

Hoax Bombs
Officer William J. Borbidge
Philadelphia Bomb Disposal Unit
October 22, 1996

What's the difference between a real bomb and a hoax bomb? One will kill you, the other will only scare you. One contains explosives, the other only looks like it contains explosives. One will cause police and firefighters to respond and evacuate everyone from the surrounding area, the other will cause police and firefighters to respond and evacuate everyone from the surrounding area. If apprehended, the builder of the real bomb is charged with a variety of state and federal violations, if convicted, the builder of the real bomb may go to prison for life. If apprehended the builder of the hoax bomb is charged with nothing. That's correct, in Pennsylvania there is no law that prevents someone from constructing a device that resembles in appearance and external qualities an explosive or incendiary device.

The Pennsylvania House Judiciary Committee now has before it House Bill 2484 which proposes to amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for facsimile bombs. If this law is passed, it would make it a crime for any person to knowingly manufacture, sell, purchase, transport, possess or use a facsimile bomb with the intent to do any of the following:

1. Terrify, intimidate, threaten or harass another individual.
2. Cause alarm or reaction on the part of any public or volunteer organization that deals with emergencies involving danger to life or property, or causes the reaction of any law enforcement organization..

If passed, anyone caught violating this law would be charged with a misdemeanor of the second degree. Similar laws already exist in the states of New Jersey, Arizona, California, Colorado, Georgia, Maryland and Texas. The State of New York just recently passed it's own "Hoax Law".

To give you an idea of what's involved when any suspicious device is discovered, the following is a brief description of how the City of Philadelphia responds to a suspected bomb:

- Any time a suspicious item is discovered, all emergency vehicles cease radio communications in the area of the suspect item. This is to prevent any "radio frequency energy" from setting off the bomb. Electric blasting caps are sensitive to stray currents, static electricity and electro-magnetic radiation. All other wireless communications are also shut down (this includes cellular phones and the press).
- All civilian and emergency service personnel are evacuated at least one hundred yards away from the suspicious device. If the "bomb" is located inside a multiple story building; the floor the device is on, the floor above and the floor below; are evacuated. If the "bomb" is located in a residential area; the house involved and the surrounding houses are evacuated. These evacuations occur regardless of the time of day or weather conditions. Any roads, rail lines, airports, etc. that are within the evacuation perimeter are shut down or rerouted.
- A command post is set up and "land line" communications are established with police radio operations.

- Depending upon the location of the "bomb", it may be necessary to shut off certain utilities (electric, gas or water).
- On all bomb related assignments the following emergency response personnel are dispatched:
 - Several patrol officers (depending upon the area to be evacuated) and a patrol supervisor.
 - An investigator (detective) and an investigative supervisor from the area (district/precinct) of occurrence.
 - The commanding officer from the district/precinct of occurrence.
 - A high ranking police official (chief inspector) to act as scene commander.
 - Fire fighting personnel:
 - 1 engine vehicle - 4 firefighters
 - 1 ladder vehicle - 5 firefighters
 - 1 rescue vehicle - 2 emergency medical techs
 - 1 fire chief and his driver
 - The Bomb Disposal Unit -
 - 3 to 5 hazardous device technicians

Note: *All of the above personnel respond to the location of the suspicious item using their emergency lights and sirens.*

All of these personnel are dispatched and all of these procedures are employed whenever a suspect item is found. These procedures are followed by the Philadelphia Police and Fire Departments. However, most of the public safety agencies in Pennsylvania follow similar guidelines. Many of these other agencies do not have full time fire departments. Few have full time bomb squads. The Philadelphia Bomb Disposal Unit has responded to assignments in Bucks, Montgomery, Chester and Delaware Counties. On some of these occasions, the residents and emergency personnel have waited hours for the bomb squad to arrive because of the distance. Whenever these necessary precautions are implemented, the citizens of the affected communities are inconvenienced. Many commercial establishments lose business; people are ordered to leave their homes, schools, churches; even sections of hospitals have been evacuated.

Every bomb disposal unit in Pennsylvania treats every suspicious device or package as if it were a real bomb. All suspicious items are "real bombs" until proven otherwise. Depending upon the nature of the assignment, it may be necessary to use a robot to investigate a device. Sometimes conditions exist that don't allow the robot to be utilized. When this occurs, a bomb tech will put on an eighty pound bomb suit to walk up on the suspicious package. These suits offer a greater degree of protection than a police uniform but, they are hot, heavy, constricting and offer poor visibility. They also do not come with gloves. The bomb technician may then x-ray the item or "open it" using a water disrupter or a variety of other remote methods. It may even be necessary to counter charge a device using explosives. Even though every effort is made to ensure safety on a scene, the use of this equipment and material subjects members of bomb squads and surrounding personnel to certain risks. At the FBI Hazardous Devices School in Huntsville, Alabama a Delaware State Trooper was killed when a water disrupter he was training with accidentally went off.

The fact that an individual can build a facsimile bomb; cause a reaction, and not be charged with any violation; surprises a lot of people, especially law enforcement officers. Some of the people who have built or placed these devices have been apprehended and charged with certain violations; however, in Pennsylvania, these charges do not apply to the crime.

For example: In Pennsylvania, in order to be charged with Subsection 2706, *Terroristic Threats*, a person must write or say that they have a bomb. The mere presence of the fake bomb is not considered a threat. Another charge that does not apply to facsimile bombs is Subsection 908, *Prohibited Offensive Weapons*. The term "facsimile bomb" does not appear in its definition. In order to be a prohibited offensive weapon an item must be capable of inflicting serious bodily injury. Inflicting fear is not part of this law. The charges of; *Criminal Mischief 3304*, *Harassment 5504*, *Disorderly Conduct 5503*, and *Possessing Instruments of Crime 907* have all been applied to persons possessing hoax devices but, the specific wording in all of these laws does not include "facsimile bombs".

In Philadelphia, there were sixteen hoax devices recovered in 1994 and thirty-one hoax devices recovered in 1995. As of this date, the Philadelphia Bomb Disposal Unit has responded to fourteen assignments involving hoax devices this year. Every time emergency personnel respond to one of these devices, the citizens of Pennsylvania are placed in danger. Not from the fake bomb itself, but from the conditions that exist as a result of the device. Everyone of us has experienced the stress of having emergency vehicles rush past. Often the lights and sirens create confusion and occasionally cause accidents. The operators of emergency vehicles are trained to respond to all emergencies as safely as possible but, they need to get "on location" quickly. Delays sometimes can cost lives. It cannot be determined if a bomb is real or not, until after a bomb squad investigates it; therefore, the response to all bomb related emergencies is the same. Another hazard to the public is that when all of these police, firefighters and medical rescue people are on the scene of a hoax device, they can't respond to any other emergency.

Many hoax devices would be real bombs except for one thing, they don't contain explosives. Although this is the part of a bomb that kills, it is usually the easiest component to incorporate into a device. Fusing systems, timing delays, tamper switches and initiators are all much harder to construct; however, without explosives, it is not a bomb. If it's not a bomb, it's not a crime. A length of pipe sealed at both ends with end caps that has batteries attached to the outside and wires leading inside to a bridge wire is not a bomb without an explosive filler. In the words of an explosive enforcement officer for the Bureau of Alcohol, Tobacco and Firearms; "All you have here, is a club". Most law enforcement officers involved with the investigation of bombs are frustrated by their inability to prosecute the makers of these "hoax devices".

I wish I could have everyone here put on an eighty pound bomb suit and investigate a suspicious package that I constructed. Maybe for every ninety-nine "fake" bombs I made, I'd throw in one "real" bomb. Ninety-nine times out of a hundred any one of us could walk up and kick the suspect item and nothing "bad" would happen. But there would always be that *one* time. That *one* time is what confronts a bomb technician every time he or she approaches a suspicious item. The fact that it wasn't a real bomb doesn't make their hearts beat any slower. It doesn't make the bomb suit any less wet from sweat. Usually they'll say, "no big deal, just another hoax".

These devices look like jokes to some people. I've heard people say that they should have "ACME BOMB CO." stenciled on the side, like in the Road Runner cartoons. But, how would you feel if you found one of these things on the front steps of your church or synagogue; or outside your house if you moved into a neighborhood that doesn't want "your kind" living there; or in front of your business that provides a "controversial" service or makes an "unpopular" product? Without a verbal or written threat, no crime has occurred in the eyes of the law. So, you tell your spouse that it's just some sick joke. You tell your children that, "It was just a pretend bomb. No one would put a real bomb here". You laugh about it over coffee or lunch. But, it's a nervous laugh.

How would you like to be the firefighter that after evacuating a whole block of people at three in the morning, tells them, "It's OK folks, you all can go back to sleep now. It wasn't a real bomb". How would you like to be the police officer who catches the practical joker that placed the fake bomb, only to find out that the joker can't be charged because he hasn't committed any crime?

The press is usually quick to jump onto stories that involve bombs. Many members of bomb squads are on a first name basis with reporters and camera crews. Once the press finds out that "The Bomb" wasn't real, they often pack up and leave. No live at five, no film at eleven; no story. No story except for the emergency personnel who responded and rolled out hoses and pulled out stretchers and put on bomb suits. No story except for the people who have had their homes or schools or businesses or places of worship disrupted. No story; just another fake bomb. The Philadelphia Police Department and the Fraternal Order of Police fully support the passage of House Bill 2484. The Executive Committee of the Pennsylvania District Attorney's Association unanimously voted to support it also. House Bill 2484, banning facsimile bombs is not a big law but, it's a law that does not now exist in Pennsylvania. It's not controversial. No one is going to lose their job if it's passed. But, it will give law enforcement officers and the courts the authority to arrest and punish people who violate it.

Officer William J. Borbidge III

Background Information.

William Borbidge has been a police officer with the Philadelphia Police Department for fifteen years. The last ten of those years he has been a Hazardous Device Technician assigned to the department's Bomb Disposal Unit. He has an Associates Degree from Penn State. Officer Borbidge is a second generation "Bomb Tech" who has received training from the FBI and U.S. Army's Hazardous Devices School. He received training in post blast investigations from the Bureau of Alcohol, Tobacco and Firearms at the Federal Law Enforcement Training Center. He is a licensed blaster in the State of Pennsylvania, having qualified for the highest level of certification offered by the Pennsylvania Department of Environmental Resources.. Officer Borbidge is a Certified Municipal Police Instructor in Pennsylvania who has given classes in Explosive Recognition and Bomb Threat Management to law enforcement officers, emergency response agencies and private corporations. He has been qualified as an expert witness and testified on numerous occasions. Bill has been the Delaware Valley Chapter Director for the International Association of Bomb Technicians and Investigators for over three years and has had articles published in that organization's bi-monthly newsletter, "The Detonator". During his ten years with the Philadelphia Bomb Squad, Officer Borbidge has responded to over six hundred bomb related assignments.

2929 NORTH FRONT STREET
HARRISBURG, PA 17110
(717) 238-5416
FAX (717) 231-3912

FOUNDED 1912

PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION

July 25, 1996

PRESIDENT

WILLIAM J. HABERSTROH
Blair County

VICE-PRESIDENT

TED McKNIGHT
Clinton County

SECRETARY-TREASURER

MICHAEL D. MARINO
Montgomery County

IMMEDIATE-PAST PRESIDENT

CLAUDE A. LORD SHIELDS
Schuylkill County

EXECUTIVE COMMITTEE

RALPH A. GERMAK
Juniata County

JOHN M. MORGANELLI
Northampton County

ROBERT W. BUEHNER, JR.
Montour County

MARK R. ZIMMER
Wayne County

JOSEPH C. MADENSPACHER
Lancaster County

LEGISLATIVE CHAIRPERSON

LYNNE M. ABRAHAM
Philadelphia County

CHAIRMAN OF APPEALS

ROBERT E. COLVILLE
Allegheny County

EXECUTIVE DIRECTOR

JANICE MARTINO-GOTTSHALL

Commissioner Richard Neal
Police Administration Building
8th and Race Streets
Philadelphia, PA 19106

Re: House Bill 2484, P. N. 3273

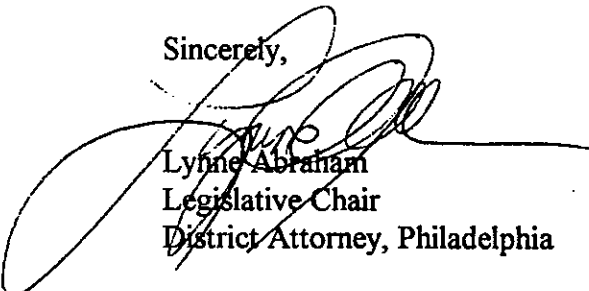
Dear Commissioner Neal:

At the request of Officer William Borbidge of your Bomb Disposal Unit, House Bill 2484 was presented for discussion and was unanimously supported by the Executive Committee of the Pennsylvania District Attorneys Association.

Enactment of House Bill 2484, which criminalizes the manufacture, sale, purchase, transport, possession or use of a facsimile or "hoax" bomb, can only result in saving large amounts of money, time, labor and unnecessary anxiety to officers and civilians. Scanty law enforcement resources should never be used to unearth "fake" bombs, especially without properly punishing the offender. House Bill 2484 cures this problem.

Thank you for bringing this important legislation to the attention of the Association.

Sincerely,


Lynne Abraham
Legislative Chair
District Attorney, Philadelphia

cc: Ted McKnight, President, Pennsylvania District Attorneys Association
Honorable Thomas P. Gannon, Chairman, House Judiciary Committee
Honorable Dennis M. O'Brien, House of Representatives
Brian Preski, Counsel, House Judiciary Committee
Officer William Borbidge ✓
Janice Martino-Gotshall, Executive Director, Pennsylvania District Attorneys Association



Philadelphia Lodge 5

1336 Spring Garden Street, Philadelphia, PA 19123-3295

Fraternal Order of Police

Richard B. Costello, President
Robert V. Eddis, Recording Secretary

(215) 629-3600
JULY 25, 1996

Vice Presidents
Kenneth R. Rocks
James P. Wheeler
Margie R. Watson
James W. McDevitt

Treasurer
Robert J. Borden

Financial Secretary
Lewis A. Saxon

Trustees
James J. Campana
John C. Clinkscale
Edwin Diaz
Frederick E. Ryan
Veronica E. Sypherd

Conductor
Eugene Blagmond

Guards
Charles F. Gubler
Joseph C. DeCarlo

Chaplain
Joseph Cella, Jr.

OFFICER WILLIAM J. BORBIDGE, III
Philadelphia Police Department
Ordnance (Bomb) Disposal Unit
Philadelphia Police Academy
8501 State Road
Philadelphia PA 19136

COPY

Dear Bill:

Thank you for your letter regarding HB #2484. We fully support your position on this proposal.

Under separate cover, I am forwarding a copy of your letter to State F.O.P. President Fran Bascelli and requesting his active support of this Bill in Harrisburg.

We will keep you posted.

Fraternally yours,

RICHARD B. COSTELLO, President
Fraternal Order of Police
Lodge #5 Philadelphia

/L

Enclosure

cc: copy to Officer's home address