

STREET CRIME IN AMERICA (THE POLICE RESPONSE)

HEARINGS

BEFORE THE

SELECT COMMITTEE ON CRIME HOUSE OF REPRESENTATIVES

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Part 1 of 3 Parts

Part 2.—CORRECTIONS APPROACHES

Part 3.—PROSECUTION AND COURT INNOVATIONS



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STREET CRIME IN AMERICA

(The Police Response)

THURSDAY, APRIL 12, 1973

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME,
Washington, D.C.

The committee met, pursuant to notice, at 10:10 a.m., in room 311, Cannon House Office Building, Hon. Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Rangel, Steiger, Winn, and Keating. Representative John Conyers, Jr., of Michigan was an invited guest and sat with the committee.

Also present: Chris Nolde, chief counsel; Richard Lynch, deputy chief counsel; and Leroy Bedell, hearings officer.

Chairman PEPPER. The committee will come to order, please.

Continuing our week-long series of hearings on law enforcement programs designed to reduce street crime, we will be hearing today from the Detroit Police Department regarding its felony prevention unit which has attracted a great deal of comment.

I will ask one of our distinguished colleagues in the House, whom we have invited to sit with us today, an able Member from the Detroit area of the House of Representatives, the Honorable John Conyers, if he will be good enough to present the next witness.

STATEMENT OF HON. JOHN CONYERS, JR., A U.S. REPRESENTATIVE FROM THE STATE OF MICHIGAN

Mr. CONYERS. Thank you, Mr. Chairman.

This is a double honor for me to be permitted to join the Select Committee for the purpose of these hearings this morning and, of course, I am very pleased to introduce the commissioner of police of the city of Detroit, Commissioner John F. Nichols.

The commissioner is known among law enforcement officers as a policeman's policeman. He has served his entire career in the Detroit Police Department. He has worked on a variety of assignments, and he has now, through dint of perseverance, moved to the top of the Detroit Police Department.

As we know, Mr. Chairman and members of the committee, the job of law enforcement in this Nation, particularly our urban areas, is one of the most trying and demanding challenges that any government official might meet with. I think it is entirely appropriate, based upon the subject that is the concern of this committee, that Commissioner Nichols of Detroit be a witness here this morning.

So I am very pleased and privileged to present him to you and to the committee.

Chairman PEPPER. We are very pleased to have you, Commissioner. The deputy chief counsel, Mr. Lynch, will proceed.

Mr. LYNCH. Mr. Commissioner, I wonder if you could please introduce to the committee the other members of the panel?

STATEMENT OF JOHN F. NICHOLS, COMMISSIONER, POLICE DEPARTMENT, DETROIT, MICH., ACCOMPANIED BY JAMES BANNON, STRESS UNIT COMMANDER; RONALD H. MARTIN, PATROLMAN; AND JOHN P. RICCI, PATROLMAN

Mr. NICHOLS. Yes, sir; I would.

Gentlemen of Congress, on my right is Comdr. James Bannon, on his left is Patrolman Ronald H. Martin, and on his left is Patrolman John P. Ricci.

Commander Bannon is one of the cocommanders of the STRESS unit; both Patrolman Martin and Patrolman Ricci are active members of the STRESS unit at the present time.

Mr. LYNCH. Mr. Commissioner, if you have a prepared statement, would you please present it at this time.

Mr. NICHOLS. Yes, sir; I do, and I shall.

To begin with STRESS is an acronym which represents the theme: "Stop the Robberies, Enjoy Safe Streets." In one sense it was a totally new development within our department, and from another aspect it was an evolution from an existing concept. Historically, its birth actually ensued in March 1967, when we created a small unit of a uniformed patrol which was intended to cope with a rash of delivery truck robberies we were experiencing, as well as other robberies.

Their principal mode of operation was the surveillance of possible victims and suspects. This unit was selectively assigned to problem areas and met with some degree of success. They were also used to support precinct personnel when calls for service reached levels above the precinct's capability. But, unlike the regular patrol units, these men could also conduct more extensive preliminary investigations following a crime. Ultimately, precinct support became one of the primary objectives, and the unit was renamed "precinct support unit."

By 1968, crime in Detroit, like in most cities, was on the increase at an acute pace, an accelerating pace. From 1968 to 1970, major crimes in the city increased some 32 percent, but robberies had increased by a monstrous 67 percent. And out of 23,000 robberies during 1970, nearly 18,000 of them occurred on the streets. More brutal was the fact that 85 people were murdered at the hands of robbers in that single year.

Almost immediately following my appointment, my staff studied the problem of street crime to attempt to find some reasonable answers. An analysis of the facts revealed many interesting aspects which we used to construct a profile of the typical robbery incident.

We found that the victim was usually male, not young, nonwhite, and living in or near the neighborhood in which the robbery took place. The criminal was usually young, nonwhite, and armed. One factor was salient, however, in contrast to what one would believe most robberies were not being carried out covertly. They occurred openly

and in full view of other citizens and potential witnesses on the street.

It was apparent that the criminal felt safe in carrying out his act in front of others. He obviously believed that large segments of the community were either so apathetic or intimidated that they would not interfere. His only concern then was to assure himself that there were no police in the area. **If a robber sees a potential victim, he can make an instant decision whether or not to act. If a policeman or a police car is near, he simply waits for a more opportune moment.**

If he thinks it is safe, it takes him but a few seconds to commit his act and flee the immediate area. **More often than not his intended victim is aged, intoxicated, or a woman—those least likely to offer resistance.** Those who are confused, shocked, and fearful, if not hurt, would be least likely to identify and prosecute.

What was needed, then, was obviously a method to have police personnel on the scene of the crime as it was happening. While the presence of uniformed policemen simply caused the thugs to move elsewhere, the presence of other citizens, however, did not seem to deter them.

In retrospect, the answer seems too obvious, a zero visibility patrol. **The concept of placing nonuniformed personnel on the street as if they belonged there, letting them dress in street clothes, placing them in unmarked old cars, new cars, on buses, in taxicabs, in delivery trucks, campers, bicycles, and on foot; let the police personnel blend into the neighborhood and become part of it.**

The basic premise is obviously not new. The whole concept of plain-clothes officers is not new, but never on a large scale had we attempted to perfectly blend men into the environment.

With this concept in mind a pattern of operation was set up using the computer data regarding times, locations; the unit was expected to be responsible. And the plan became operational in January 1971, using the precinct support unit. During those first few days some of the men had a hard time adjusting to their new role. At the end of one shift a delegation of policemen who had been dressed as women approached Commander Bannon and told him, "Inspector, no one tried to rob us today, but we got six fewd proposals." They were viewed not as potential victims, but as hookers, hustlers, or to be more genteel, "ladies of the evening."

After becoming more accustomed to the new roles, however, the unit soon started showing results. In addition to arrests for robbery, the men were making arrests for burglary, car theft, rape, murder, and arson. They obviously were successful in assuming the appearance of neighborhood citizens.

STRESS crews operate in varying numbers and in varying patterns. Geographically, a crew may be assigned to an area covering two to four precincts. While the normal precinct cars are patrolling their scout car territories, **the STRESS plainclothes officers in unmarked vehicles are checking the specific streets in neighborhoods showing a high current rate of crime.**

Depending on street activity—observation of the number of kinds of individuals on the street in a neighborhood at a given time—the **STRESS** crew may decide to "drop off a target"; that is, place one of its members on foot in the street situation. Cover is provided by

other members of the crew either on foot, in vehicles, or a combination thereof.

Incidentally, there have been instances in which the covering officers, themselves, have been "rousted" while the intended victim has gone unmolested.

Many arrests have resulted from this type operation.

However, far more apprehensions have resulted from the presence of officers on or near the scene of the crime, operating as surveillance units, unrecognized by the criminal. In an instance or two, one of our officers has been surprised to receive a friendly warning from "street people" that the "man," meaning the police, was in the area.

In one incident, which I think bears repeating, a white STRESS officer was approached by a black man who asked, "You got any money?" The officer's nerves bunches as he prepared to respond to the assault he believed was coming. He replied, "No." His assailant reached into his pockets, the officer tensed even more because he thought at that point in time a robbery was about to occur.

Then the man pulled out a dollar and said, "Here, take this. You shouldn't walk around here—it's a bad area."

This indication of concern among our black citizens is not unique.

Mr. CONYERS. That proves it was not an assailant, doesn't it, Commissioner?

Mr. NICHOLS. Did I say assailant? I thought I said accoster.

Mr. CONYERS. Was it an accoster?

Mr. NICHOLS. I was saying it was accosting in the sense the officer was approached, not accosting and soliciting, Mr. Conyers. Just an individual stopping another individual. If I conveyed that premise of assailant, I am terribly sorry, I do not intend to. I don't read well, apparently.

This indication of concern among our black citizens is not unique. In one incident involving the shooting of two black youths who had just committed a robbery, the STRESS program came under great attack in the news media.

At the same time, we were in the process of receiving what eventually totaled more than 5,000 pieces of mail. Fewer than a dozen were against STRESS.

A sizable proportion of these letters were from black citizens, many of whom stated they had been victims of street crime themselves.

One statistic that should be mentioned is for robbery in 1971—the first full year of STRESS operation. Robberies showed a decrease of 9.9 percent for the year. Only 2 months had increased over corresponding months in 1970.

This decline in robberies was the first such downturn in a decade.

In 1972, in addition to the drop of last year, robberies were down an additional 18.7 percent over 1971.

Comparing this with the 1970 figures, we have eliminated 6,000 robbery incidents a year—this is a most significant figure.

In 1971, STRESS unit officers made 2,496 felony arrests and 300 misdemeanor arrests. In addition, 160 juveniles were detained and some 600 guns were seized.

In 1972, the first full year of operation, officers made 2,984 felony arrests, and 300 misdemeanor arrests. Over 1,000 guns were seized and

innumerable quantities of narcotics and other contraband were confiscated.

I should like to add here that despite the claims of academicians, the excessive cost of heroin to an otherwise unemployed individual demands that the funds to support his habit be violently obtained. Therefore, claims that heroin use and the occurrence of crime have not been proven are illogical. One must suspect the motives of those who persist in failure to see correlation.

Although the primary mission of the STRESS units was directed against street robberies, the officers have also effected arrests along the full scale of criminal offenses.

Since the unit was created, 3 officers have been killed, 18 wounded, and about 70 assaulted.

There is an old maxim in police work that **the rapidity and certainty of apprehension and prosecution is a most effective deterrent to crime.**

This factor of certainty of apprehension is the principal deterrent in street crime. This is how he estimates his risk—how he determines if it is worth the chance. As a quotation—that was sent to me, allegedly from the New York Times—states, “Crime will not decrease until being a criminal becomes more dangerous than being a victim.”

By utilizing police officers to stand in place of potential victims, the department has increased that risk to the criminal—both in apprehension and in conviction in court.

He no longer can be certain that the man changing the tire, or the old lady with the purse, is an easy mark. He must take into consideration the fact that his easy mark may be a fully armed, fully trained policeman.

In conventional methods, the uniformed police officer is always at a disadvantage. He is conspicuous. The criminal has no difficulty spotting him or even making a target of him.

In the reverse, however, the officer stares into a mass of people and can rarely spot a criminal until he acts; at which time it is usually too late to protect a victim. With STRESS, the criminal must fear the potential victim. It is the criminal who must worry whether the man rummaging through the trash, the woman waiting for the light to change, the man getting off the bus, the driver of the next car, or even the victim, himself, might be a police officer.

Another decided advantage of arrests by the unit is that when a police officer has been the object of the criminal, prosecution is much simpler in the sense that the complainant is a trained observer, always willing to prosecute, and certainly not subject to intimidation.

We are now considering some new techniques using our tactical mobile unit, a high visibility patrol, and the STRESS unit in concerted efforts. While we are only in the discussion stages, we are proceeding on the premise that the tactical mobile unit deters a considerable amount of street crime. When I say deter, I mean that many street crimes are either postponed by the presence of uniformed officers or perhaps displaced; that is, the criminal simply moves to another location and finds a new victim.

If we can predict in which direction the criminal will move we can be waiting for him. In some cases, because of geographical composition, this may not be too difficult. If a criminal is deterred in a given area, he will most likely move away from that area and back into his

own environment. To this degree there is some chance of predictability. In his own environment, a preponderance of uniform patrols will most likely only delay the crime in point of time. Theoretically, then, the withdrawal of a high visibility unit and the simultaneous activation of a zero visibility unit may increase the apprehension rate.

In concluding, I would like to point out that the unit has come under sharp criticism from time to time. But I think any new method employed must invariably face critics from all dimensions. However, the accomplishments of the unit stand as their own defense. As in the case of most police criticism, the noise comes from a vocal minority. But as administrators, it is our responsibility to accurately measure both the criticism and support. **And as long as the support significantly outweighs the criticism we must continue to utilize our most effective methods, whatever they may be.** Our considered evaluation is that the program has contributed significantly to the overall crime drop of some 15 percent in the city of Detroit, particularly in the crimes of robbery.

Thank you.

Mr. RANGEL [presiding]. Mr. Nichols, the committee notices a substantial deviation from the statement dated December 31, 1972, that was given to us and the one you just read. Are they in fact two separate statements?

Mr. NICHOLS. Yes, sir.

Mr. RANGEL. Would you offer the statement received by the committee?

Mr. NICHOLS. We have brought additional copies. What we tried to do was update the statement. I also have several other documents. One is a statement of December 31, 1972, which you have been furnished.

Mr. RANGEL. Let's move the December 31, 1972, document go into the record.

[The above-mentioned statement appears at the end of Mr. Nichols' testimony.]

Mr. RANGEL. Counsel may inquire.

Mr. LYNCH. Thank you, Mr. Chairman.

Commissioner Nichols, how many policemen operate in the STRESS operation?

Mr. NICHOLS. **We have never divulged the number. I would prefer not to do that. I will say it is less than 100.**

Mr. LYNCH. Mr. Commissioner, as you may know, **Commissioner Murphy in New York has a similar unit called the citywide anti-crime section.** His policy is to give that unit all the publicity possible, because it is his philosophy, according to testimony we had from him on Monday before this committee, that publicizing it acts as a deterrent, and at various times the New York papers have widely advertised or publicized the fact that it is comprised of 200 men and 6 women.

If I understand you correctly, your department classifies the exact number of STRESS officers. Would you tell us why you pursue that policy?

Mr. NICHOLS. Certainly. Because we do not have the massive amounts of manpower that the New York Police Department has. In contrast to 32,000 officers in New York, we have about 5,600, sir.

Mr. LYNCH. But if I understand your testimony, you are saying it is less than a hundred. I will be more than happy to defer to your wishes and not press on the point. I take it, however, that means somewhere in the neighborhood of 100 which, in fact, is only half the size of Commissioner Murphy's unit. He has 200 of his men in the unit, and, of course, a much larger city to police.

I notice in your December 31 statement, sir, you indicate that only nine of the officers assigned to STRESS at that time, or approximately nine, were black. In the light of your statement that a heavy proportion of the robberies, which in fact encouraged you to form STRESS, were committed by blacks upon blacks; why is it that only nine members of this unit are black?

Mr. NICHOLS. I don't know.

Are there still only nine black?

Statement of James Bannon

Mr. BANNON. No; that was a temporary figure. Frankly, they won't give them to me.

Mr. LYNCH. Is that classified, too?

Mr. BANNON. No; it is not. I keep behind the desk asking for more black officers and the other commanders won't give them up.

Mr. LYNCH. As a matter of policy, wouldn't it be highly advantageous to have a high proportion of blacks, since they have to operate in predominantly black neighborhoods? Or would it be fair to say they do operate in predominantly black neighborhoods?

Mr. NICHOLS. Not entirely. They operate where the crime pattern would indicate there is a need for this type of operation.

Mr. LYNCH. They are employed as a tactical force, as it were?

Mr. NICHOLS. As the crime pattern becomes apparent, then so moves the STRESS unit.

Mr. RANGEL. Excuse me, counsel. Is there something in the 1972 statement which indicates that some 80 percent of your criminals are black?

Mr. NICHOLS. Pardon?

Mr. RANGEL. There is some statistical data in the 1972 statement which indicates that over 80 percent—here it is on page 8 of the 1972 statement: "Police robbery figures for the year indicate that 89.8 percent of the known perpetrators were black, 5 to 6 percent white, and the rest unknown."

Mr. NICHOLS. That is perpetrators.

Mr. RANGEL. It has nothing to do with your high crime areas?

Mr. NICHOLS. I fail to see the correlation between perpetrators and the number of black officers assigned.

Mr. RANGEL. My question, Chief, is directed to the high crime area and perhaps to the ethnic composition of those areas.

Mr. NICHOLS. It would not necessarily follow if I may point out. The fact the perpetrator of the crime was black would not necessarily mean it would have to take place in the predominantly black neighborhood. It might take place in an integrated neighborhood or a white neighborhood.

Mr. RANGEL. I think counsel is trying to find out what is the ethnic composition of the areas in Detroit that you would consider to be high crime communities, high crime areas.

Mr. NICHOLS. We have about 8 of our 13 precincts that are fairly high crime areas and they range from predominantly black to predominantly white, and through the various ranges and stages of grade, so to speak, because the crime element does not necessarily confine itself to the black areas. It confines itself generally to the areas of social blight, to areas where the social problems have an environment in which crime seems to thrive, and sometimes it might be an Appalachian white neighborhood, sometimes it might be a fairly opulent neighborhood on the outskirts of town where these things do occur. We can't erase them, and I never attempted to postulate that all crime takes place in any given neighborhood or in any given precinct. I think the officers here on STRESS can attest to that as well.

Mr. RANGEL. Chief, do you have any statistical data to indicate the ethnic backgrounds of the victims of most of your crimes? Any percentages in that area?

Mr. NICHOLS. I don't have the statistical data, but we do know that preponderantly the victim is more likely to be black, more likely to be poor and black.

Mr. RANGEL. So your perpetrators are more likely to be black, the victims more likely to be black; and so counsel can continue his questioning in connection with that composition of STRESS.

Mr. CONYERS. Mr. Chairman, would you yield for a moment?

Mr. RANGEL. Yes.

Mr. CONYERS. Do you believe that suggests what might be happening in neighborhoods or parts of the city that might have a predominance of black residents? Or is that an inescapable conclusion?

Mr. RANGEL. By just asking my last question, we would assume counsel's questions made a lot of sense, but obviously, the commissioner wants to indicate that it is interracial.

Mr. NICHOLS. It is certainly an interracial thing, and Mr. Conyers is familiar enough with Detroit to know the Cass Corridor is not a predominantly black neighborhood, and it is a high crime area. It is populated by groups of people from several racial derivations, most of them in extremely low economic status; and the area is generally a very high crime area. It is not particularly black, nor is it particularly white. It is a mixture.

Mr. RANGEL. In a report of June 1972 called "The Police Chief" there is a statement attributed to you that the victim's profile was typically middle-aged or older, there were twice as many male victims as female victims, the victims usually lived in or near the neighborhood where the robbery took place, and in three-quarters of the cases he was a black.

Mr. NICHOLS. True.

Mr. RANGEL. Commissioner, obviously, I am not framing my questions correctly, so I wish counsel would continue to inquire.

Mr. LYNCH. Commissioner, based on that statement in your earlier testimony—and I think your testimony was clear—that in a high proportion of cases the victims of robbery are black and the crime is perpetrated by blacks, my only point was that with that understanding would it not seem reasonable that a concerted effort be made in this kind of operation to employ the services of more black officers? I think Captain Bannon has already indicated that efforts are being made and that he wishes he had more black officers on the STRESS unit.

Mr. NICHOLS. The fact of the matter, gentleman, is I am not sure there are only just nine black officers. And I am not certain enough to attempt to answer a question until I have the data made available.

Mr. STEIGER. Commissioner, is it difficult to recruit the black officers for this particular detail because of the criticism from the black community? Is that a problem?

Mr. NICHOLS. Not particularly. I think we have restricted ourselves to volunteer types of operations and I would presume this might have some impact, although I think the most difficult thing for me to do would be to answer that question. I would suggest Patrolman Martin, who is possibly more knowledgeable as to the outlook of young black officers on STRESS, would be a great deal more astute in that area than I.

Mr. STEIGER. Would the chairman permit Mr. Martin to respond?

Mr. RANGEL. Yes; and I hope he might keep in consideration this December 1972 statement, which is signed by John Nichols. It indicated at that time there were nine assigned STRESS officers that were black.

Mr. NICHOLS. That was in December of 1972, sir. I don't deny that in December of 1972; I would buy that. It is now April of 1973, and I do not know whether there are yet nine, less than nine, or more than eight, sir.

Mr. CONYERS. How can we find out?

Mr. RANGEL. With the undercover nature of the operation, I can see why.

Mr. STEIGER. Mr. Martin, is there a feeling among black officers that there is a stigma attached to being in this unit because of some criticism from the black community?

Statement of Ronald H. Martin

Mr. MARTIN. Well, my experience about that is that in the City of Detroit, over the last couple of years, quite a few policemen, mostly uniformed policemen, were wounded and killed. And that is wearing the uniform, with a brightly colored police car, a shiny badge, and it is doubly hard to work in plainclothes in the street and try to blend in with the community and not get shot. This might drive a lot of them away. I can't say what is in their minds, but that could be one of the reasons.

Mr. STEIGER. If I may, is your response to me—is it the difficulty of the job itself and not the attitude of the community that makes it difficult to recruit any officers?

Mr. MARTIN. That is my opinion.

Mr. STEIGER. I mean, in your opinion.

Mr. MARTIN. Yes.

Mr. RANGEL. Could you offer an opinion regarding how many blacks are presently working with the STRESS program?

Mr. MARTIN. With my crew, we have five. We have one car. I can't say for the other shift because we never see the other shift.

Mr. RANGEL. Is it safe to say the operation is so undercover the police commissioner and the member of STRESS are not aware of who each other are?

Mr. MARTIN. No, I don't say that. It is just that we try to keep it out of the limelight as much as possible.

Mr. RANGEL. I know; but from each other and the police chief?

Mr. MARTIN. Well, we don't discuss it because it is not—we know who we are.

Mr. RANGEL. Can you distinguish a black police officer from a white police officer in your normal course of operation?

Mr. MARTIN. Yes.

Mr. RANGEL. I don't want to know overall how many are involved, but is anyone here representing the Detroit Police Department prepared to say how many blacks are involved in the STRESS operation?

Mr. BANNON. To date, 10 black officers.

Mr. RANGEL. To date. Would you go along with that?

Mr. NICHOLS. He is in command of the organization. Certainly I go along with it.

Mr. RANGEL. I am sorry we wasted so much time. That is the question I thought I asked originally.

Mr. NICHOLS. I would like to publicly state I do not have the statistics for the composition of every unit at my fingertips.

Mr. RANGEL. We thought that we would be discussing the STRESS operation and in view of the comments made by the newspapers in Detroit, and in view of all of the criticism from the black community indicated in your document, I assumed you would think this was a logical question I might ask.

Mr. NICHOLS. I didn't look at it that way. Apparently my assumptions do not run along similar lines. I assumed this was a congressional hearing.

Mr. RANGEL. And therefore we should not concern ourselves with a question of race?

Mr. NICHOLS. I assumed you would certainly ask those questions, and if I could answer them I would be happy to, and if I could not I would be permitted, as I have in other congressional hearings, to get the validated data and return it to you in proper form.

Mr. RANGEL. Please, Commissioner, feel free to consult with anyone that you brought here, if you find yourself unable to answer questions.

Mr. NICHOLS. Yes, sir, I shall avail myself.

Mr. RANGEL. Counsel, would you continue.

Mr. LYNCH. Commissioner Nichols, could you explain for us how you go about selecting officers for participation in STRESS. What special qualifications, what special selection criteria there are, what kind of special training, if any, follows selection as a STRESS officer?

Mr. NICHOLS. To begin with, the STRESS officers are volunteers. Second, their service records are screened for a good work record, for an absence of disciplinary indication, for an absence of citizen's complaints, for ability to get along with their fellow workers. We try to avoid picking individuals who have shown a disinclination to relate to other individuals. We put them through a psychological evaluation and the unit commander, Commander Bannon, set up a STRESS training program in which the techniques of surveillance, which additional range training and which continuing reinforcement of the proper applications and the circumstances under which force can be used, are given. These are reinforced periodically, I believe. At what interval, I do not know.

How often do you reinforce the training program?

Mr. BANNON. On a daily basis.

Mr. LYNCH. Commissioner, I wonder if Commander Bannon could describe for us the training program as it is presently operating.

Mr. BANNON. The training program as it presently operates, because of the fact there is not a structured training program in terms of a classroom context because of the fact the men are brought in as replacements only and I am not allowed to get a dozen at a time or something like that. So we get replacements for those men promoted, or transferred, or for some reason leave the outfit, are shot or something happens to them.

There is an indoctrination period of about 2 weeks by the supervisors of the unit, which includes review of the State's law on entrapment and other issues of search and seizure. There is indepth "shoot, no shoot" training presentation. There is a great deal of on-the-job training.

Mr. LYNCH. Would you describe for the committee what you mean by the "shoot, no shoot" training?

Mr. BANNON. This is a slide presentation which is a pictorial representation of the crisis situations presented to the officer through the medium of a projector. He must make a decision as to whether or not he should fire to save his own life or somebody else's, and his situation is often not as he understood it to be. Perhaps if he decides to fire, on second view of the slide he sees his partner was getting in the way, or a woman holding a child in her arms, or something of that nature. It is a decisionmaking process training, which seems to be somewhat effective.

Mr. LYNCH. How many STRESS officers have been shot or otherwise wounded in line of duty; do you know, sir?

Mr. BANNON. Seventeen. That is wounded or shot, yes.

Mr. LYNCH. How many of those officers were killed in line of duty?

Mr. BANNON. Three.

Mr. LYNCH. Is that a high rate, Commander?

Mr. BANNON. One would be a high rate as far as I am concerned as an individual. It is, I think, the nature of our job, the nature of the depths of the problems at an acceptable level of risk, because we have that commitment to protect our people, to protect our community; that is what we are hired to do. It is an acceptable level; I don't like it, wouldn't like it if it was only one.

Mr. STEIGER. Commander, in the interest of clarification, on page 8 of the December 31 statement, we talked about the three officers who have been killed and you have the figure of 100 wounded or injured.

Mr. BANNON. Seventeen wounded.

Mr. STEIGER. You make a distinction between the wounded and injured?

Mr. BANNON. Yes. The injured are injured in making the arrest. Perhaps they are assaulted by arrestee or something like that. It is a relatively minor type—it could be major, but it usually isn't.

Mr. STEIGER. It isn't a gun or a knife?

Mr. NICHOLS. It is an assault and battery or an aggravated assault, assault with something other than a weapon.

Mr. STEIGER. I understand.

Mr. RANGEL. Mr. Bannon, did you testify earlier that your department was presently trying to recruit blacks for STRESS?

Mr. BANNON. As a matter of fact, I have a waiting list of black officers who want to come into STRESS, but I can't convince the other commanders to give them up. Black officers are a high priority item for many other functions within the police department, including vice, narcotics, and other units. We have to take our place in that priority system to get these individual officers even though they have volunteered to come into the unit.

Mr. RANGEL. Well, Commissioner, is there presently a recruiting drive to get blacks on the police force?

Mr. NICHOLS. There is a massive recruiting drive; a drive which has been reasonably successful. The number of black officers on the Detroit Police Department—and I would be subject to an error of three to five—is somewhere in the neighborhood of 737. And as the commander points out, we are hard pressed as to where to deploy these individuals to get the maximum benefit from their expertise and the maximum benefit of their presence in the community.

We have equally the same problem, gentlemen, with our black supervisors. We are torn between the need to have black supervisors in plain clothes, and we are torn between the need to have a high degree of black supervision in the precinct where a preponderant number of young black officers are.

We are attempting to remedy that situation; again, by our recruiting drive. But I think we have to recognize that the need is far greater than our ability to commit. And what Commander Bannon says is exactly true.

Mr. RANGEL. Blacks are a premium not only to STRESS but in the department?

Mr. NICHOLS. Across the entire face of the department.

Mr. RANGEL. If you did have blacks available, based on how you deal with STRESS, you could not really put them on anyway, since I understood your response to counsel was that you only replace a STRESS agent?

Mr. BANNON. That is not necessarily so. The replacement thing goes on all of the time, and if I could replace with a black officer rather than a white, I would.

I think, though, I would like to say this in response to some of these questions. I think you are overemphasizing, sir, the decoy phase which would infer needing a black officer for decoy, if you save the black victim. What we are saying is the decoy phase of STRESS is about 20 percent of the time factor, and the surveillance doesn't necessarily require a black officer to be effective. I think if you take that into consideration you will see there is some justification for the putting them out there even though they are white.

Mr. RANGEL. Does not surveillance mean observing the conduct of a suspect by a police officer from a reasonable distance?

Mr. BANNON. The survey neighborhood. We are operating on a pattern. We only commit the STRESS group based on a pattern of prior crime. So we know, basically, what we are looking for in terms of the general appearance of the culprits and so on. So we surveil a neighborhood. We go in there as insurance salesmen or busdrivers, or truckdrivers, or cabdrivers. All of these different modes. So we are surveying, looking for the potential robber. That doesn't necessarily imply to me you need a black officer to do that.

Mr. LYNCH. Mr. Chairman, if I may I would like to take issue with the commander. It seems to me that in the earlier testimony we were not given numbers, nor are they publicly made available. I think one reason is the commissioner feels that he does not want to divulge the number of officers in STRESS so as to keep this force more invisible.

It seems to me to make only good sense that invisibility has something to do with race and certain high crime areas of Detroit, so the committee is not solely concerned with the decoy operation. That was the only point.

Mr. BANNON. Mr. Lynch, perhaps you are not familiar with Detroit. It is not a ghettoized, racial community. The racial makeup of most of the areas of Detroit is pretty much heterogeneous, and you seem to be implying that there are all black communities in Detroit in which a white face stands out.

Mr. LYNCH. I am quite familiar with Detroit. I lived in the Detroit area a number of years and practiced law there, and there are indeed a number of racial enclaves, although not the kind we might find in some other cities. But the only point is that it would, it seems to me, assist the department in creating further invisibility by having more substantial proportions of blacks on this unit; and I take it you are not quarreling with that?

Mr. NICHOLS. No.

Mr. LYNCH. Mr. Chairman, may I continue?

Mr. RANGEL. Yes.

Mr. LYNCH. You were discussing the training and the commissioner mentioned that there is some continuing inservice training. I wonder if you could describe that for us, please.

Mr. BANNON. The continuing inservice training may involve what the rest of the department is exposed to in terms of new issues in search and seizure and other new matters. It may involve a new surveillance technique we develop for a given type of crime or specific type of problem. We may reorient the entire unit for a given period of time. We may have a rapist operating in a certain section of the city and want to reorient the STRESS unit. To the extent they are reoriented, they are no longer STRESS, they are not working on street robbery. We reorient the entire unit or major portions of it to work with hijackings of tires on railroad cars, on major narcotics problems.

Mr. NICHOLS. Or riding the freight trains being ripped off while moving from one section of the city. of the section to the other. One whole segment of our operation went into that, where the men adopted the guise and bandannas of railroad workmen and rode the area of the Pennsylvania line, commonly known in the trade as "Ho Chi Minh Trail." So they are committed to different types of operations, and the racial racial makeup doesn't mean they cannot be effectively used in this area.

Mr. LYNCH. STRESS officers usually operate in teams; is that correct? They are rarely, if ever, used singly?

Mr. BANNON. They will be occasionally loaned out singly to act as a pigeon or target in extortion plots, but normally I think they always do work in teams; yes.

Mr. LYNCH. What kind of communications equipment would the STRESS officer carry on his person?

Mr. BANNON. He normally carries the Prep radio, which in our view is a very good instrument for general communication. We have on order, unfortunately technology hasn't caught up with the need, open mike transfers from the decoy phase of the operation. We do have them on order, but we haven't gotten them as yet.

Mr. LYNCH. That would enable someone to transmit without holding something up to his face?

Mr. BANNON. Without the physical act of pressing the transmitter button and thereby alerting the robber.

Mr. LYNCH. A STRESS officer who is on decoy detail or a STRESS officer who is working with a team, walking down the street in a high crime area, can he communicate with the precinct station or your base station and with other foot undercover patrolmen in the area?

Mr. NICHOLS. Why don't we let the officers answer them? We brought them here for these kind of intimate questions.

Mr. LYNCH. Would one of you gentlemen answer that, please?

Statement of John P. Ricci

Mr. RICCI. It has been my experience and that of colleagues I work with that on a target-type operation, where one man is set up as, if you will allow, to be used as the target we usually do not equip him with communication per se in the form of a Prep radio because, of course, this radio is on—police calls are coming over that and it may disrupt the operation. However, his cover and surveillance by his fellow officers is maintained in a very close proximity. In the event something should take place, the officers can respond within a matter of seconds.

Mr. LYNCH. So you have line-sight observation of someone?

Mr. RICCI. At all times.

Mr. LYNCH. Do each of you, however, normally carry some kind of walkie-talkie transceiver? What is the Prep? You call it a "Prep radio."

Mr. RICCI. Yes, sir.

Mr. LYNCH. Would you describe what that is?

Mr. RICCI. I could briefly describe it as a very small version of the old military walkie-talkie. I would like to state that those officers who are covering the intended target are equipped with a Prep radio, and we also have the officer in sight. They can at any time notify patrol units, specific areas such as the precinct of operation, and also our base. They are within communication at all times.

Mr. LYNCH. What kind of protective gear, if any, do you wear when on STRESS operation, Officer Ricci?

Mr. RICCI. We have been very fortunate to have issued to each officer and to all crews what they refer to as the "second chance" armored vest. It is composed of a fiberglass-type material. It fits over the shoulders and it is held by means of a strap which is secured by some other fiber.

Mr. BANNON. We would like to say that has saved about four officers' lives.

Mr. LYNCH. Would you describe how that happened, what they were shot with?

Mr. BANNON. They were shot with .38-caliber weapons.

Mr. LYNCH. Were they injured?

Mr. BANNON. No.

Mr. NICHOLS. Bruised, but no blood drawn.

Mr. RANGEL. Officer Ricci, you were talking about surveillance and keeping the so-called target under cover. Do you find in the black community that having these officers be black, or in a white community having the surveillance officers be white, might improve the quality of your police work?

Mr. RICCI. Sir, I would like to state this, as my commander had previously stated, that the STRESS operation in itself operates strictly on each separate type of crime. In other words, the crime situation that we are trying to remedy or eradicate from our area, or our city, dictates the type of procedure and the type of personnel we will use. In other words, if I may use the Cass Corridor as an example, which is a smattering of different nationalities, Chicanos, Spanish, Italian, Jewish, Polish, Negro, so on and so forth, we will use the type of personnel who will fit in that area.

Now, we have an analytical section which computes all the crimes which happen on a day-to-day basis, and that in turn, prior to our going out on the streets, informs us of these specific hard hit crime areas.

Mr. RANGEL. That makes a lot of sense, officer. I hope the stenographer would read my question back.

[Question read by the reporter.] Officer Ricci, you were talking about surveillance and keeping the so-called target under cover. Do you find in the black community that having these officers be black, or a white community having the surveillance officers be white, might improve the quality of your police work?

Mr. RANGEL. That was my question.

Mr. RICCI. I was attempting to answer that. Each situation will dictate the type of personnel we need.

Mr. RANGEL. I assumed that. I am giving you a specific situation, an all-black community. I don't know whether you have such a community in Detroit, but I am just assuming from what I read that you do have pockets of blacks and pockets of whites. My question has nothing to do with the Corridor, which I assume is interracial in flavor. But I am just asking, "Would it protect your police officer a little more, or make your operation a little more successful, if the police officers that were surveying the target blended with the particular community in which he was operating?"

Mr. RICCI. Yes, sir; definitely.

Mr. RANGEL. Thank you.

Counsel, you may continue.

Mr. LYNCH. Thank you, Mr. Chairman.

Officer Ricci, I wonder if you could tell us how long you have been a member of STRESS?

Mr. RICCI. I have been a member of STRESS ever since its inception.

Mr. LYNCH. Could you approximate how many felony arrests you have made, sir, since being a member of this unit?

Mr. RICCI. I would say on an average basis, approximately 30 to 45 felony arrests per month.

Mr. LYNCH. Per month?

Mr. RICCI. Yes, sir.

Mr. LYNCH. Individually?

Mr. RICCI. Specifically what do you mean?

Mr. LYNCH. Those were your arrests or arrests made by your team?

Mr. RICCI. By my team, sir.

Mr. LYNCH. Your team would be composed of approximately how many officers?

Mr. RICCI. Approximately four men per team.

Mr. LYNCH. How would that relate to the number of arrests that might be made by a four-man uniformed patrol team if you had such teams? Is it high, is it low, or average?

Mr. RICCI. I think that would be extremely high in comparison to their arrests.

Mr. LYNCH. And I believe I asked whether these would be arrests for felonies, major felonies. I am talking specifically about aggravated assault on the streets, murder attempts, armed robberies, muggings.

Are those the kinds of things that we are talking about?

Mr. RICCI. Yes, sir.

Mr. LYNCH. When you patrol as a STRESS team do you concentrate on particular kinds of crimes and let others go unnoticed, or not make arrests for them? Do you concentrate on trying to catch armed robbers? How do you operate?

Mr. RICCI. Well, first of all, as a law-enforcement officer, it is my duty to make an arrest.

Mr. LYNCH. I understand. I think we all do.

Mr. RICCI. I wanted to just clear that up, when you said do I overlook other things.

Mr. LYNCH. Perhaps that is a bad choice of words. It is not an issue of overlooking. I am wondering whether you concentrate and go on details at various times with various goals in mind, such as suppressing robberies in a particular neighborhood.

Mr. NICHOLS. I think this was answered by Commander Bannon and myself. The concentration of the unit and crime—the picture dictates the crime they would be addressing themselves to primarily, but not to the exclusion of all others.

Mr. STEIGER. Counsel, excuse me.

I think it is a good question. As a layman, I think I understand the question. If there is a woman hustling, do you in the normal course of your activity pick her up? If you see a guy dealing in numbers would you pick him up or would you advise somebody else and go on about your primary mission? I think that was the thrust of the question.

Mr. RICCI. That is correct. I would make every attempt to have the unit specifically trained for that type of crime. You use prostitution as an example. We have vice squads on the street and we usually don't like to get involved with their operations.

Mr. RANGEL. Counsel, Chairman Pepper has invited the distinguished gentleman from Detroit, Congressman Conyers, to participate with this committee because of his knowledge of the area of Detroit. And so if you could hold your questions and allow him to inquire, then the chair would recognize Mr. Conyers.

Mr. LYNCH. I would be delighted to yield.

Mr. CONYERS. Thank you, Mr. Chairman.

I would like to ask your Detroit commissioner of police how he has responded to public inquiries about the operation of the STRESS unit.

Mr. NICHOLS. In what particular area, sir?

Mr. CONYERS. In all particular areas. What I was getting at is, do you feel that this is a rather controversial part of the Detroit police force?

Mr. NICHOLS. I think that would be a very valid statement. It certainly raised a great deal of inquiry, attracted a great deal of publicity in the press. I think part of it is due to the nature of the operation, which may not have been an ideal one but which in retrospect we can do little about.

Yes; it has been controversial; and yes; I have attempted to respond to this as honestly and candidly as I can.

Mr. CONYERS. Thank you. In other words, you meet with the public and you are aware of the number of investigations that STRESS is under?

Mr. NICHOLS. The number of investigations that STRESS is involved in, or the number of investigations concerning STRESS operations?

Mr. CONYERS. Well, either or both.

Mr. NICHOLS. Well, maybe I don't quite understand your question, sir. I don't know the number of investigations in which STRESS men are conducting. I have no knowledge of that.

Mr. RANGEL. He means that STRESS is the subject of.

Mr. NICHOLS. Yes; I am aware of them.

Mr. CONYERS. There are a number of them going on?

Mr. NICHOLS. Yes, sir.

Mr. CONYERS. Could you tell us which ones are going on that you know about?

Mr. NICHOLS. There is a massive investigation concerning that man-hunt for the individuals who were involved in the shooting of six STRESS officers during a period last winter. Of that there were 26 complaints lodged against, primarily against STRESS officers, although I am not certain they all were STRESS but they purported to be STRESS. That situation has been brought before our common council; the initial investigation has been reviewed; they have been sent back with interrogatories from the council members; they are still under investigation. Some of them have been resolved, some of them have not been resolved. One individual from STRESS is currently under indictment on a charge of homicide.

Mr. CONYERS. Is that police officer Raymond Peterson?

Mr. NICHOLS. It is indeed.

Mr. CONYERS. Charged with murder and involved in six killings?

Mr. NICHOLS. He was charged with murder and one killing, sir, in which the evidence was sufficient to present it to the prosecutor and a warrant issued. And the other killings, the evidence was likewise reported to the prosecutor.

Mr. CONYERS. This grew out of the fact that a departmental investigation disclosed that the knife found on the body of a person killed by him actually belonged to the police officer?

Mr. NICHOLS. Yes, it did. The investigation was initiated by the department. The evidence was analyzed by the department and I should also like to add, gentlemen, the individual was off duty at the

time. He was acting on a folly of his own and not while he was in any kind of a STRESS situation.

Mr. RANGEL. Would the gentleman yield?

Mr. CONYERS. Surely.

Mr. RANGEL. Does the police department's civil service regulations differ from other cities? When a police officer is not actually assigned to a post, is he off duty?

Mr. NICHOLS. In the sense of being responsive to recall, he is off duty; yes, sir.

Mr. RANGEL. So, a police officer has no obligation to enforce the law during his leisure?

Mr. NICHOLS. He has an obligation. He has a moral obligation. But at that particular time he was not under direct supervision of his commander, or sergeant, or lieutenant in the STRESS operation.

Mr. RANGEL. We all have a moral obligation. I am talking about a legal operation. Is not your police force on duty 24 hours a day?

Mr. NICHOLS. Technically, yes, sir.

Mr. RANGEL. So the fact he was not specifically assigned to the command is irrelevant; he was acting as a Detroit peace officer?

Mr. NICHOLS. I am not attempting to deny he was a Detroit police officer.

Mr. RANGEL. I just misunderstood you when you said he was off duty. In fact, unless he is suspended he is always on duty.

Mr. NICHOLS. It is a question of semantics. An individual works 8 hours a day. He gets paid for 8 hours a day. And in one terminology if he is not getting paid for that work, I would say he is off duty in that sense.

Mr. RANGEL. Your pay schedule does not take into account that a police officer is a police officer 24 hours a day?

Mr. NICHOLS. No, sir; it does not. It takes into account officers work 40 hours a week for which they get paid. If they do overtime work and it is documented, contractual provisions provide for that. He does not get paid for going home and going to work.

Mr. RANGEL. If a police officer is off duty and saw a crime, a felony committed, he would only have a moral obligation to arrest?

Mr. NICHOLS. I don't think any commander would take him to task for a judgment if he failed to take action if his estimation of the situation did not require it at that time.

Mr. RANGEL. I am not making myself clear?

Mr. NICHOLS. Apparently not.

Mr. RANGEL. I am asking if a police officer of the city of Detroit is technically off duty and he sees a felony or a series of felonies being committed in his presence, does he only have a moral obligation to attempt to arrest the perpetrator?

Mr. NICHOLS. And I am answering it by saying I don't think it would be supportable to charge him with a violation of the department rules if he failed to do so, if he felt it was not within his discretionary powers at that time to do it. If it was a question of cowardice or being paid off or something else, then certainly there would be ramifications of disciplinary action. That is all I am trying to say.

Mr. RANGEL. You are saying that if crimes are being committed in front of Detroit police officers and they are not on their regular shift

they have the discretion as to whether or not they would enforce the law?

Mr. NICHOLS. Certainly. In fact, in many instances we advise them not to enforce the law. **We admonish our officers not to get involved in neighborhood disputes, for example, by direct order.**

Mr. RANGEL. I am surprised by the differences between your regulations and those which govern police conduct in New York City.

Mr. CONYERS. Well, Mr. Commissioner, are you certain about the remarks you just made to the acting chairman?

Mr. NICHOLS. I think I am. I might be uncertain in the way they were interpreted, but I am certain about what I said.

Mr. CONYERS. I just wanted to make certain because it seemed a little unusual to me. But let's continue with my question of how many investigations are being conducted concerning the STRESS unit and officers which lead into questions such as violations of the constitutional rights of citizens.

Mr. NICHOLS. **To the best of my knowledge there is that investigation conducted by the common council; there is an independent investigation being conducted by an ad hoc committee of which we have no knowledge; there have been applications made to the Federal Bureau of Investigation. I do not know what status that investigation is in, if in fact it is being conducted. I would assume that there are isolated complaints of other STRESS offices under investigation by our citizens complaint bureau, and possibly by the commanders of STRESS itself.**

Mr. CONYERS. Now, how many citizens have been killed as a result of the STRESS unit?

Mr. NICHOLS. Since when, sir?

Mr. CONYERS. How long has STRESS been in existence?

Mr. NICHOLS. Since January of 1971. I think about 15, I am not certain.

Mr. CONYERS. Would 18 possibly be a correct number?

Mr. NICHOLS. Eighteen might be a valid number of individuals who have been killed by officers assigned to STRESS, but not necessarily on the STRESS operation. That would include the matter under which we have just had the discussion, which was not a STRESS operation. That was the only point I was trying to make.

Mr. CONYERS. Are you aware—and perhaps I should direct this to Officer Martin—that even associations of Detroit policemen have voiced some criticism of the operation of STRESS?

Mr. MARTIN. The association?

Mr. CONYERS. I said some associations of Detroit policemen have voiced criticism of the way STRESS has operated.

Mr. MARTIN. If you are talking about the Guardians of Michigan, in which the membership is primarily suburban departments, black officers of suburban departments, which there is very few number of Detroit policemen working, which I don't belong to, they may voice their opinions against STRESS. But the majority of those policemen are not Detroit policemen.

Mr. CONYERS. When you say suburban departments of the police department, what do you mean?

Mr. MARTIN. Inkster, Royal Oak, places like that.

Mr. CONYERS. Well, the Guardians is one of the units that I was referring to, and it is composed primarily of black police officers.

Mr. MARTIN. That is correct, sir.

Mr. CONYERS. And it is your suggestion, that most of them are suburban police officers?

Mr. MARTIN. Yes, sir. When I say suburban, outside of the city of Detroit, plus Wayne County sheriff's deputies, which most of those belong to.

Mr. CONYERS. Do you have any idea how many of them are Detroit police officers?

Mr. MARTIN. I have no idea; sir; but I have come in contact with most Detroit police officers who stated they don't belong to them. But I can't give an accurate number.

Mr. CONYERS. Well, let me ask you about one of the incidents that created a great deal of unfavorable publicity relating to STRESS in which you were involved. This is in connection with a shootout between the Wayne County Sheriff's Department deputies and STRESS officers. I presume you recall that incident?

Mr. MARTIN. Yes, sir.

Mr. CONYERS. It resulted in the death of a sheriff's deputy and the injury of several others?

Mr. MARTIN. Yes, sir.

Mr. CONYERS. It was the result of a mistake on the part of STRESS unit's officers?

Mr. MARTIN. No, sir. I beg your pardon, sir?

Mr. CONYERS. It was intentional?

Mr. MARTIN. No, it was not intentional. It was an accident and it was a mistake.

Mr. CONYERS. Correct. You agree that it did create a great deal of unfavorable publicity?

Mr. MARTIN. Yes, sir; it did.

Mr. CONYERS. And there are a number of other incidents from which citizens complaints have arisen including illegal breaking and entering into homes with less than the proper legal credentials?

Mr. MARTIN. You are asking me another question?

Mr. CONYERS. Yes, I am.

Mr. MARTIN. There have been many complaints, sir. There has been a lot of adverse publicity, but if these complaints are substantiated that is another question.

Mr. NICHOLS. May I be permitted to complicate the question, sir?

Mr. CONYERS. By all means.

Mr. NICHOLS. I think at the point in time these complaints were made, the Michigan State law specifically defined the right of an officer to enter a place where he believed an individual for whom he held a felony warrant resided or lived or may have been in hiding, after having announced himself, gave him the right to break the door. This was on this premise that many of these complaints and allegations were raised.

A later circuit court decision said, in essence, that the department should have gotten a search warrant. This case is still up for appeal and I submit that we have to objectively view the officer plus his conduct in terms of what the law appeared to be at that particular time, sir.

Mr. CONYERS. Thank you. Now, of course, a police department's reputation cannot stand too many fatal errors, can it, Officer Martin? For

example, the one in which Wayne County and Detroit law enforcement agencies had a shootout between each other?

Mr. MARTIN. You are correct on that, sir; but we didn't start that shootout.

Mr. CONYERS. I see. Can you describe to us the circumstances under which this very tragic mistake took place?

You don't have to look to the commissioner. You know more about it than he does.

Mr. MARTIN. It is a matter of record.

Mr. NICHOLS. It has been tried in court. I think the members of the committee should know this. The officer has been to court. He has been tried by a jury. Every facet of the case has been explored. We have no aversion at all if the officer cares to detail it in great detail.

Mr. RANGEL. Thank you so much, Commissioner.

Mr. NICHOLS. You would like to hear it?

Mr. CONYERS. No; I don't want to retry the case. These are not adversary proceedings. What we are trying to do is find out how efficient or effective the STRESS unit is in comparison with other anticrime units that are conducted in urban police forces across the Nation. This kind of tragedy, which has no equal in other similar units inside police departments that we know of, certainly requires some discussion while you are here before this committee.

Mr. MARTIN. That night, sir; the crew I was working with was not on a STRESS detail. We were doing routine undercover plainclothes police work. At approximately 12:05 a.m., of March 9, my crew, which was three of us in the car at that particular time, observed a black male in an alley. We turned the corner and pulled up a little closer to the man and observed this man was wearing plain clothes and was carrying a nickel-plated revolver in his hand.

We had an obligation to the occupants of that building and to the city of Detroit and our department to try to get to that individual.

We stopped our car. We watched the man climb the flight of iron stairs to the second floor, a motel-type building. He entered the apartment at the top of the stairs. We didn't think to apprehend him on the stairs or on the porch because we were on the lower level, which would give him an advantage over us.

We reached the top flight of the stairs and glanced in. I glanced in as I passed the door and saw this man in the living room with this gun in his hand. I saw several other individuals in the living room, which was just a glance as I passed the door. My partner immediately was following me, behind me, coming up the stairs.

I stepped to the left of the door and my partner opened the door and announced himself as a police officer. He had his badge and his gun in his hand.

This door was a storm door—glass—and the wooden door was ajar, we could see.

At that point, shots rang out, my partner backed out, down the stairs. I ran to my left, which was the end of the porch, which at that time I thought it was an apartment at the end, but there was a door to an enclosed stairwell. I thought I was trapped on the porch. This man, or a man, which I never could identify, came to the door, fired out into the courtyard.

I fired one shot from, not a service revolver, but my privately owned Cougar, and the type of ammunition I was using jammed after the

first shot. The man then made a quick step onto the porch, fired two shots at me, one shot ricocheting off the brick about 5 inches from my head and the other shot going through my legs and embedding in the door behind me.

I fired more shots.

The driver of our car at that time was radioing on the radio that a police officer was shot. He then ran to the top of the stairs. He saw me, and at the top of the stairs is the door to the apartment. He glanced in and heard a commotion. He yelled, "They are going out the back." My partner opened the door.

I know a man just fired out that door at me and into the courtyard. I had to cover my partner.

Mr. CONYERS. So, it was a terrible series of mistakes.

Mr. RANGEL. May I inquire? Would you yield?

Mr. CONYERS. Yes, Mr. Chairman.

Mr. RANGEL. This person you are talking about with this pistol, was he walking the street with the pistol in his hand?

Mr. MARTIN. When we saw him he was in the alley in the rear of the apartment building. We assumed he just got out of the car. The car was parked in the rear there. We had no idea that he was a deputy; we had no idea what his intentions were, other than the fact he may have been going up there to rob individuals.

Mr. RANGEL. I can understand that; but my question is, "Did this deputy have a silver-coated or silver-plated pistol in his hand in the alley?"

Mr. MARTIN. Yes, sir.

Mr. RANGEL. Could you describe what he was doing with it in the alley?

Mr. MARTIN. He was walking with it in his hand, sir. And if I was a law enforcement officer on foot, by myself, in an alley, in that neighborhood, I would also carry my gun in my hand. But I didn't know he was a law enforcement officer.

Mr. RANGEL. It never entered your mind?

Mr. MARTIN. Not the way he was dressed, sir.

Mr. RANGEL. Were you dressed as a law enforcement officer?

Mr. MARTIN. I was dressed in plainclothes but I was with a police car.

Mr. RANGEL. But if you were in the alley, you wouldn't have looked like a police officer to him.

Mr. MARTIN. That is correct.

Mr. RANGEL. Was he black?

Mr. MARTIN. He was black.

Mr. CONYERS. Now, out of this tragedy, Commissioner Nichols, have we learned anything that can assure our citizens that this will not occur again and further corrode the reputation of the STRESS unit?

Mr. NICHOLS. We have learned, I think, Congressman Conyers, a great deal. We have made a great many modifications and a great many changes in the STRESS operation, based first upon our own continuing evaluation, and, second, upon input and citizen concern.

I think the fact that the acting chairman raised brought about another change in the STRESS operation, in the rephotographing of all of our officers and a specific reflectorized identification card, so if an

individual who does appear with a heavy beard and in clothes other than conventional clothes presents a badge, he then has a specific card picturing himself in that particular attire and in that particular facial-hair configuration, so an individual would then know he is in fact a police officer.

We recognize the problem of identification is a serious one.

Mr. RANGEL. That wouldn't help the deputy, though.

Mr. NICHOLS. Not at that particular point in time. But it does help in a lot of situations where an individual who is an officer is stopped by an officer and displays a badge, and the uniformed officer says, "I don't believe you are a policeman, show me something." The photograph may not match the individual's configuration at that time, so to correct this we have issued every one of our plain clothes units a different colored coded card.

Mr. RANGEL. But so far no STRESS officer has shot another officer because of lack of identification?

Mr. NICHOLS. No, sir; but we have had near misses, and I think if the truth were known other cities have had near misses, too.

Mr. RANGEL. The truth is that a black police officer off duty in the city of New York was shot dead by brother officers when the victim attempted to arrest the perpetrator.

Mr. NICHOLS. I think to amplify the intensesness, seriousness, and tension under which we live, one of our officers in full uniform was shot by two of his brothers in full uniform in the same kind of confrontation.

Mr. RANGEL. We are not here to criticize, for we do not know the circumstances under which you work. We only are attempting to compare what other cities are doing with yours and share that information with you.

Mr. NICHOLS. Do you want me to answer the rest of the question?

Mr. CONYERS. Yes.

Mr. NICHOLS. Fine.

We have also increased the size of the unit, added more supervision to the unit, increased the training of the unit, added psychological testing after the first problems that we had. We rotate our personnel. We attempt to get the best individuals that we can and we investigate with complete thoroughness any allegations made in an effort, again, to bring out anything which is causing that kind of friction in the community.

I think in all sincerity we must recognize that it has been, and will continue to be, a political issue.

Mr. CONYERS. What is political about it?

Mr. NICHOLS. Do you really want me to tell you?

Mr. CONYERS. You didn't come all the way to Washington not to tell us; did you?

Mr. NICHOLS. I think there certainly is in the mayoralty race going on in the city of Detroit. Some of the candidates have already expressed pleasure or displeasure with STRESS. One of the candidates at one time was a judge and the STRESS case in front of him.

If it is the truth you want, I think we have to recognize this in its total concept, too, gentlemen. And it does make good copy. We have to recognize this.

Mr. CONYERS. Are you suggesting now that the politics of the elec-

tion of the city of Detroit in connection with the mayor's race is one of the fueling or motivating forces behind much of the criticism that arises out of STRESS?

Mr. NICHOLS. Not at all. I am merely suggesting that is one of the reasons why it is constantly in the papers and the media. Not that it is one of the motivating factors for citizens' complaint, but merely the fact it has become, as you well know and all of us well know in Detroit, a cause celebre. It is good newspaper copy. Any time an officer is involved in anything, if he is assigned to STRESS it gets first priority in the news, even if it is only a divorce case.

Mr. CONYERS. I yield at this point, Mr. Chairman.

Mr. STEIGER. Gentlemen, I am impressed that STRESS has had its problems, as I wasn't aware of that prior to our meeting. I also come to the inescapable conclusion, from the testimony of the men before us that make up the force, that in spite of the criticism the project is worth the continued effort, because it is clear the simple thing to do would be to abandon it and that way avoid criticism.

Is that a fair condition?

Mr. NICHOLS. That is as fair a conclusion as I can say. Yes, sir; it is.

Mr. STEIGER. Then I would ask this: Is there, as a result of the criticism, Mr. Ricci, a morale problem among the troops?

Mr. RICCI. None whatsoever.

Mr. STEIGER. Mr. Martin, would you concur with that?

Mr. MARTIN. Yes, sir; I would.

Mr. STEIGER. So, obviously, in the face of this kind of criticism if there is not a morale problem, there must be a very good morale climate to combat that. I don't want to make these conclusions, but is that a fair assumption?

Mr. MARTIN. We are like one family. Whatever happens to one of us, happens to all of us.

Mr. STEIGER. I gather from the commissioner's and the commander's report that there are 13 precincts in the city of Detroit, and that most of the activity is in five to eight of these precincts?

Mr. NICHOLS. Yes.

Mr. STEIGER. The people who "work the streets" in those precincts where you have had operations, are they aware now they have a problem?

Mr. MARTIN. Yes.

Mr. STEIGER. Do you feel that your presence has had some kind of inhibiting effect on the general activity on those beats?

Mr. MARTIN. Yes, sir.

Mr. RICCI. Yes, sir.

Mr. MARTIN. I feel that the person out there that is bent on committing a crime will think twice, because he doesn't know who the STRESS officer is.

Mr. STEIGER. In other words, the STRESS operation is well enough known on the street. They know that now they can't just look for a uniform, but they also have to look and see if they can spot "the man" in civilian clothes?

Mr. MARTIN. Yes, sir.

Mr. RICCI. I would like to reinforce that statement by relating a little episode that took place that I was involved in. We were conducting a target-type operation and I actually had a bar owner come out on

the street and he walked right up to my Chevrolet and to myself and told us, "Thank you very much. I can at least keep my door open now and I don't have to have a buzzer on it."

So it is this public sentiment that also keeps us going.

Mr. STEIGER. How do you maintain your cover? I gather there is no concern about exposure, otherwise you obviously wouldn't be here. How long before you are spotted in a given area? Have any of the members of the STRESS teams had their cover blown to the point they are not effective in a given neighborhood?

Mr. MARTIN. If we work an area too much, we are recognized. If you are using a department unmarked car, but if you are in what we call a funny car, which could be a 1952 Chevrolet convertible, you might be spotted as a police officer, but they would think you are off duty. And a lot of people think because you are off duty that they can do just what they are going to do even though they are working.

Mr. RANGEL. Isn't that what the commissioner just said?

Mr. MARTIN. I say they think we are off duty, but we are actually on duty.

Mr. RANGEL. You work 8 hours a day?

Mr. MARTIN. Yes, sir. But I am saying we might be riding around in what we call a "funny car." It could be a van. I used the other day a Chevrolet convertible.

Mr. RANGEL. But you were on duty?

Mr. MARTIN. I was on duty, but the people on the street recognized me as a police officer. But they say, "There goes so-and-so," because he is off duty.

Mr. RANGEL. And they would be right, because you would not be enforcing the law if you were off duty otherwise?

Mr. MARTIN. What the commissioner was talking about was something left up to the individual.

Mr. RANGEL. You would make the decision.

Mr. CONYERS. Are you sure, commissioner and all officers of the Detroit Police Department, that that conforms with your own police department regulations?

Mr. NICHOLS. I am reasonably sure, Congressman; the areas of discretion for an officer are never abrogated. There is not an order in the Detroit Police Department that tells him he must continually walk into the face of a gun or something else, or draw his gun, or take police action in a crime when in his own judgment it may not be the proper thing to do. That is the only way I answered the Congressman and that is exactly what I said then and that is exactly what I mean now.

We consider for the purposes of administration an officer's on-duty time is that time he is paid for. This is by virtue of a union contract. We must consider those periods when he is not being paid in terms of "off duty." He has the authority and the right to enforce the law but it is not mandated he do that if, in effect, his own discretion tells him better.

Mr. CONYERS. Would the gentleman yield?

Mr. STEIGER. Yes.

Mr. CONYERS. What is the doctrine governing this subject matter in the Detroit Police Department?

Mr. NICHOLS. I would presume it would be covered in the rules and regulations of the department.

Mr. CONYERS. Do you consider that the statements that you made here this morning are consistent with the rules of the subject in that document?

Mr. NICHOLS. I would consider they would be consistent with my interpretation of those rules; yes, sir.

Mr. RANGEL. Mr. Steiger.

Mr. STEIGER. I would like to ask the commander a question. We heard testimony from your comparable force in New York City that they learned very quickly the high-crime hours as well as the high-crime areas. Their high-crime hours, I believe, were from dusk to 1 a.m., 2 a.m. Do you find that you deploy your people normally on a high-crime hour density as well as an area density?

Mr. BANNON. We are responding to our analysis of the street robbery on a 2-hour basis. It is broken down into 2-hour patterns and we operate strictly on the pattern of prior robberies there. So the officers may be assigned to a given area from 6 to 8 p.m. That is a high-pattern area and transferred into another area that runs from 10 to 12, or something of that nature. So it is not on a shift basis, but on a 2-hour cycle.

Mr. STEIGER. In other words the answer is yes; you do equate, not only the area but also the hour?

Mr. BANNON. Absolutely. But we also have found out, much to our surprise, that many of these robberies are taking place in broad daylight. So that you say a high-crime time to include all crimes, you may have that afternoon shift syndrome. But if you select only robberies you may find they are spread out over a large segment of time.

Mr. STEIGER. As a result of 2 years of this kind of activity, do you find a shift in the high-crime area which would indicate a response to the tactical force? What I am asking is, If a neighborhood normally had a problem from 6 to 8, as you indicate, as a result of your penetration of that problem time and problem neighborhood has there been a shift in the problem?

Mr. BANNON. Yes. I think that I have to be a little more specific. Since we are working on a pattern created by an individual, or group of individuals, perpetrating robberies day after day, when we do something that arrests that activity of those individuals that pattern then stops, so we are no longer interested in that specific neighborhood. So we move on.

So what you are saying about forcing a shift would be true if in fact you did nothing about the people who were creating the pattern. But if you do make the arrest, which we often do, either through decoy phase or surveillance phase the pattern goes away until somebody starts on another pattern.

Mr. STEIGER. That was the basis of my reasoning that there would be a demonstration of success of your mission if you had a change in the pattern.

Mr. BANNON. You recognize, I am sure, Congressman, and so we do, that we are not so naive we don't believe when you harden up one target—and in essence we have hardened up the typical citizen-victim street robbery—you do soften up other targets; and we have to look to that.

Mr. STEIGER. That has happened right in the District of Columbia. We are not doing away with the crime; we are shifting it around.

Have you found a significant pattern followed by habitual offenders in street crimes, as you do in pushers, or numbers dealers, or is street crime more of an impulse sort of thing?

Mr. BANNON. Essentially, we found an extremely high correlation between street robbery and heroin addiction. We found not only can we pattern people on the basis of crime, but we also draw a zone around the narcotic activity. So you do have a repetition there and you do have a high recidivism rate; yes.

Mr. NICHOLS. I would think, too, sir; the pattern of robbery is not one that calls for a long, in-depth evaluation of the man for his intended target or his intended place of business. Most of the time it is a crime of opportunity. An individual or group of individuals will get a gun and start cruising and say, "That looks like a good spot," and that is the only kind of prior planning that goes into it. So it is very difficult other than to statisticize the effect that might have on one area.

The arrest, they could be policing several different areas at several different times.

Mr. RANGEL. Mr. Winn?

Mr. WINN. Thank you, Mr. Chairman.

Commissioner, I think you can probably verify this statement here on page 7. It says: "STRESS members have arrested a number of fugitives sought by the Detroit Police Department and other agencies." That is part of your statement, is it not?

Mr. NICHOLS. Yes.

Mr. WINN. In other words, they work very closely with other members of the police department?

Mr. NICHOLS. They work very, very closely with members of our criminal investigation section. Very often, the local detective detachment will advise STRESS officers of individuals for whom they hold warrants and for whom they are looking, because the STRESS officers are on the street most of their time. They have very little administrative function and they do have a street capability in greater numbers for that type of operation than uniformed police would have because they are not being committed to the radio response.

One of the major problems with uniformed patrols is you don't get the proper concentration because scout cars are constantly being called to take on-site crime reports and many other things. These units are dedicated to a specific mission and can devote themselves to that mission.

Mr. WINN. You also have policemen walking the beat in the same target areas that STRESS is working?

Mr. NICHOLS. Very often.

Mr. WINN. You don't change that operation at all?

Mr. NICHOLS. No, sir.

Mr. WINN. Do you enforce it when STRESS personnel move into a target area? Do you put more foot patrolmen in?

Mr. NICHOLS. No, sir. We attempt to leave the patrol patterns exactly the same way they were. In some instances, if there is a widespread problem, we may use a tactical force at one end of the area and STRESS at the other end and interchange them. But by and large we attempt to maintain the status quo.

Mr. WINN. You say you have fewer than 100 men. I am a little intrigued as to why. You keep the number of men assigned to STRESS such a secret. I would think from a public relations standpoint, if the people in these areas were led to believe you had thousands of men it would be better.

Mr. NICHOLS. I will be completely candid with you. I think part of the impact of STRESS is, as one of you gentlemen developed a few minutes ago, a psychological impact. I think if the average person knew exactly how few officers there were out there we would be depriving ourselves of the major effect, which is a deterrent effect.

I may not be right, but this is the way I view this.

Mr. WINN. I don't know whether you are right or wrong, but I was in the public relations field for several years, and I believe I would lead the public to believe I had thousands of officers out there.

Mr. NICHOLS. That is what we are attempting to do by not divulging the number. We are attempting to avoid statisticizing that particular thing. It is a relatively small unit, numerically speaking.

Mr. WINN. I understand your approach. I just think we view it differently.

According to your testimony STRESS officers made 633 arrests for felony crimes during the period from the program's inception through December 31, 1972. So you are getting some work done.

Mr. NICHOLS. We are getting a great deal of work done and we are also getting a high percentage of warrants per arrests than other normal units arrive at. This, primarily, is because very often the officers are in position to witness the crime and reinforce the complainants' statements.

Mr. WINN. Well, the main idea of these hearings has been to bring police departments before this committee to testify on the constructive programs that are being installed in the departments across the country, so we can see what is good about the police departments and what they are doing constructively.

I am very disappointed that we, for some reason, got most of our time off on what I feel is dirty linen—it may be political, I don't know that—about the Detroit Police Department. Could there be some element of the Detroit area that would prefer not to have STRESS among their people?

Mr. NICHOLS. I think that is probably the understatement of the year. Certainly, there are those elements. They are very vociferous.

Mr. WINN. And this proves it could not be political.

Mr. NICHOLS. Yes, sir.

Mr. WINN. It doesn't necessarily have to tie in with any elections.

Mr. NICHOLS. It doesn't have to, but you asked me for an honest opinion, and my honest opinion is it has been accentuated by that.

Mr. WINN. I appreciate your honest opinions. I don't think there is anyone up here that came here this morning to try to crucify you, or trick you in your testimony. I think there is definite concern on the part of every Member of Congress that sits up here this morning, and also the other Members that are not here. We do have a job. We have crime increasing in many areas across the Nation.

We are hoping to pick your brains, and those of your officers and of your undercover agents, to see if we can present to the public a better system of law enforcement for the Nation. I appreciate your being

here. You are very candid with the committee. I am sure not only Detroit, but other cities have their own problems. I am glad to hear that the two STRESS officers accompanying you feel the morale is good. I am sure that they are dedicated men as far as what they think their own job within STRESS and within the department might be.

Commissioner, do you pay the officers any additional pay for serving on the STRESS units?

Mr. NICHOLS. No, sir. The only extra duty pay that is afforded any officer in the Detroit Police Department is the communications officers. Officers in STRESS, narcotics, or any other special assignment, including our night details, are given no extra pay allowances or special privileges.

Mr. WINN. How many years have you been in law enforcement?

Mr. NICHOLS. Thirty-one years and 3 months.

Mr. WINN. With 31 years and 3 months' experience, do you think STRESS is doing the job you hoped it would do, and do you expect it to continue?

Mr. NICHOLS. Yes. I will tell this honorable committee exactly what I have told our public. STRESS appears to be contributing to a reduction in the crime, for which it was put together to address itself. So long as that crime is there, so long as the unit functions within the law, so long as the crime appears to be responsive to it, then I would see no reason to disband it.

I will say this in all candor, that there have been changes made in the past and I would envision there may be changes in the future based upon the demography as we see it at the particular time. I am not adamant in my position; I merely say I believe STRESS has been a viable force to combat that crime that is most heinous, most fearful, and leaves the victim with the greatest amount of trauma. Yes, sir; I do.

Mr. WINN. You go along with that, Mr. Martin? His answer is that it is doing the job.

Mr. MARTIN. I think it is doing a good job, sir.

Mr. WINN. And you would keep STRESS in operation?

Mr. MARTIN. And I think, also, if there is any new innovations that could help us, that we would adopt them.

Mr. WINN. Do you go along with that?

Mr. RICCI. Yes; I do, sir.

Mr. WINN. As officers, do you have any meetings with other men from time to time, not only your teams, but the other team men? You made the statement that you don't get to see the other team of officers of STRESS. Another team of four men, as I understand it.

Mr. MARTIN. **We occasionally have social affairs among ourselves.**

Mr. WINN. Do you have official meetings, where you can have input into the commissioner's office and the higher echelon, of what changes you think should be made?

Mr. MARTIN. The commissioner's door is always open to all of his police officers—always.

Mr. WINN. Do the fellows go in and talk to him?

Mr. MARTIN. I have gone in and seen the commissioner a number of times.

My crew chief, Virgil Starkey, has been razing me quite a bit about my association with Commander Bannon. And every day when I go to work, he says, "Have you had a phone call from Jim?" And he

usually says, he makes it sound like a phone rang, "Ron? Jim. Jim? Ron. Are you coming over for lunch? How is John, Ron?" That sort of thing. Things on a first-name basis.

Mr. WINN. So the morale sounds like it is very good.

Mr. MARTIN. It is, sir.

Mr. WINN. Does criticism from organizations or the press have a tendency to disturb the morale of the officers?

Mr. MARTIN. No, sir; we just get a little closer.

Mr. WINN. It sounds like some of the soldiers in the war.

Mr. MARTIN. Better; like the Marines. Even better, sir.

Mr. WINN. Any of you might want to answer this, particularly the commissioner. Why do you think, other than the accidental episode with the sheriff's deputies, your relationship with the press is so bad? Don't you have a public relations officer with the police department?

Mr. NICHOLS. I really don't think the relationship with the press is so bad. What I do see is the fact that STRESS has become a, I guess it would be safe in saying, nationwide symbol now. And any time anything happens the press will seize on it. In many instances, it is good; in some instances it is not good.

I think what we have is a situation where the press is capitalizing on something that is of news value. Most of the articles. I think, if you can wade your way into them, are fairly objective. But it is the headline that does the trick, "STRESS Officer Involved." And I think most people are headline readers.

Mr. WINN. I don't think there is any doubt about that. But as a former member of the press I know they jump into the glamorous things. But usually, there is an out-and-out attempt made by the department to get together with the press and say, "Look, we need your help in this case. You are right and we were wrong," or whatever the situation might be. If this is done I think you find they will work with you. I think you badly need the press in the Detroit area.

Sure, people read headlines basically. I would like to make the suggestion you might try to work out some kind of situation where you could sit down with those that cover the news stories—it is pretty hard to sit down with the headline writers because that is an entirely different bunch of people—and discuss the situation, because you need the press to do the job. You need the community to do the job.

Mr. Chairman, we are running out of time. I yield the balance of my time.

Mr. RANGEL. We will conclude the examination of this panel with some final questions from Congressman Conyers and counsel, keeping in mind the committee has a distinguished panel of police officers from St. Louis which it intends to hear before luncheon recess.

Congressman Conyers.

Mr. CONYERS. Thank you, Mr. Chairman.

Everyone who complains about the operation of STRESS is not necessarily politically motivated. I presume we can begin without even discussing that. And they may not always be vocal elements; there may be a lot of quiet people who do not like STRESS.

Mr. NICHOLS. Absolutely. There may also be a lot of quiet people who do, sir.

Mr. CONYERS. I am willing to agree with that. You wouldn't call the Wolverine Bar Association a vocal element in the community, would you?

Mr. NICHOLS. A vocal element, yes. They are vocal.

Mr. CONYERS. They are a good bunch of lawyers?

Mr. NICHOLS. Let's define the terms, Mr. Conyers, if I may. When I say "vocal element," I mean those individuals who have sufficient horsepower and sufficient access to the press to say something and have it listened to. That is what I mean by vocal. I am not impugning their motives nor anything else, nor their capability as attorneys or judges, whoever they may be.

Mr. CONYERS. You are using "vocal elements" in a derogatory sense?

Mr. NICHOLS. I didn't intend it to be derogatory. I don't think there necessarily has to be that connotation. I would consider myself a vocal element of the police profession.

Mr. CONYERS. It is not one of the vocal elements in the derogatory sense, but they have been critical of some of the operations conducted by STRESS.

Mr. NICHOLS. They have been critical of specific areas in the use of fatal force. Their criticality directs itself primarily to the fact their argument basically is with the law as personified by the STRESS operation.

Mr. CONYERS. That is a pretty valid observation on the part of members of the bar, wouldn't you think?

Mr. NICHOLS. I cannot answer for members of the bar. I am not an attorney, sir.

Mr. CONYERS. Then the Michigan Commission on Civil Rights, a State organization, has been critical of STRESS?

Mr. NICHOLS. They have been critical of areas of STRESS and we have corrected those areas where their criticality has been expressed.

Mr. CONYERS. So, we can understand why the media may sometimes write articles that may not always be favorable to the conduct of officers in the STRESS units?

Mr. NICHOLS. Certainly, we understand it, and I accept it.

Mr. CONYERS. And you can understand why a State judge held the breaking and entering into houses by STRESS officers unconstitutional, since it did not conform to the law. You can understand that, too, can't you?

Mr. NICHOLS. I can understand that is his prerogative as a judge. I may not agree with it, as also a fellow individual who must live within the law.

Mr. CONYERS. So, given those circumstances, you can see where a great number of citizens might be very seriously concerned about the legality and validity of the operation of STRESS in the Detroit community, and whether it is operating within the law? Since it has been in the courts, it has been criticized by State governmental units, its members have been arrested and charged with murder, bar associations are critical, and this does not really mean that they are trying to wipe out STRESS. It means they have some criticism about whether they are getting more safety for their dollar, or danger and possibly death. Would you agree with that, Commissioner?

Mr. NICHOLS. Not necessarily; no, sir.

Mr. CONYERS. Where do you disagree with it?

Mr. NICHOLS. I disagree with the point of view; and I would say each individual under our democracy is entitled to his point of view, but I do not say I must subscribe to it.

Mr. CONYERS. What point of view do you disagree with?

Mr. NICHOLS. I disagree with the point of view they are not getting their dollar value. I disagree with the point of view it was illegal entry. I disagree with the point of view the operation involves itself with illegal tactics. I disagree with the point of view that the decoy operation is in effect entrapment. Those are the points of view I disagree with.

Mr. CONYERS. So you disagree with the courts and bar associations, civil rights units, and other civil rights organizations as a matter of exercising your rights?

Mr. NICHOLS. As a matter of looking at the thing as a police officer and, yes, in a manner of speaking, within my rights.

Mr. CONYERS. Let me just finalize this, Mr. Chairman. I know time is running out.

We were talking about the reduction of crime by 15 percent in Detroit as a result of STRESS.

Mr. NICHOLS. Roughly, 15 percent. It is slightly under 15.

Mr. CONYERS. How do we establish any causal connection between its alleged reduction in crime and the operation of the STRESS unit? Do you have some way of doing that?

Mr. NICHOLS. Yes; I think we can extrapolate a certain amount of credibility to the statistics. Statistics show something like this: There were 23,000 robberies, there are now 17,000 robberies. During the period of STRESS we have reduced that crime about 6,000. Numerically speaking it was one of the most predominant crimes. So I think that when we take those facts we can reasonably assume STRESS has had a fair impact. I will not deny the fact that our sophistication in the area of narcotics enforcement certainly has had an impact.

I would not deny the fact that increased public support may not have had an impact. I will not deny the fact, in deference to Mr. Winn, that the newspapers may not have had an impact. But I think as long as we are dealing in theory, we can reasonably say that STRESS has had a profound effect on it.

Mr. CONYERS. Hasn't the murder rate gone up in Detroit?

Mr. NICHOLS. Yes, the murder rate has gone up in Detroit.

I don't see what that has to do with STRESS, Mr. Conyers.

Mr. CONYERS. Well, doesn't it have something to do with the reduction of crime?

Mr. NICHOLS. It has something to do with the fact that we have a syndrome in which the average murder takes place in the confines of a home, or some private place, that the individuals are generally killed with the handgun, that the individuals are generally killed at the peak of an emotional charge, and that handgun violations, we do not believe as police officers, are treated with the same degree of seriousness that they should be. And I still fail to see what this has to do with the crimes that are preventable by police.

My officers cannot alter the makeup of the human mind. And when you have an individual at the peak of that emotion and the means of snuffing out a life easily and readily accessible, I submit we will have that.

Mr. CONYERS. In the first 3 months of 1973, nine Detroit citizens died at the hands of their police department. This figure represents 6.5 deaths per 1,000 Detroit police officers. Is that a little high to you?

Mr. NICHOLS. I don't know because I never made any attempt to view statistics from other cities.

Mr. CONYERS. I want you to know it is the highest rate in the United States of America.

Mr. NICHOLS. Would the good Congressman tell me what the rate of policemen shot in comparison to other cities is?

Mr. CONYERS. No; I do not have statistics on that.

Mr. NICHOLS. I would like to submit this same correlation might be true there.

Mr. CONYERS. Do you have statistics to submit?

Mr. NICHOLS. No, sir; I don't.

Mr. CONYERS. When you do, and if you do, why don't you send them in to this committee and we will incorporate them and the conclusions you draw from it, Commissioner, into the record.

Mr. NICHOLS. I would be delighted to do just that.

[The information requested was not received.]

Mr. CONYERS. Mr. Chairman, I was not here during your previous hearings, in which you had the New York police chief in to discuss the comparable STRESS unit in New York. But I think that the testimony showed that no one has been killed by that unit, that no one has even been wounded, and that they do not have nearly the degree of controversy raging among the citizens of New York over that unit. It would seem to me, somehow, that this committee ought to be able to correlate this drastic difference of operations and see if it can perhaps find out what other cities are doing. I do not know if that is part of your purposes here.

Mr. RANGEL. This committee does intend to compare the testimony with other law enforcement agencies.

Mr. CONYERS. Do you believe that gives you some cause to review STRESS performance with Commissioner Murphy, who, incidentally, was one of your predecessors in the Detroit Police Department, as you well know? Do you believe that suggests that there may be a great deal of validity to some of the concerns by the so-called vocal elements in Detroit and around Michigan, in and out of the law enforcement business, about some of the tactics and procedures used by STRESS?

Mr. NICHOLS. It would influence me to ascertain if there are several other variables that are anywhere close. I think that to make a broad statement like that with as little information as I have available—possibly the good Congressman may have more—demography enters into it, State law enters into it, the number of men available, the number of guns in the community enter into it. A great many factors should be considered. But I assure you we have continually corresponded with other cities who are using a concept close to this and we will continue to do this.

As I said before, we are not adamant, we are not attempting to sell the concept to anybody. We merely appear here to tell you exactly what we have done and what we think the results are.

Mr. CONYERS. Mr. Chairman, I want to thank you very much for allowing me to participate in this hearing. I also want to thank our commissioner of police and his top officers who joined us here this morning.

We obviously could not be dispositive of the subject in this short time. This would require a number of hearings and far more time

spent on individual urban police departments than your committee can allow.

I also add my thanks to Commissioner Nichols and all of the men who have joined him here, because I think these kind of public hearings are vital to insure the support of the community. Although it has not been mentioned here, Mr. Chairman, I think we need to remember that 5,000 policemen can never effectively control the crime situation in the high crime urban community of Detroit in 1973, with 1.6 million people, unless you are receiving community support.

I think these kind of discussions that are open, free, and unfettered will lead the Detroit Police Department to investigations and greater understanding of the New York anticrime unit and others, and will result in continuing modifications and, hopefully, improvements in their operation.

So I say, sincere thanks to Commissioner Nichols for the way he has conducted himself with such candor this morning.

Mr. NICHOLS. Thank you, sir.

Mr. RANGEL. Thank you, Congressman Conyers, for taking time to sit with us.

Mr. Winn?

Mr. WINN. Mr. Chairman, I just want to ask one question.

With the criticism you received from the Wolverine group and the newspapers, have any of these organizations asked you to drop STRESS, throw it out of the program?

Mr. NICHOLS. I think most of them by their rhetoric would indicate they would be much happier if we did. We have been invested by petitions to drop STRESS, but in all fairness we also have stacks and stacks and stacks of petitions in support of STRESS, Mr. Winn.

Mr. WINN. Have they asked to meet with you and discuss the problems?

Mr. NICHOLS. We have met periodically with various elements of the community in candid discussions of STRESS in those periods of time when there was not a STRESS trial before a judge. We necessarily had a moratorium during the period in time when Officer Martin was before the courts. We had a period of silence when the entire STRESS concept was being tested in front of a court. And this was only to protect the integrity of the cases.

We have been as candid with the public as we have here and I would like to say, if I may, to respond to Congressman Conyers' remarks, that we have attempted to be candid. We appeared with Officer Martin because we didn't want it to appear we had anything we were attempting to hide. We believe we are doing right. We believe our officers on the STRESS program are much of the same cut of the two gentlemen you see here, fine young examples of good, honest policemen.

And I would submit that if I have said anything to which anybody took offense, please accept my apologies.

Mr. WINN. Mr. Bannon, did you have something to add?

Mr. BANNON. Just this, Congressman. Many of the things that have been raised here—I am with MCCR, Mayor's Commission on Civil Rights—many of the issues Mr. Conyers was referring to, go back to the inception of STRESS, which was much more violent than it has been after the changes made by the unit, the organizations that you allude to. I think there has been a dialog, it has been a successful dialog,

because we have made structural changes responsive to those criticisms. I don't think we should leave you with the impression we have the same organization today that we had when those criticisms were laid.

Mr. WINN. Thank you, Mr. Chairman.

Mr. RANGEL. Congressman Steiger.

Mr. STEIGER. No questions.

Mr. RANGEL. Counsel may proceed to conclude the inquiry.

Mr. LYNCH. Thank you, Mr. Chairman.

Mr. Commissioner, earlier this week, Chief Winston Churchill of the Indianapolis Police Department indicated before this committee, that in his judgment as a police administrator the public perhaps played as important a part in controlling crime as the police department. Could you comment on that?

Mr. NICHOLS. I would certainly say that any police administrator of any city, large or small, who does not recognize, as what was so eloquently put by Congressman Conyers, that the public is the most important element in the entire police relationship and ability of the department to control crime, certainly has not got it together.

Because without that public support, without the public approbation, without the public appearances in court, without them no police department, however large, could ever hopefully manage a metropolitan area.

Mr. LYNCH. So your position, the position to continue STRESS, is not one you have lightly taken without consideration of what implications it may have on continued public support within Detroit?

Mr. NICHOLS. Not at all, because I am the recipient and I would be glad to send the Congress hundreds of such letters if it wants to see them, that come from the very individuals who are in the areas heavily hit by crime. Their stories tell me an entirely different one. I recognize there can be probably no progress without a certain amount of conflict, and we have attempted to minimize that conflict. We have attempted to modify, as Bannon said, many of the areas where we felt the concept should be modified.

But by and large we feel the public does support it, and that is the several publics we serve, including, we believe, a majority of the black public.

Mr. LYNCH. Mr. Commissioner, certainly the testimony you gave earlier indicating that 85 murders of citizens were committed during 1 year, presumably in the act of robbery, was a factor in the establishment of this unit. Since it has been established, according to your testimony, 18 citizens or residents of Detroit have been killed by police officers, again, presumably, in the act of committing serious crimes or felonies, and a number of Detroit police officers have been killed. I think there is a general concern about the levels of violence associated with this operation.

Commissioner Murphy, incidentally, did testify at length about his citywide anticrime section. Detroit does have a lower crime rate than the city of New York. In New York the robbery rate, for your information, is one of the highest in the country. It is 790 per 100,000. The rate in 1971 in Detroit was 605 per 100,000. Detroit, of course, is much smaller. Commissioner Murphy has 4.5 policemen per 1,000 inhabitants. I wonder if you have a comparable figure at hand?

Mr. NICHOLAS. No, sir; we do not. We have 322 police officers per 100,000, which by my mathematics would be 3.2 police per 1,000 inhabitants.

Mr. LYNCH. It was the commissioner's testimony that his citywide anticrime section, within the period of 1 year, 1972, had effected more than 3,600 arrests. Service revolvers, I believe his testimony indicated, were not fired by his officers, although they may have been drawn; 83 percent of those arrests were for felonies, 750 for armed robbery, 450 of them for various gun charges. There is a stark comparison to be drawn.

I only have one other comment, Commissioner. We have been informed by the chief legal adviser of the International Association of Chiefs of Police that while there is not a definite policy, it is their understanding that policemen in most cities in this country are considered to be on duty 24 hours a day and that if the only reason for not taking action by an off-duty officer is that he has considered himself to be off duty, he would, in their judgment, be subject to disciplinary action and especially so if the matter concerned were a felony.

I wonder if you could be kind enough to have your police legal adviser, or someone in your office, send to this committee Detroit's definite policy in that regard, sir?

Mr. NICHOLS. I will say again what I said before, that the interpretation is a question of semantics. When an officer is off duty, it means he is not being paid. It means that he does not have any mandate to perform that act, that he has the same element of discretion that he would have at any other time, and that in that configuration, he cannot be considered as an instrumentality of the unit to which he is assigned.

That is what I attempted to convey and that is what I say again.

Mr. RANGEL. Commissioner, we fully appreciate your answer. I think what we are trying to do is get a copy of the regulations to see whether it is in line with other major cities.

[The regulations referred to above were not received in time for printing.]

Mr. NICHOLS. Fine.

Mr. LYNCH. I have no further questions, Mr. Chairman.

Mr. RANGEL. We will conclude this inquiry by thanking you, Commissioner Nichols, and Commander Bannon, and the officers that were brought here. I do hope you were not misunderstood. Commissioner. We hope you understand that the point of the questions was to bring out some of the problems you have, as well as the degree of success, so that you might share this with other Members of Congress.

I thank you very much on behalf of Chairman Pepper and the rest of the members of the committee and Congress for taking time out to share your views and your program with us.

Thank you very much.

[The document dated December 31, 1972, previously mentioned, follows:]

**DETROIT (MICH.) POLICE DEPARTMENT ANALYSIS OF STRESS, SUBMITTED BY
JOHN F. NICHOLS, COMMISSIONER**

(Statistics including December 31, 1972)

BACKGROUND

One of the major elements in the overall increase in crime in Detroit in recent years has been the felony known as robbery, in which the criminal confronts the victim with violence or the threat of violence.

While all major crimes in the city increased 32 percent from 1968 to 1970, robberies increased 67 percent. Of the seven major crime categories (murder, rape, robbery, assault, burglary, larceny, and auto theft), Robbery alone accounted for 24 percent of the overall increase between 1968 and 1970.

In actual numbers of crimes committed in Detroit, robbery ranks third behind burglary and larceny, and first among crimes in which force or the threat of force is involved.

To deal with this most prevalent of the crimes of violence, a special operation was devised and announced with the Detroit Police Department on January 13, 1971. Its mission was stated succinctly in its acronymic code name, "STRESS," meaning "Stop The Robberies—Enjoy Safe Streets."

The nature of the mission was to operate in plain clothes in such a way as to "merge" with the environment, and to appear to be the type of person that a thug seeking a victim would be likely to confront. Officers would be expected to work in teams. One member of the team on occasion might be expected to pose as a prospective robbery victim.

January 18, 1971, the first arrest was made by one of the earliest volunteers. April 5, STRESS operation results were reported publicly for the first time.

RECRUITING

Initially, officers assigned to the STRESS operation were selected primarily from the precinct support unit (PSU), one of three special task forces within the department's patrol division. As its names suggested, the PSU of about 80 men, reinforces the precincts on response and patrol assignments when the work load is exceptionally high, or pays particular attention to certain types of high-incidence crimes.

Men are assigned to the PSU itself on a volunteer basis. As experience with the STRESS operation increased and its use was expanded, men volunteering specifically for STRESS have gradually filled the entire complement of the PSU, so that to all intents and purposes, the precinct support unit and the STRESS task force are one and the same.

To launch the program, a description of the new operation and its objectives and risks are circulated throughout the department, and those interested were encouraged to seek a transfer to STRESS. As transfer requests were received, each volunteer's record was carefully studied.

Elements of the record of special interest were the volume of arrests, the number of arrests resulting in eventual prosecution, the types of duty previously performed, any citations, disciplinary action or citizens' complaints, physical health, and service rating, particularly in the categories of quality of work, attitude, initiative, judgment, cooperation with fellow officers, and community contacts.

The volunteer's immediate supervisors and the men he has worked with are interviewed. Finally, STRESS supervisors interview the candidate and make their decision as to his suitability for the assignment. In addition, each applicant is given a psychological examination and is personally evaluated. About one-fourth of the applicants are accepted.

Since the operation was announced, about 800 officers from various units have volunteered for STRESS. About one-half of that total have been screened. Of those screened about one-fourth are accepted. A considerable waiting list of applicants remains. Some STRESS officers have been promoted out of the operation, while others have voluntarily transferred out or been reassigned by the STRESS command after an evaluation of their on-the-job performance.

[At present, nine of the assigned STRESS officers are black. This figure fluctuates widely due to varying physical needs.]

The principal source of personnel has been the precinct support unit, however, there are applicants from many other units in the department.

Of the present complement, about 60 percent have from 5 years to 17 years experience and the remaining 40 percent have from 2 to 5 years.

Of the approximately 4,000 patrolmen in the entire department, the experience level runs: 55 percent with 5 or more years, 33 percent between 1 and 5 years, and 12 percent less than a year.

TRAINING

Officers are briefed by STRESS supervisors on a variety of functions: posing as potential robbery victims, response to "silent sentinel" alarm systems installed in selected businesses in high crime areas, plainclothes mobile and foot patrol, and uniformed duty in backup cars. Although the name STRESS has been popularly associated exclusively with the so-called target operation, officers in the program rotate through the other assignments.

In preparation for "target" operations, they are briefed on the specific types of crimes and the types of victims most frequently accosted in the areas they are to patrol. STRESS officers have posed as pedestrians, indigenous to the neighborhood—and all that implies as to dress and appearance—cabdrivers, deliverymen, bill collectors, newsboys, and just plain citizens. A few have donned wigs and dresses to walk in areas where purse snatching has been running high.

After general briefing on overall operations, including warnings on alertness and personal safety, and refresher briefing on the law and department policy affecting police use of weapons, volunteers are assigned to work on specific teams with more experienced officers.

The work of new volunteers, in particular, is watched closely and evaluated by supervision. Critiques are held at daily rollcall. Briefings for a specific day's mission include the latest crime reports, updated daily by computer and plotted on patrol area maps as to location and time of occurrence.

OPERATIONS

The "target" phase of STRESS operations is conducted by plainclothes crews, some in unmarked cars and some in civilian-type vehicles—trucks, cabs, and cars of a model and body style not usually associated with police duty.

The crews may be two, three, or four men, depending on the mission and availability of personnel. The most experienced officer is designated as the crew chief. The most popular operating periods are between 9 a.m. and 5 p.m., and 8 p.m. to 4 a.m., although different work spans may be assigned, depending on the nature of the particular crime problem being attacked.

Geographically, a crew will be assigned to a district covering two to four precincts. While the normal precinct scout cars are patrolling their scout car territories, the STRESS unmarked cars are checking the specific streets or neighborhoods showing a high current rate of street crimes.

Depending upon street "activity"—observation of the number and kinds of individuals on the street in a neighborhood at a given time—the STRESS crew, at its own discretion, may decide to "drop off a target," that is, place one of its members on foot in the street situation, in an appropriate disguise. Cover is provided by other members of the crew, on foot or in cars.

To make the operation effective, covering officers have to remain far enough away from the crew's target member to avoid exposure.

This heightens the element of risk, not only for the officer posing as a victim, but also for any teammates covering on foot. There have been instances in which the covering officer, also in disguise, has been accosted while the intended victim has been unmolested.

Depending on the time of day and ethnic characteristics of the neighborhood, the race of the officer may give him away, so this is an important consideration in team composition. At times, even a black and white pair of officers might attract attention. In some predominantly black neighborhoods, even a black officer might be conspicuous in certain disguises at certain times.

Many STRESS arrests have resulted from criminal response to this kind of operation. However, far more apprehensions have resulted from the presence of officers on or near the scene of the crime, operating as surveillance units, unrecognized by the criminal. Occasionally, prospective attackers seemingly recognized something unusual about the disguised officers and avoided contact. In an instance or two, a disguised police officer has been surprised to receive a friendly warning from "street people" that the "man" was in the area, or "watch out, he looks like a STRESS copper."

RESULTS

Since STRESS officers were first assigned to the street, they have witnessed or been the target of on-the-spot street crimes in more than 70 separate cases. Each case involving anywhere from one to five perpetrators.

In addition, the officers have observed and made arrests in numerous other "off-street" crimes, including residential and business burglaries, possession of stolen property, auto thefts, arson, murder, carrying concealed weapons, narcotic sale and possession, and a variety of misdemeanors and traffic offenses.

They have arrested a number of fugitives sought by the Detroit Police Department and other agencies. They also have obtained search warrants and conducted narcotic raids based on information developed from street activity.

STRESS officers have made 5,633 arrests for felonies or misdemeanors during the period the program has been in operation through December 31, 1972. These resulted in 1,635 felony warrants and 413 misdemeanor warrants. Others are pending. Of those arrested, 503 previously had outstanding warrants against them, a total of 372 juveniles were detained, and 1,491 guns were confiscated, 1,253 of which were handguns.

Of the total arrests, over 2,551 have been referred to court or other criminal justice agencies, many more have been turned over to other law enforcement agencies and Federal, State, and local parole or probation authorities, and others have been cited to traffic and ordinance courts.

Since the inception of STRESS in January 1971, robberies for the subsequent 11 months decreased 10 of the months and showed an overall decrease of 9.9 percent. The percentage of decrease for the year 1972 was 17.3.

Robberies in January 1973 were 9.9 percent fewer than the same month a year ago, and for the entire year to date are down 17.3 percent. This compares with a 67 percent increase from 1968 to 1970, a marked improvement.

In the course of the STRESS operation, two white officers and one black officer have been killed and some 100 other members were wounded or injured.

Sixteen criminals—15 black and 1 white—were shot to death by STRESS officers and 58 were injured. This includes those who jumped out of cars, windows, etc.

Coincidentally, police robbery figures for the year indicate that 89.8 percent of the known perpetrators were black, 5 to 6 percent white, and the rest unknown.

Let no one have any illusions about the violence of the mugger, the strong-arm artist, the armed bandit, who elect often as their victims, the weak, the drunken, the aged—those least likely to offer resistance.

Let no one have any illusions as to the wave of misery and injury left in their wake—almost 500 injured, many elderly victims sentenced for life to a wheelchair or hospital bed.

Already 112 victims are known to have been killed by criminals in the course of robberies in the year 1972.

USE OF FIREARMS BY POLICE

The policy of the Detroit Police Department on use of firearms by police officers is derived from State law, section 71, Michigan Criminal Law and Procedure—amount and use of force says: "an officer may use such force as seems to him to be necessary in forcibly arresting an offender, or in preventing his escape after arrest. Both officers and private persons seeking to prevent a felon's escape must exercise reasonable care to prevent his escape without doing personal violence, and it is only when killing is necessary to prevent his escape that the killing is justified."

The Detroit Police Manual (ch. 4, sec. 28. "Use of Firearms in Police Action") instructs Detroit police officers as follows:

"Revolvers are issued to insure that each officer has the best means of protecting himself from death or serious bodily harm while performing the duties of a law enforcement officer.

"There can be no question concerning its use for these purposes. What the officer may do for his own protection or defense he is authorized and required to do for a fellow officer, a citizen, or a prisoner.

"Firing the revolver to prevent the escape of persons known to have committed the crime of murder, rape, robbery, burglary, and arson is justified when, in the sound discretion of the officer, it appears to be the only means of preventing the felon's escape.

"However, under such circumstances, just as the law recognizes degrees of severity in crimes by providing a minimum and maximum sentence for a par-

ticular crime, the officer about to fire his revolver should carefully plan this action and recognize its severity and possible consequences, particularly in those cases where the crime committed did not result in personal injury.

"Firing the revolver cannot be justified when used as a warning device, nor can it be justified when used for apprehending persons suspected of committing a crime or persons fleeing from the scene of crimes other than murder, rape, robbery, burglary, arson, or the like."

Department Training and Information Bulletin 53, April 30, 1968, interprets both the State law and department policy as follows:

"... The use of the revolver is confined only to those crimes of extremely serious nature—murder, rape, robbery, burglary, and arson, or the like. Here the criterion is clearly indicated: there should be no doubt in the officer's mind as to the guilt of the fleeing felon. Even then, the officer must give some consideration to the severity of the crime, and the danger of injuring an innocent person.

"Before firing a shot an officer must consider the fact that regardless of what a man has done—multimurder or what have you—the State of Michigan has no capital punishment. The stresses of our environment at the present time demand that a continuing emphasis be placed on the seriousness of taking a life.

"Michigan State law clearly states that every effort should be made to effect the arrest by peaceful means whenever possible. Aggression on the part of the felon to resist arrest, or to escape from custody, will justify the use of force by an officer, only in sufficient quantity to effectively overcome the resistance. Under these circumstances, the officer would be justified in using his firearm when confronted with an armed resistance, or when he is threatened with serious body injury. The law does not justify the use of force when no resistance has been offered, and when no intention to escape has been indicated."

It is apropos at this time to deal with the subject of entrapment, which has been offered as an argument against STRESS.

"To constitute entrapment, an officer, by law, must instigate a criminal act which would not have occurred to the perpetrator except for the actions of the officer. To hold that police officers in civilian style of dress constitute entrapment is to take the ludicrous position that all victims of crime are guilty of entrapment, because if they hadn't been there the crime would not have occurred." This is a quotation from a letter written by an executive of the Detroit Police Department to the Public Letter Box.

In response, Justice Eugene F. Black, of the State supreme court, wrote the author, "Your statement of the law of entrapment is precise and accurate in every way."

It would appear, then, that the element of entrapment does not exist in the STRESS operation.

CITIZEN RESPONSE

The most visible citizen response to STRESS operations has been organized protest of some groups that followed the shooting death of two teenagers, who assaulted and robbed a STRESS officer on September 17, 1971. Unorganized response has been overwhelmingly favorable.

Prior to that date, such mail that reached the police department dealing with the STRESS operation, without exception, praised the operation and, in many cases, asked for its expansion.

In the 10 days following the shooting incident of September 17, when public attention was at a peak, the commissioner's office received 138 letters or cards from citizens, 11 wires, and dozens of phone calls. All but two of the letter writers supported STRESS (98.5 percent), including 19 citizens who specifically identified themselves as black.

Of the wires, nine were in support and two were opposed. Of all the phone calls, only one was in opposition.

Comments from black citizens included the following:

"We are a group of black people who support rights over wrong, not color. We support this program 100 percent."

"Keep the STRESS units intact, and rest assured that you do have a lot of silent support, like me. We ordinary black citizens fear reprisals and do not oftentimes express our true sentiments."

"I am black and have come very close to being another one of your police statistics—at the hands of black youths. I do not favor the abolition of STRESS. And any black who does, evidently has not been a victim of their brothers. It is true the young men killed recently were leaving the scene of the crime

and no longer a threat to the officers; but they were still a threat to me or any other individual they would decide to rob or attack."

"I am black and am no law and order man of the ilk of Vice President Agnew, but I am no thief and robber either. Many other blacks are glad to have policemen around regardless of their race, but for them to say so publicly leaves them open for much criticism and harassment."

"It's time we started thinking about the victims of these assaults rather than the criminal."

Two letter writers with personal experience of victimization wrote:

"My husband is still suffering from the results of his encounter almost a year later. He has no sense of smell or taste and has had to have an operation. Fortunately, however, he is still alive."

"* * * I was attacked, very near the parking lot in Palmer Park, by a group of about eight to 10 Negro boys, and was being beaten until rescued by an officer of the STRESS unit. There is no way for me to thank this officer for his very resourceful and efficient handling of the incident in a way which saved me from serious injury."

Finally, a black minister submitted to the police department the results of a poll he took of citizens in his area, including 704 adults and 440 teenagers. Of 1,144 people, 818, or 71.5 percent, supported STRESS and 326 opposed it. Of the adults, 699 or 99.2 percent supported it, and 5 opposed it.

Of the teenagers, 119 were in support and 321, or 72.9 percent, were opposed.

AN EVALUATION

There is an old maxim in police work that the rapidity and certainty of apprehension, and a speedy and fair adjudication in a court of law, is the most effective deterrent to crime.

In spite of the best intentions in the world on the part of concerned citizens, judges, attorneys, police officers, lawmakers, and others of good conscience in the criminal justice system, the various statistics of law enforcement suggest that this concept of deterrence becomes less and less "certain" over the years.

This factor of the certainty of apprehension is the principal external deterrent to the criminal. This is how he measures his risk, the odds he faces when he gambles on a criminal career.

As mentioned before, this is why today's robbery opportunist picks on easy marks—the elderly, the infirmed, the vulnerable. They are not only less physically capable of resisting him, but they are more apt to fail to appear or to make confused and uncertain witnesses in a court case, so that even when apprehended and charged, he stands a good chance of avoiding conviction.

By utilizing police officer volunteers to stand in place of potential victims, the department has increased the degree of risk to the criminal, both as to apprehension and final conviction in court.

STRESS has, to some degree, increased the certainty of apprehension for the crime it is aimed against. This, combined with the public attention focused on the operation, should make many a potential robber more reluctant to take the crime risk than he would be if there were not such operation.

The use of fatal force in some arrests is a tragic necessity which neither the department nor individual police officers take lightly. The department's rules and guidelines could hardly be more explicit. Nevertheless, there is always the element of final discretion in a street situation.

Once the officer is actually confronted with the visible or hidden threat of a gun, a knife, or a physical attack, he has not time for conscious and deliberate evaluation of the suspect's age, race, sex, or emotional condition, or the abstract conceptualization of comparative punishments.

He has to operate on the evidence instantly apparent to him.

All his conditioning is directed to restraint in the use of firearms—to use only as a last resort. But when this moment of last resort has arrived, the police officer in such a situation knows that the difference between life and death for himself or the person he confronts may be simply a matter of split-second timing. He also must and should consider the danger and menace to life to which the next victim of the fleeing felon might be subjected.

Make no mistake, it is the criminal, not the police officer, who has named the game; that is, made the choice that has created the kind of macabre situation in which everybody's life is, or seems to be, on the line—criminal, victim, and police officer.

In pursuit situations, the officer has clear guidelines as to the nature of his authority and responsibility.

STRESS officers would run less risks, and possibly supporting police would be able to move faster to make arrests, if officers on STRESS assignments were equipped with tiny, invisible radio transmitters. Such transmitters, concealed in the clothing, would be kept open and monitored by support crews. Such equipment is available, but the Detroit Police Department does not have a supply for street use, nor the funding with which to acquire them.

There is no simplistic solution to the problem of protecting the police or the citizenry from injury as the result of street activities. We in the department, have experimented extensively in the area of body armor, which carries with it the difficulty to maneuver, and does not protect with sufficient certainty.

We have also explored the possibility of mid-range weaponry. Technology has failed to provide for police departments, a weapon which can be utilized to immobilize or to halt a fleeing individual without the possibility of great physical injury or death.

Perhaps the future holds better things, but to date, such weaponry is not adaptable to the type of operations most police officers find themselves involved in on a day-to-day basis. Such weapons were designed for adaption to situations of mass confrontation and disorder and are far too bulky, cumbersome, and uncertain for normal usage.

Thank you.

Mr. RANGEL. The committee will recess until 1:30.

[Whereupon, at 12:15 p.m., the committee recessed, to reconvene at 1:30 p.m., this same day.]

Afternoon Session

Mr. STEIGER (presiding). In the absence of the chairman, we will declare the afternoon session open and ask that counsel proceed with the examination.

Mr. LYNCH. Thank you, Mr. Chairman.

Members of the committee, I am happy to introduce to you at this time, Col. Eugene J. Camp, chief of police of the St. Louis Police Department. Chief Camp has been in his present capacity for 3 years and has 36 years of service with the St. Louis Police Department. He has been a member of the Missouri Law Enforcement Assistance Council, the State planning agency under LEAA, and he holds a bachelor of science degree from St. Louis University.

Colonel Camp, if you have a prepared statement, would you please deliver it at this time.

**STATEMENT OF EUGENE J. CAMP, CHIEF OF POLICE, ST. LOUIS, MO.,
POLICE DEPARTMENT, ACCOMPANIED BY WILLIAM ARM-
STRONG, SERGEANT, LABORATORY DIVISION; AND CHARLES
MUELLER, SERGEANT, JUVENILE DIVISION**

Mr. LYNCH. Do you have prepared remarks you would like to address to the committee?