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THE COVER

November's cover features Metrorail, a part of our capital's mass transit system protected by the Metro Transit Police Force (MTP). See article on page 16. (Paul Myatt photograph)





NCJRS

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ACQUISITIONS

TODAY, THE USE OF INFORMANTS by law enforcement is a matter of public debate—and the necessary confidentiality of informants is also being challenged. It is not necessary to demonstrate the value of informants to working police officers; law enforcement professionals know the indispensable role of informants in criminal investigations.

The problem is to make our case to the public, whose perception of our need is prejudiced from the outset by a traditional aversion to informing, an attitude characterized by the very words used to describe confidential sources—"snitches," "squealers," and "stoolies."

In our profession we know that informants can range from the traditional small-time entrepreneur who knows every hoodlum in his "turf" to today's employee who learns of a sophisticated white-collar scheme to defraud the firm or the public and is the only person who can alert authorities.

The use of informants is grounded in historic precedent that has been upheld by the courts over the years. But now we must again make a brief for the practice, or risk losing this investigative technique.

The FBI makes no secret of its use of informants. Some of our biggest cases have been solved

through a combination of hard legwork and timely informant contributions—the Brinks robbery and the murders of the three civil rights workers in Mississippi come to mind. And last year, 2,600 Federal arrests and the recovery of property valued at \$200 million resulted from the FBI's general criminal informant program, accomplishments realized at a cost of only \$927,000.

The Department of Justice fully recognizes the necessity of using informants; the Assistant Attorney General of the Criminal Division recently testified that ". . . the use of informants is a most important investigative technique—one that we need in our efforts to combat organized and white-collar crime, official corruption, narcotics, and organized violence."

He also made a most important point about informants who are themselves part of the criminal element: ". . . they are able to report crimes that are still in the planning stages, thus allowing the government to prevent these crimes and to spare potential victims from physical and economic injury."

The traditional common sense of America's jury of public opinion will undoubtedly prevail, and law enforcement will make its case on informants. But we face a second challenge, the

attack on the confidential relationship between law officer and informant.

The Attorney General of the United States has resolutely faced this challenge in a recent case with a determined stand on the side of confidentiality within the limits of the law. Recognition of the serious danger in this issue has even come from the press, which faces challenges of its own on the use of confidential sources.

The *Atlanta Constitution* editorially noted that "like the FBI, the CIA and other intelligence agencies, the press depends to a considerable extent on a trust relationship between confidential informants. . . . Just as it should not be difficult for reasonable people to see why Attorney General Griffin Bell is reluctant to reveal the names of FBI informants—they might get killed, for one thing—the press is reluctant to break its pledges of confidentiality with its news sources. There is nothing sinister about this—it seems to us that a pledge of confidentiality is something that should be honored."

There are inherent risks in the use of confidential sources, as this editorial points out. In both law enforcement and in newsgathering, the question arises, "How far can their information be trusted?" In the FBI a basic rule for many years

has been to verify informant information through independent investigation whenever possible.

This policy was included in guidelines worked out by the Department of Justice and the FBI under former Attorney General Edward Levi in 1976. In recent congressional testimony on FBI charter legislation, the Department noted the guidelines outlined "limitations on the activities of informants . . . even though many of these limitations were already set forth in individual FBI instructions or recognized in existing practice."

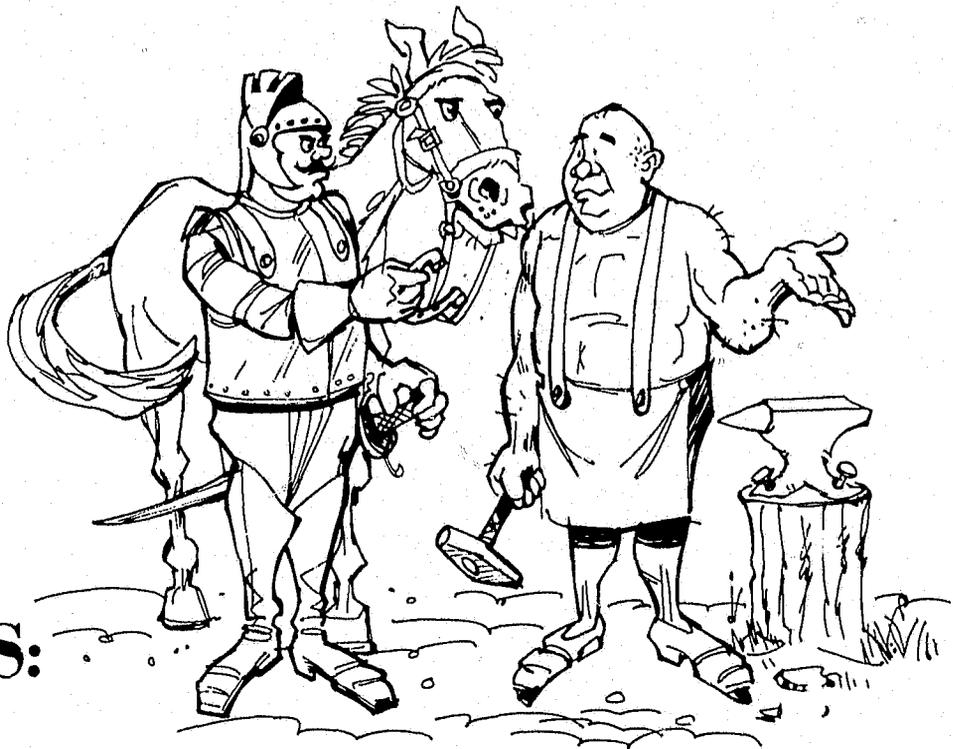
Guidelines for use of informants, whether departmental or embodied in a new congressional charter for the FBI, *will* be followed while I am Director. I fully support the spirit of the present guidelines that "while it is proper for the FBI to use informants in appropriate investigations . . . the FBI must also insure that individual rights are not infringed and that the government itself does not become a violator of the law."

Together, we must reassure the American people that the law enforcement profession recognizes the risks in the use of confidential sources—that we will act judiciously on informant information to insure that "individual rights are not infringed."

November 1, 1978

WILLIAM H. WEBSTER
Director

**REPORT
WRITING
BLUNDERS:**



*The
Case
of the
Missing Nail*

By
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Albert Joseph's recent article, "How To Write Clearly In One Easy Lesson,"¹ was heartwarming in many respects. It not only made a number of good points—in a practical, effective manner—but most importantly of all, it couldn't possibly have aired them in a better place.

As Mr. Joseph pointed out, the lack of good writing is an almost universal problem, but it has special drawbacks in the field of law enforcement where an improperly worded indictment can get a whole case thrown out of court.

Take, for example, the simple statement: Joe, said Pete, killed Harry. Remove the commas, and the statement is completely turned around, with Joe claiming that Pete has done the dirty deed.

Despite this fact, very few law enforcement officers are hired for their knowledge of the English language,

and almost none of them receive any training in it during their days on the force. The result is that their reports—often written under hectic, harried conditions—contain numerous errors of varying degrees of seriousness. They also contain just as many errors of a nonserious nature. Over the years, I have made a hobby of collecting any I came across.

As a followup to Mr. Joseph's article, I offer some of the funnier "bloopers" I have extracted from actual reports with the hope that each provides a lesson of sorts. None of them deal with such out-dated grammatical problems as split infinitives or sentences that end in prepositions, but misplaced modifiers and dangling participles have led many a writer into garbled constructions that even a Mrs. Malaprop might have envied.

Law enforcement officers, being human, fall prey to the same syntactical errors that plague their contemporaries and are just as apt to say "the general consensus of opinion is . . ." or that something "is comprised of" something else. In the former example, the phrase "of opinion" is unnecessary; in the latter, "of" is incorrect. If the sentence requires "of," the preceding word should have been "composed" instead of "comprised."

On a less staid note are some of the following goofs:

"The Public Safety Director stated that he did not feel any of the county officials were trying to flaunt the gun registration law." (Why not? Better to flaunt it than flout it, since flaunt means to show off, while flout means to scoff at or scorn.)

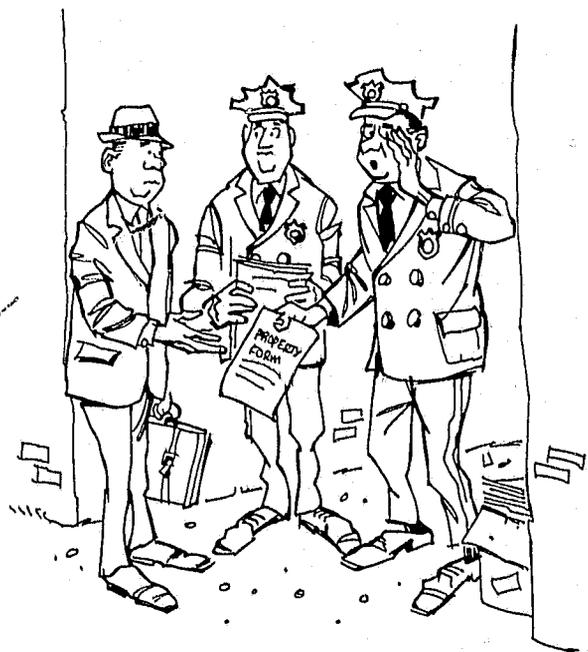
"The subject was cited for wreckless driving." (I wish my son would get one of these citations. Reckless driving is a different matter altogether.)

"The arresting officer found himself caught in a vicelike grip." (Not unless he was arresting a prostitute, he didn't. The correct word should have been "vise-like.")

"State Police recently arrested two fugitives, both wanted in the State of Ohio on the Pennsylvania Turnpike." (Hard to tell here whether the sentence means that Ohio is on the Pennsylvania Turnpike or whether the subjects were wanted only on the turnpike.)

"The police handed out stolen property forms." (At least that is one way to cut down on the expenses of running a police department. Grammatically, however,

a hyphen should have been used between "stolen" and "property" to eliminate the ambiguity.)



"One of the officers called out for the youths to halt three or four times." (This stop-and-start operation must have looked like an old Keystone Kops movie. More accurately, the sentence should have said that the officer called out three or four times for the culprits to halt.)

"At the time of his arrest, the subject had a new revolver which he had bought in the glove compartment of his car." (The glove compartment is a most unusual place to purchase a revolver. I wonder how he and the sales clerk got in there at the same time.)

"In firing another shot, Jones was struck by Brown's bullet and killed." (Let's hope this sentence was never used in a court of law, because it indicates that Jones was engaged in a shootout with Brown, thereby making possible a claim of self-defense. In reality, what the writer meant to say was that Brown fired more than one shot.)

"During the search of Mrs. Brown's residence, several pieces of jewelry were found buried in a flower pot which had been taken during the course of a burglary."

"Paperwork is an essential part of any law enforcement officer's duties. Lack of preparation can have serious repercussions, regardless of how trivial it may seem at the time."

(My mother always told me to watch out for flowerpot thieves. They're the worst kind.)



"When the subject, West, lunged at the patrolman with a knife in his hand, the patrolman said that he had no alternative except to shoot West in the left shoulder." (I don't know; I think he could just as well have shot him in the right shoulder, or else he could have broken up this thought into two sentences rather than use such an awkward construction.)

"Warden Smith advised that recently there have been numerous incidents of the prisoners or visitors smuggling drugs into the stockade which never before existed except on rare occasions." (Wow! This one is a real beaut. I almost wish I had thought of it myself.)

"The group announced its intention to disrupt a performance at the theater and to ridicule an event sponsored by the Army by various means." (Maybe the demonstrators wouldn't have been so angry if the Army had used only one means.)

"The subject quite frequently sells various gamblers in the area automobiles." (I didn't think there was that much of a market for used gamblers at the present time. Actually, this sentence sounds like the old classic where the immigrant farmer reportedly told someone, "I threw the cow over the fence a bale of hay.")

"What are the true facts in this matter"? (Some day I would like to see someone ask what the untrue facts

are, but I suppose that will have to wait for a later report.)

In the meantime, I hope you get the general idea. Correcting grammar is not just an exercise in nitpicking. Often it goes to the very heart of what the writer is trying to say.

Law enforcement officers spend hundreds of hours on the firearms range during their careers, although most of them will retire without ever having fired a shot. At the same time, they are required daily to put their work down on paper, but no one bothers to tell them how to do it.

Part of this problem is being corrected as the educational level of police officers rises, but even a college degree offers no assurance that the holder can compose a coherent sentence. What we need is more emphasis in our training programs on the importance of accurate, understandable report writing.

Possibly, some agencies may feel that they do not have an instructor capable of handling such an assignment. If so, I would recommend that they consider borrowing one, as necessary, from the staff of a local high school or university.

Paperwork is an essential part of any law enforcement officer's duties. Lack of preparation can have serious repercussions, regardless of how trivial it may seem at the time.

As George Herbert pointed out back in the 17th century, the loss of a simple nail cost, in turn, a horse, the horse's rider, the battle they were fighting, and eventually, the kingdom itself. Three centuries later, attention to detail is just as important.

Regularly we go into court and ask juries to convict criminals based on evidence invisible to the naked eye. But how can we expect people to believe what they can't see when what they do see is filled with errors?

Credibility is based on truth; truth is based on accuracy. With a little bit of effort, we ought to be able to get the three of them together. After that, I can abandon my hobby of collecting "bloopers" and turn to something more constructive, like upside-down stamps or coins.

FOOTNOTE

¹ *FBI Law Enforcement Bulletin*, Vol. 47, No. 2, February 1978, pp. 28-31.