness, for it serves to counteract the stultifying forces of organizational bureaucracy. Management often receives a filtered account of problems in the trenches, and it may benefit from hearing an employee's more focused and uncensored perspective. A policy of management-encouraged dissidence, of course, necessarily provokes some institutional tension and conflict. But management's resolve to accept and endure short-term problems caused by such tension will ultimately produce long-term benefits. Discipline and morale are not enhanced by organizational policy that forecloses employee expression in order to create an illusion of harmony. Underlying dissension will ultimately manifest itself in disobedience and employee dissatisfaction. When properly regulated as to time, place, and manner, management-encouraged criticism provides a useful outlet for the airing of employee complaints and creates a healthy atmosphere for organizational growth and operational efficiency.⁵⁵

In the final analysis, law enforcement organizations will benefit from policy that moderates the natural inclination of management to squelch employee criticism. Employee criticism that is routed through an effective internal grievance system provides a factual basis for subsequent managerial decisionmaking and may illuminate serious organizational problems. Moreover, law enforcement will share with the judiciary the responsibility of protecting valuable employee speech.

FBI

Footnotes

¹ See Daniel L. Schofield, "Freedom of Speech and Law Enforcement Employment—An Analysis of *Connick v. Myers*," *FBI Law Enforcement Bulletin*, November and December, 1984; pp. 25-31, pp. 17-23.

² See, e.g., Amsterdam, "The Void-For Vagueness Doctrine in the Supreme Court," 109 U. Pa. L. Rev. 67 (1960); Shaman, "The First Amendment Rule Against Overbreadth," 52 Temp. L. Q. 259 (1979); and Falls, "First Amendment Vagueness and Overbreadth: Theoretical Revisions by the Burger Court," 31 Vanderbilt L. Rev. 609 (1978).

³ A speech regulation can be specific and yet overbroad. For example, a departmental rule prohibiting all public criticism of the chief is reasonably clear, but is overbroad because it unnecessarily sweeps within its coverage speech protected by the first amendment.

⁴ 413 U.S. 601 (1973).

⁵ The Court upheld various sections of the Oklahoma Merit System Personnel Administration Act, including a provision that prohibited employees from taking part in the management of any political party or campaign. A provision explicitly gave employees the right as citizens to express their opinion privately and to cast their vote. *Id.* at 606.

⁶ The Court also rejected a vagueness challenge by noting that "ordinary person[s] exercising ordinary common sense could sufficiently understand and comply" The prohibitions on political activity were not substantially overbroad because they had been authoritatively interpreted by State officials as reaching only partisan political activity. *Id.* at 617-18.

⁷ 416 U.S. 134 (1974).

⁸ *Id.* at 162.

⁹ *Id.*

¹⁰ 417 U.S. 733 (1974).

¹¹ The case involved an Army physician who was convicted by a general court-martial after making public statements urging black soldiers to refuse to obey orders to go to Vietnam and describing special forces personnel as "liars and thieves and killers of peasants and murderers of women and children." *Id.* at 737.

¹² *Id.* at 754.

¹³ 586 F. 2d 311 (3d Cir. 1977), *cert. denied*, 98 S.Ct. 2232 (1977).

¹⁴ The regulations at issue read:

"Chapter 3:1.2-5 Derogatory Reference—Police officers and civilian employees shall not by manner, gesture, or speech criticize or make derogatory reference to Department orders or instructions either to the public or to the members of the Department.

"Chapter 3:1.2-8 Censuring Official Transaction—Unless in accord with official duties, police officers and civilian employees shall not, either in writing or discussion, censure other Department members concerning official transactions within the Department.

"Chapter 6:7 Public Disparagement—Department members shall not publicly disparage or comment unfavorably or disrespectfully on the official action of a superior officer, nor on the Rules, Regulations, Procedures, or Orders of the Police Department."

¹⁵ *Id.* at 316.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 316-17 (citation omitted). In a subsequent case decided several years after *Gasparinetti*, the third circuit assumed a more deferential posture and refused to invalidate on overbreadth or vagueness grounds rules in a fire department which regulated a broad range of activities including speech. Noting that facial invalidation is not a finely honed scalpel in the hands of a surgeon, but a broad instrument which must be applied with restraint, the court identified four factors to be examined in an overbreadth claim: (1) The number of valid applications compared to the number of potentially invalid applications, (2) the frequency of a statute's conceivably impermissible applications, (3) the nature of the activity or conduct sought to be regulated, and (4) the nature of the government's underlying interests. *Aiello v. City of Wilmington*, 623 F. 2d 845, 855 (3d Cir. 1980).

¹⁹ 649 F. 2d 1193 (5th Cir. Unit A 1981), *cert. denied*, 102 S.Ct. 1969.

²⁰ The regulations provided in pertinent part: "Gossiping about affairs of the department, or the members of it, making unauthorized public statements, or the unauthorized revealing of confidential information of any kind is prohibited.

1. No employee of this department will address any statement or remark to any member of the news media that is or could be of a controversial nature. All requests will be referred to the Sheriff even during my absence.

2. No member of this department will discuss any matters pertaining to policy or procedure of this department with any elected official or department head."

²¹ *Id.* at 1199.

²² *Id.*

²³ The rule entitled "Willful Disobedience or Insubordination" provided:

"No member of the department, to whom a lawful order is addressed by a supervisory officer, shall willfully disobey that order, and no conduct subversive of the good order or discipline of the department will be tolerated. Continuous or willful violations of this Code of Conduct are punishable under this rule.

a. no deputy shall use abusive, insulting, or indecent language to a supervisory officer."

²⁴ *Id.* at 1198.

²⁵ In an important case decided prior to *Barrett*, a divided fifth circuit ruled constitutional a fire department regulation that prohibited "conduct prejudicial to good order." Relying on the fact employee speech protected by the first amendment was excluded from the coverage of the catchall regulation, the court upheld the rule as a necessary tool for the effective management of fire and police departments, *Davis v. Williams*, 617 F.2d 1100 (5th Cir. 1980) (en banc), *cert. denied*, 101 S. Ct. 336. For a discussion of the *Davis* decision, see Note, "Limiting Public Expression by Public Employees: The Validity of Catchall Regulations," 18 Houston L. Rev. 1097 (1981).

²⁶ 510 F. 2d 1185 (7th Cir. 1974), *cert. denied*, 95 S. Ct. 804.

²⁷ *Id.* at 1190.

²⁸ *Id.*

²⁹ The court acknowledged that vagueness is a matter of degree and that fairness rather than perfect precision is the essence of due process. Due process requires that each rule be examined to determine whether, in fact, further specificity is feasible or practical.

³⁰ For a good discussion of the *Bence* decision, see Note, "Constitutional Law—Vagueness Doctrine—Police Department Regulations Proscribing Conduct Unbecoming An Officer is Void for Vagueness," 53 Texas L. Rev. 1198 (1975). A result somewhat inconsistent with *Bence* was reached by the ninth circuit in *Kannisto v. City and County of San Francisco*, 541 F. 2d 841 (9th Cir. 1976), *cert. denied*, 430 U.S. 931 (1977), where an officer made disparaging remarks about a superior officer while addressing his subordinates during a morning inspection. He was suspended for "unofficerlike conduct" which "tends to subvert the good order, efficiency, or discipline of the Department." The ninth circuit rejected a vagueness challenge to that "catchall" regulation because it was clearly not vague as applied to the complaining officer. *Id.* at 844-45.

³¹ 748 F. 2d 403 (7th Cir. 1984).

³² *Id.* at 406.

³³ *Id.* at 405.

³⁴ *Id.* at 406.

³⁵ 748 F. 2d 1161 (7th Cir. 1984).

³⁶ *Id.* at 1163.

³⁷ *Id.* at 1167.

³⁸ 444 U.S. 507 (1980).

³⁹ *Id.* at 508.

⁴⁰ The Court concluded that *Snepp* deliberately and surreptitiously violated the agreements. *Id.* at 510.

⁴¹ The Court was sympathetic to the CIA's appearance-of-confidentiality argument that foreign intelligence sources would not share intelligence information with the CIA unless the agency could guarantee the security of that information. *Id.* at 512-13, n. 8.

⁴² While *Snepp* was a former employee, secrecy agreements are equally binding on current employees, who are subject to termination in the event of a breach.

⁴³ 444 U.S. at 513, n. 8.

⁴⁴ *Id.*

⁴⁵ In *New York Times Co. v. United States*, 403 U.S. 713, 714 (1971), the Court reaffirmed that "any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity." Special hostility to prior restraints is premised on the notion that a "free society prefers to punish the few who abuse rights of speech *after* they break the law than to throttle them and all others beforehand." *Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546, 559 (1975).

⁴⁶ 721 F. 2d 98 (3d Cir. 1983).

⁴⁷ *Id.* at 105-06.

⁴⁸ 748 F. 2d 403 (7th Cir. 1984).

⁴⁹ *Id.* at 408.

⁵⁰ 709 F. 2d 684 (11th Cir. 1984), *cert. denied*, 104, S. Ct. 709.

⁵¹ *Id.* at 687.

⁵² For example, Congress enacted as a part of the Civil Service Reform Act of 1978 a provision entitled "Prohibited Personnel Practices in the Federal Bureau of Investigation," which provides certain protection for employees who disclose information to the Attorney General or his designee which the employee reasonably believes evidences (1) a violation of any law, rule, or

regulation; or (2) mismanagement, a gross waste of funds, and abuse of authority, or a substantial and specific danger to public health or safety, 5 U.S.C. Sec. 2303 (Supp. 1985). In regulations promulgated by the Attorney General, the Counsel on Professional Responsibility may request the Attorney General to stay any personnel action on reasonable grounds to believe that the action was taken as a reprisal for a disclosure of information in accordance with the above statute. 28 C.F.R. Sec. 0.39c (1984).

⁵³ In *Jurgensen v. Fairfax County, Virginia*, 745 F. 2d 868 (4th Cir. 1984), a divided panel upheld the demotion of an employee in the Fairfax County Police Department for his knowing violation of a departmental regulation by removing an internal inspection report from departmental files and releasing that report to a newspaper reporter. The court ruled the release of the report was insubordination because the employee violated a valid departmental regulation designed to prevent the improper disclosure of documents in the agency's files.

⁵⁴ For a comprehensive discussion of the value of employee speech in private sector employment, see David W. Ewing, *Do It My Way Or You're Fired* (1983).

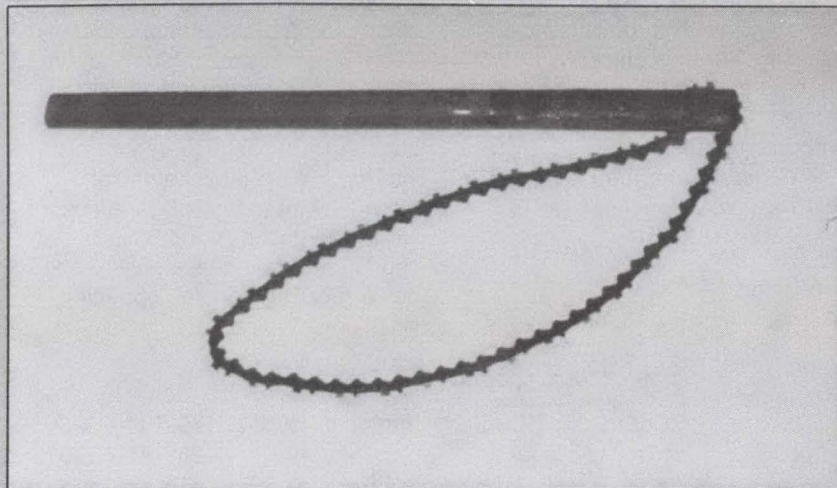
⁵⁵ Various methods of improving internal communication within law enforcement organizations have been explored. For example, the Illinois State Police have formed a statewide troopers council to improve communications between the superintendent and road troopers. Meetings are held triannually, at which time the concerns of the troopers are expressed by representatives from different districts. See, Joyce M. Hayes, "A System for Improving Internal Communication Within a Police Agency," *Police Chief Magazine*, November 1983.

Chain Saw Whip

Officers of the U.S. Park Police confiscated this weapon during a traffic stop on the Blue Ridge Parkway near Asheville, NC.

The weapon, which was stored between the driver's seat and door, is easily constructed from an axe handle and a 22-inch chain saw chain. The driver of the vehicle stated that he and friends had made similar weapons at home and that this particular weapon—called Henrietta—could "handle any man in the country."

(Submitted by the U.S. Park Police, Asheville, NC)



WANTED BY THE FBI



Photograph taken 1975

Because of the time factor in printing the FBI Law Enforcement Bulletin, there is the possibility that this fugitive has already been apprehended. The nearest office of the FBI will have current information on this fugitive's status.

Charles Lee Herron

Charles Lee Herron, also known as Larry Brown, James Larry Butler, Lee Jones, D.A. Kimathi, Milo Ramsey, Bennie Leroy Smith, "Blood," "George," "Kimathi," "Larry," and "Shorty"

Wanted For:

Interstate Flight—Murder; Assault to Commit Murder

The Crime

Herron, one of the FBI's "Ten Most Wanted Fugitives" and a suspected member of a gang that was allegedly passing stolen money orders, is being sought for the shooting murders of two police officers wherein high-powered rifles were used. The two officers attempted to stop the car allegedly occupied by Herron when they were cut down by shots.

A Federal warrant for Herron's arrest was issued on January 19, 1968, at Nashville, TN.

Description

Age..... 48, born April 21, 1937, Covington, KY (not supported by birth records).
Height..... 5'7" to 5'8".
Weight..... 140 to 150 pounds.
Build Slender.

Hair..... Black.
Eyes Brown.
Complexion Dark.
Race..... Black.
Nationality..... American.
Occupations Clerk, home repairs.

Scars and marks Scar corner of left eye, scar on left wrist; gap between upper front teeth.

Remarks Usually wears short to medium Afro hairstyle, sideburns to earlobes, and heavy eyebrows, may have head shaven, be clean shaven, or may have straggly goatee; wears wire-rimmed glasses, always wears sunglasses when outside; lefthanded; generally wears a hat, khakis or blue jean-type clothing; has exaggerated walk described as a "strut," may even affect a limp; has high degree of interest in pickup basketball and reportedly frequently plays at school yards and public courts; enjoys sports cars; avid chess player, and has a record of ignored speeding violations.

Social Security Numbers Used 402-44-7920; 253-70-8270.
FBI No. 313 926 G.

Caution

He may be accompanied by William Garrin Allen II, Stephen Correlus Parker, and Ralph Canady. They should be considered armed and extremely dangerous.

Notify the FBI

Any person having information which might assist in locating this fugitive is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC 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:
DOP013PO10DI1214PI14
Fingerprint Classification:
13 0 29 W 000 10
I 18 U 001

I.O. 4163



Left thumbprint

Change of Address

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Complete this form and return to:

Director
Federal Bureau of
Investigation
Washington, DC 20535

Name

Title

Address

City

State

Zip

Interesting Pattern

The pattern presented here is classified as an accidental-type whorl with a meet tracing. It consists of a combination of two different pattern types—a loop over a tented arch.

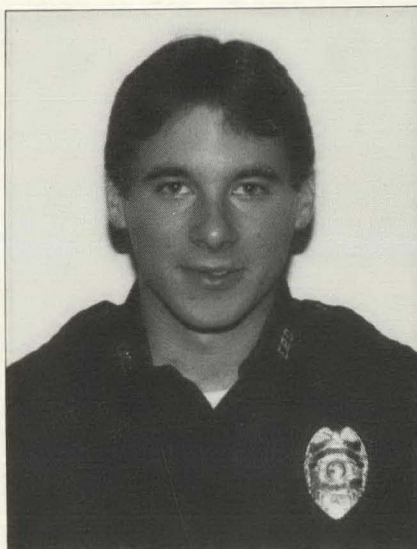


Washington, DC 20535

Official Business
Penalty for Private Use \$300
Address Correction Requested

The Bulletin Notes

Officer Chris Omodt, of the Edina, MN, Police Department, discovered a car stuck in a snowbank last February. Officer Omodt was checking the unconscious driver when the car burst into flames. Cutting the driver's seatbelt, the officer was able to remove the victim and render first aid. The Bulletin joins Officer Omodt's chief in recognizing his exceptional service to the community.



Officer Omodt
