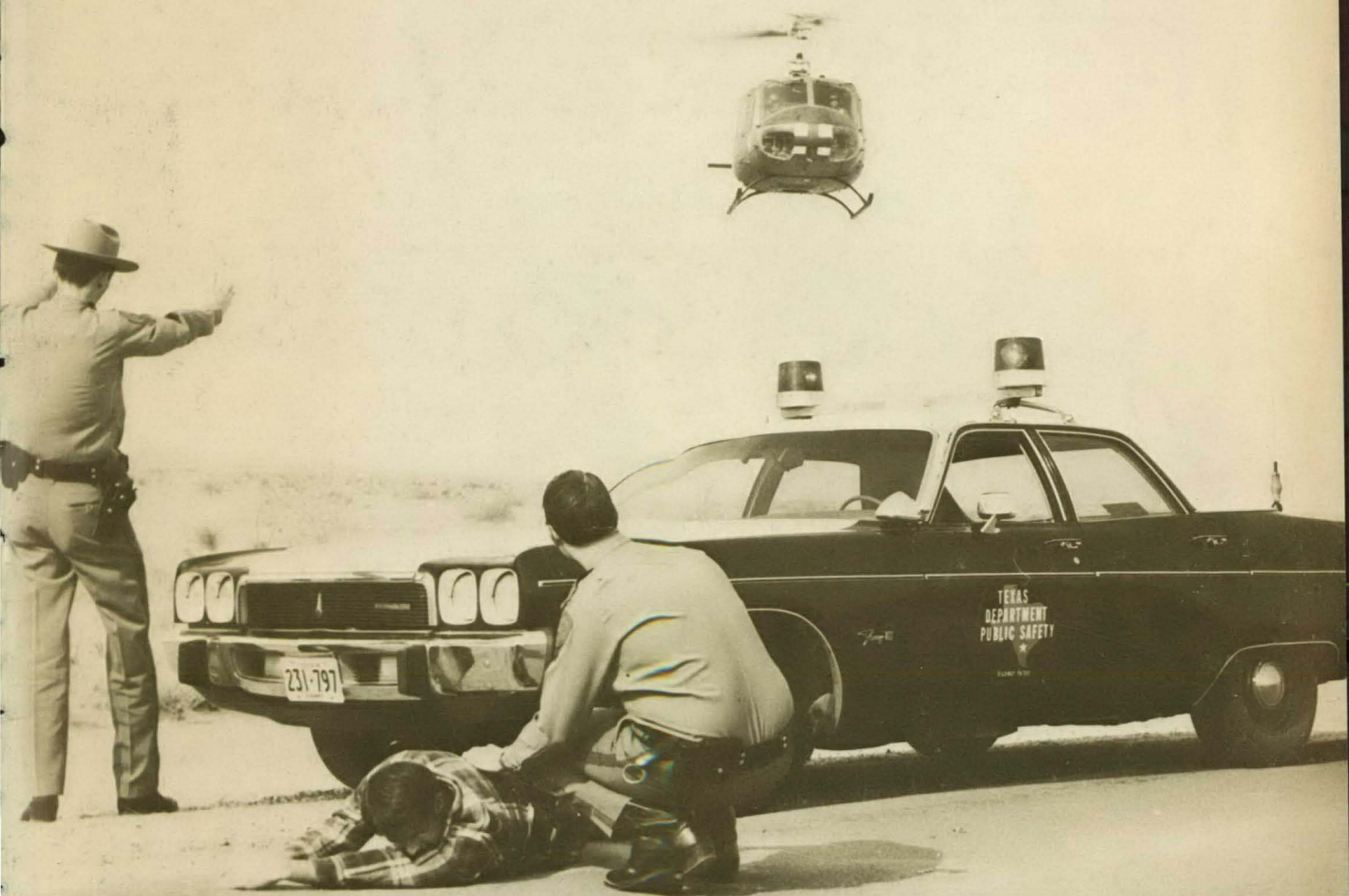


# FBI

## *Law Enforcement Bulletin*

**APRIL 1976**



***Federal Bureau of Investigation***

***Clarence M. Kelley, Director***

# FBI

## Law Enforcement Bulletin

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#### THE COVER

This month's cover portrays a helicopter ambulance, provided through the Military Assistance to Safety and Traffic Program (MAST), responding to a law enforcement call for emergency medical aid. See related article beginning on page 3.





## *Message from the Director . . .*



AS A WEAPON OF CRIME AND EXTREMISM, the bomb represents a uniquely dangerous and challenging threat that all levels of law enforcement must endeavor to meet more effectively.

Explosive and incendiary devices are capable of inflicting death, personal injury, and destruction on a massive and viciously indiscriminate scale. Moreover, the relative ease with which these bombing devices may be improvised, concealed, and treacherously activated contributes immeasurably to the seriousness of this terrifying menace. Persons responsible for crimes of this nature range from the mentally deranged to coldly methodical terrorists and hoodlum enforcers who murderously employ sophisticated bombs. Targets of their attacks may include individuals, organizations, the Government, or society at large.

The bomb's appeal to those of violent purpose continues to be demonstrated with increasingly tragic consequences. During 1974, a total of 2,044 actual and attempted bombing incidents in the United States and Puerto Rico was reported to the FBI. Although this annual total was exceeded only slightly in 1975, a shocking rise in resultant fatalities, personal injuries, and extent of property damage was recorded. In 1974, incidents of this nature led to two dozen deaths, over 200 personal injuries, and property damage valued at about \$10 million. During 1975, the number of fatalities almost tripled—totaling 69—and well over 300 persons were injured. In the same period, one bombing incident alone accounted for \$14 million worth of property damage.

From a law enforcement standpoint, the difficulties in dealing with this menace are formidable.

Bombers may strike at any time, in virtually any direction, and with a bewildering array of devices and tactics. To protect themselves and others, police officers must be trained to recognize and react properly to these hazardous situations. "Survival training" at this level is of paramount importance. Quite obviously, the disarming and safe handling of live bombs routinely require a high degree of technical competence and experience, and every effort must be made to develop specialists in this field in adequate numbers.

Bombings are, of course, notoriously difficult to investigate and solve—and understandably so. Witnesses to the clandestine placement of a bomb are obviously rare. Normally, too, considerable time and distance separate the bomber from the explosion which itself acts to destroy any existing physical evidence. Consequently, these cases require highly specialized investigative attention and technical resources.

To more effectively meet these critical and demanding investigative challenges, law enforcement agencies are urged to fully utilize the extensive areas of technical and training assistance offered through the FBI. Major cooperative areas of this type include the many services of the FBI Laboratory in relation to the forensic examination of physical evidence, and other forms of highly advanced technical aid. Also of major importance are the varied forms of training support and technical information concerning



## MESSAGE

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bombing devices provided by the FBI Bomb Data Program. Statistical data and related information pertaining to bombing incidents are compiled and disseminated through the FBI's Uniform Crime Reporting Program to all police agencies.

In a very real sense, the power of knowledge is perhaps law enforcement's most potent weapon in our struggle against the awesome destructiveness of the bombing menace. Let us use this power to maximum effect.

APRIL 1, 1976

  
CLARENCE M. KELLEY  
*Director*



# The MAST Program: A Vital Resource

By

CAPT. LEE T. SMITH

Helicopter Pilot  
U.S. Army

283d Medical Detachment  
(Helicopter Ambulance)  
Fort Bliss, Tex.



*"The MAST program . . . sponsored jointly by the Departments of Transportation and Defense . . . makes available . . . specially equipped air ambulances to handle extreme medical emergencies involving civilians."*

On the afternoon of March 17, 1974, a middle-aged male schoolteacher was mountain climbing with a group of students. The objective was LaDrones Peak, a mountain summit located approximately 35 nautical miles northwest of Socorro, N. Mex. The climb was proceeding without incident until the teacher reached for a rock which, being loose, suddenly gave way. As a result, he fell approximately 70 feet into a ravine, suffering serious injuries requiring medical assistance and evacuation.

Numerous attempts were made by individuals in the climbing party to

reach the injured person and, later that evening, several succeeded. They realized that he was in need of immediate care and were further concerned since night had arrived, and the temperature was dropping rapidly. With no rescue equipment available to the climbing party, they decided to treat the injured climber as best they could under the circumstances and to attempt to keep him warm near fires until necessary help could arrive. A mountain rescue team, based in Albuquerque, N. Mex., was notified and summoned for additional help.





Maj. Gen. C. J. Le Van  
Commanding Officer  
Fort Bliss, Tex.

### ***Air Rescue Requested***

At approximately 9:30 the same evening, a distress call was placed by the New Mexico State Police to the 283d Medical Detachment (Helicopter Ambulance), a Military Assistance to Safety and Traffic (MAST) Unit, located at Fort Bliss, Tex. Special

considerations entered into this potential mission because of the altitude involved and precarious location of the injured climber. Prior to takeoff, the aircraft commander on duty made thorough map checks and gathered as much information as possible about weather conditions in the immediate vicinity of LaDrones Peak. Simultaneously, the pilot, crew chief, and flight medic were preparing the aircraft for a hoist mission. All connections and cables involved with the internal rescue hoist were checked and rechecked prior to departure.

The crew departed Biggs Army Air Field at Fort Bliss, and the weather en route to the accident site was excellent. One refueling stop was made along the way at Stallion Army Air Field located 45 nautical miles southeast of LaDrones Peak. After refueling, a stop was made at Socorro to coordinate with the New Mexico State Police. The aircraft commander was thoroughly briefed by



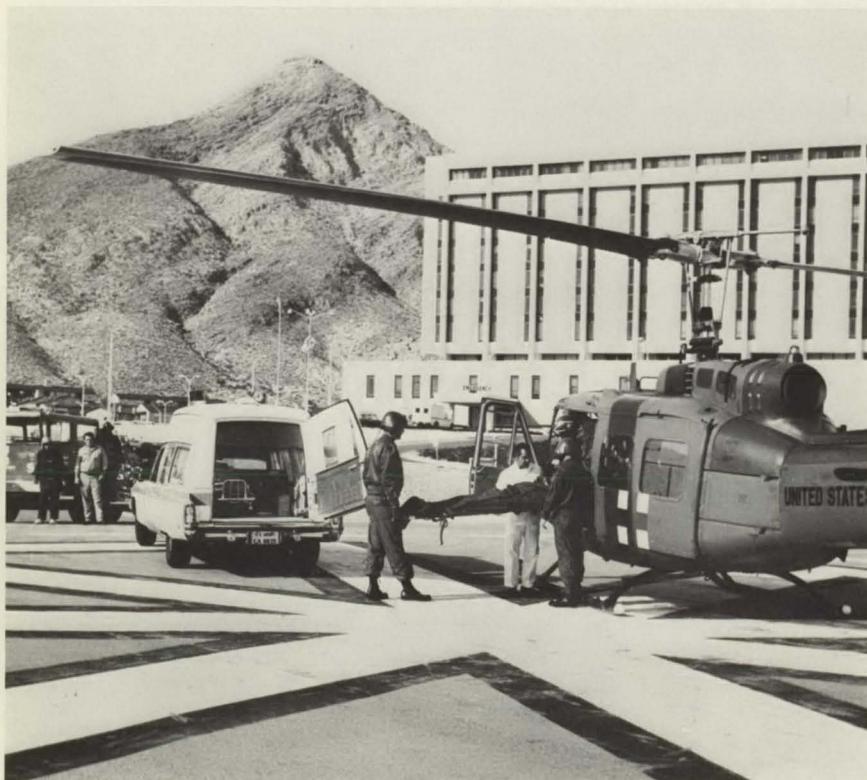
Maj. Eldon H. Ideus  
Commanding Officer  
283d Medical Detachment

the State police officer in charge and informed that a mountain rescue team from Albuquerque was en route to aid in the rescue. A decision was made by the aircraft commander that, because of the wind currents within the mountains and the location of the patient, aircraft rescue could not be safely attempted until daylight.

During the waiting period, the specialized mountain rescue team reached the injured climber. This ground rescue team was equipped with necessary equipment to move the patient and citizens band radio gear to facilitate communications with the other rescue elements.

At daybreak, the aircraft crew departed Socorro and proceeded to the LaDrones Peak rescue operations center which had been established. Thereafter, several attempts by aircraft were made to reach the patient at his position; however, bad wind currents in the ravine made helicopter rescue impossible. The aircraft made several passes over the mountain trying to locate a suitable area where the hoist could be utilized. A spot was found approximately 300 yards above the injured climber's site which could be used as a point to hoist him into the aircraft. The aircraft returned to the rescue operation center located at the base of the mountain and passed this

Helicopter ambulance on helipad at William Beaumont Army Medical Center, El Paso, Tex.







Helicopter ambulance crew (author kneeling at left).

information on to the ground rescue team chief.

Because of the extremely rugged terrain, experts estimated that the 300-yard move up the mountain would take about 3 hours, thus enabling the helicopter ample time to make a short refueling flight to Albuquerque and return. The injured climber was successfully moved to the new site, and when the aircraft returned, the patient was hoisted from the mountainside and promptly transported to Albuquerque for necessary treatment. Mission accomplished!

### Mountain Road Crash

In the early evening of April 6, 1975, two young men were driving from Alamogordo, N. Mex., to the nearby mountain resort town of Cloudcroft, N. Mex. The drive up

the winding mountain road was uneventful until the driver apparently failed to properly negotiate a sharp curve. The vehicle slid out of control and abruptly left the road, plunging 300 feet into a steep, narrow gorge. The two occupants were pinned helplessly in the wreckage in a state of shock.

The New Mexico State Police were the first to arrive at the accident scene. They determined, as in past accidents of this nature, that providing immediate medical attention and evacuation would pose a major problem.

Mountain rescuers were summoned and began a steep rappel to the bottom of the gorge. A call for assistance was also made to the 283d Medical Detachment located approximately 75 air miles away. The response was immediate, and in 35 minutes, the heli-

copter crew was at the scene reconnoitering the location of the accident for the best flight route in and out of the narrow gorge. A steep vertical descent by the helicopter would be necessary, allowing only a minimum clearance of terrain for its high-speed rotating blades.

The aircraft commander, a Vietnam-experienced medical evacuation pilot, meticulously maneuvered the aircraft down the gorge to the twisted wreckage.

Simultaneously, the rappelling rescuers reached the battered auto and began cutting away metal in order to extract the pinned-in occupants.

The paramedic present quickly and accurately diagnosed one patient as "critical" and the other as "routine" insofar as injuries sustained. The critical patient had broken bones and deep lacerations complicated by severe





Operations Office of  
the 283d Medical  
Detachment.

bleeding. The routine patient suffered minor cuts, bruises, and possible internal injuries. To counteract the large loss of blood by the critical patient, efforts to inject life-saving intravenous fluids into both arms were initiated by the paramedic. The trained crew assisted the medic by applying splints and bandages to the patient's wounded extremities. The patient was then carefully loaded on the aircraft and flown directly to William Beaumont Army Medical Center, El Paso, Tex. Here he spent the next 6 months recovering from the near-fatal accident.

These are merely two examples of the nature of numerous calls for assistance received by the 283d Medical Detachment. None are considered typical calls, as each will undoubtedly present problems of a unique nature. These include varying daytime and night-flight conditions, rugged mountain and desert terrain, and unusual weather situations such as tricky wind currents and massive blowing dust and sand storms.

#### ***Air Ambulances Available***

The MAST program is sponsored jointly by the Departments of Transportation and Defense. It makes available, on call, specially equipped air ambulances to handle extreme medical emergencies involving civilians. This service is available to members of civilian communities in proximity to 22 military installations in the United States.

MAST units exist on sites at the following locations:

Fort Rucker, Ala.  
Fort Ord, Calif.  
Fort Carson, Colo.  
McDill Air Force Base, Fla.  
Fort Benning, Ga.  
Fort Stewart, Ga.  
Schofield Barracks, Hawaii  
Mountain Home Air Force Base,  
Idaho  
Fort Riley, Kans.  
Fort Campbell, Ky.  
Fort Knox, Ky.  
K. I. Sawyer Air Force Base,  
Mich.

Plattsburgh Air Force Base, N.Y.  
Fort Bragg, N.C.  
Fort Sill, Okla.  
Fort Jackson, S.C.  
Fort Bliss, Tex.  
Fort Hood, Tex.  
Fort Sam Houston, Tex.  
Fairchild Air Force Base, Wash.  
Fort Lewis, Wash.  
F. E. Warren Air Force Base,  
Wyo.

The MAST helicopter crews respond to emergencies such as heart attacks, premature births, delivery of blood, and transportation of human organs for transplants. The versatility and quick response of helicopters

***"The Department of Defense provides the MAST air ambulances, medical personnel, and supplies to help augment any existing medical evacuation system."***

make their use in assisting victims at automobile accident sites in remote areas especially valuable.



## Requesting MAST Rescue

Requests for MAST missions may originate from local or State law enforcement agencies, public safety officials, doctors, and also from various Federal officials such as National Park and Forest Rangers. Weather conditions are a prime consideration of an aircraft commander deciding to approve or disapprove a mission; however, circumstances of the accident and the condition of the injured are also factors to be considered.

The MAST program does not enter into any type of competition with civilian air or ground ambulance facilities. The Department of Defense provides the MAST air ambulances, medical personnel, and supplies to help augment any existing medical evacuation system. This is a definite asset to communities where great distances exist between medical facilities.

## Fort Bliss MAST Unit

The 283d Medical Detachment (Helicopter Ambulance) became an

official participant in the MAST program in November 1974. This unit, located at Fort Bliss, Tex., has been flying civilian rescue missions since July 1972, following its return to the United States from Vietnam duty. However, prior to November 1974, all civilian rescue requests were considered by the 283d Medical Detachment on an individual basis and accepted and flown only upon approval of the Commanding General, Fort Bliss.

The 52 members of the 283d Medical Detachment at Fort Bliss are commanded by Maj. Eldon H. Ideus. Each rescue crew consists of an aircraft commander, pilot, crew chief,

*"Members of the four-man crew receive extensive medical training in the techniques of emergency medical care."*

and flight medic. Members of the four-man crew receive extensive medical training in the techniques of emergency medical care. This includes 80

hours of classroom work and 40 hours of hospital training. Specific areas of training taught to all crew members include artificial heart massage, techniques of childbirth, treatment of broken limbs, and other aspects of advanced first aid.

## Specialized Medical Skills

Prior to a flight medic arriving at the MAST unit, he will have completed an 8-week course of specialized training at Brooke Army Medical Center in San Antonio, Tex. Upon arrival at the 283d Medical Detachment, he will undergo further medical training. Before assuming duties of a paramedic on flight status, he will spend 2 months working in the emergency room at William Beaumont Army Medical Center gaining firsthand experience in treating emergency cases.

Flight medics also complete the Texas Emergency Medical Technicians Course and are certified by the State of Texas as paramedics. They are qualified to utilize special equip-

A helicopter ambulance about to depart Biggs Army Air Field on a rescue mission.





ment such as incubators and heart monitors, if needed, in connection with situations encountered on a mission. Should a patient's medical predicament require such, all medics are able to start injecting intravenous fluids, perform a tracheal puncture to establish an airway, and administer, upon doctor's orders, certain prescribed drugs.

### ***Aircraft and Crews***

The 283d Medical Detachment operates six UH-1 (Huey) helicopters that are specially equipped to perform rescue missions. Two crews are maintained on a 24-hour ready status. A primary crew remains on duty at the Detachment Operations Center for a period of 24 hours to provide instant reaction if needed. Members of a secondary crew remain on standby at or near their homes during off-duty hours, and must be within 30 minutes distance of the unit headquarters at all times to serve as a backup crew in case the primary crew must depart on a mission.

Each helicopter ambulance is capable of transporting three litter and four ambulatory patients. The craft can also be adapted to carry an incubator for use in situations involving premature births.

The UH-1 helicopter is capable of top speeds of approximately 135 miles per hour and can cover a distance of 200 miles before refueling is necessary. The operational cost to the U.S. Government is \$76 per flight hour which includes jet fuel, oil, and parts.

Each emergency request is given a classification according to the apparent seriousness of the patient's condition. The first classification is URGENT and indicates there is a possible danger of loss of life or limb. The next classification is PRIORITY and includes cases requiring immediate medical assistance of a serious nature. The final category is



**Texas Highway Patrol troopers and helicopter ambulance crew provide on-the-scene medical assistance to an accident victim.**

ROUTINE and consists of patients with nonserious or minor injuries or conditions. No calls to merely assist patients with injuries in the ROUTINE category are usually handled by MAST.

### ***Area of Operation***

The 283d Medical Detachment has MAST responsibilities for portions of New Mexico and Texas and operates in a 100-nautical-mile radius out of El Paso, Tex. Each helicopter has ample radio equipment to provide direct aircraft-to-car communication with the Texas Highway Patrol, as well as with New Mexico State Police units and most hospitals participating in the program.

At the present time, there are only two hospitals in El Paso that are equipped with helipads; however, this does not mean that patients may only be taken to them. If it is requested that a patient be taken to another hospital, the helicopter will land at either El Paso International Airport or Biggs Army Airfield where a prealerted ambulance will meet the aircraft and

transport the patient to the desired hospital.

### ***Highly Successful Program***

From the time the emergency rescue program was initiated at Fort Bliss in July 1972 until the implementation of the MAST program in November 1974, 148 civilian rescue missions had been performed. Since the MAST program started, rescue missions have been flown with over 104 patients, requiring in excess of 2,280 hours of actual flight time.

Because of the dedication, courage, enthusiasm, and professional skill of all personnel of the 283d Medical Detachment, the MAST program concept has been highly successful in El Paso and adjacent areas of the Southwest it serves. It has proven its worth in saving lives, obtaining prompt medical attention for the seriously injured, and reducing suffering. The crews are proud of their mission. They consider their reward to be the knowledge that they are aiding their fellow Americans in times of urgent and often vital need.



# PHOTOGRAPHING AND CASTING TOOLMARKS

By

DET. LT. DAVID G. TOWNSHEND

Michigan State Police Scientific  
Laboratory  
East Lansing, Mich.



Each year, an alarming number of burglaries occur in the United States. The FBI Uniform Crime Reports reveal that an estimated total of 3,020,700 burglaries occurred during 1974, with an estimated loss to victims of \$1.2 billion. Seventy-five percent of the total were forcible entry, 19 percent unlawful entry (without force), and the remainder forcible entry attempts. Of the total burglaries, only 18 percent were cleared by arrest.

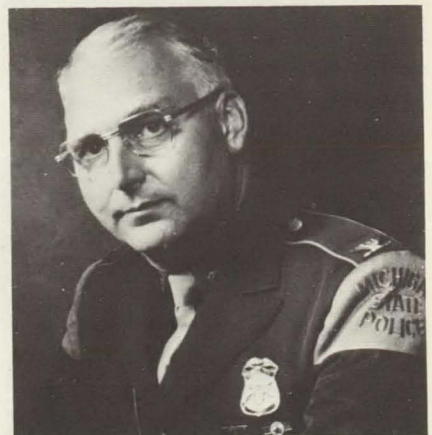
According to the State of Michigan Uniform Crime Reports for the year 1974, there were a total of 172,828 burglary offenses in the State. Of this total, 81.2 percent involved forcible entry, a 20-percent increase over the previous year, and 9.4 percent involved attempted forcible entry, a 21.8-percent increase.

These statistics do not reflect other incidents where a tool may have been used, e.g., larcenies of copper wire, pay telephones, gas, etc. The number and types of tools and instruments that will leave an identifiable impressed or striated mark is limited only by one's imagination. Identifica-

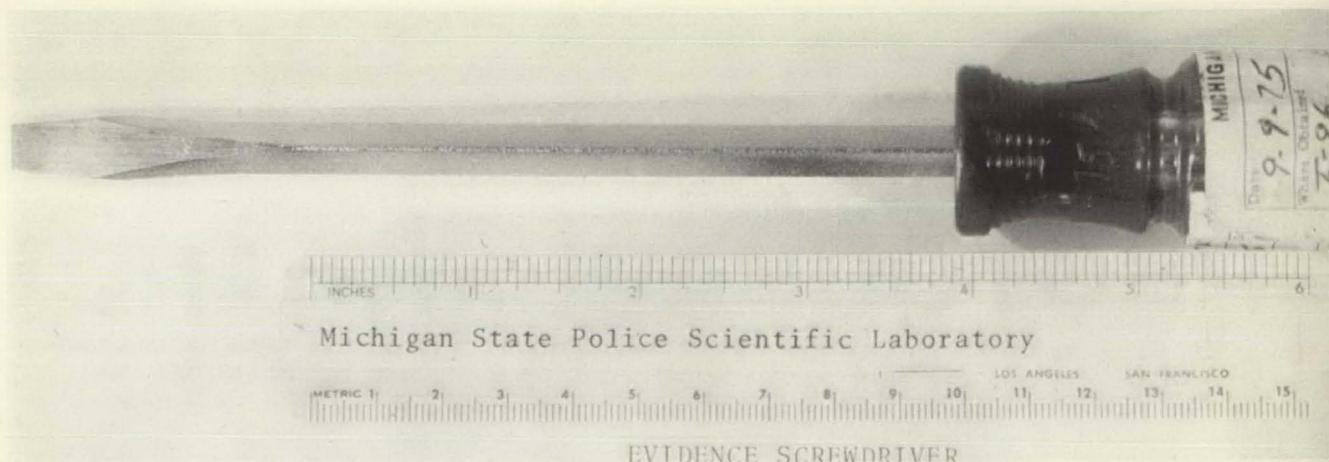
tions have been made in cases involving desk staplers used in gambling operations and bank robberies, pocket and hunting knives used to slash and puncture automobile tires, tree trimmers and pruning shears used in larcenies of copper wire, not to mention the numerous identifications of screwdrivers, pliers, pipe wrenches, tire irons, hammers, and chisels. However, the actual number of toolmark cases that are received by crime laboratories is minimal. Less than 1 percent of the cases received by the six Michigan State Police crime laboratories in the last year were of the toolmark nature.

One area where available toolmark evidence is not effectively utilized relates to those instances where it is impossible, impractical, or costly to remove an item containing a toolmark. Faced with this problem, investigators often overlook the possibility of casting the toolmark. It is not necessary for an investigator to examine a toolmark to determine if it contains sufficient individual characteristics for a positive identification. This can only be determined by

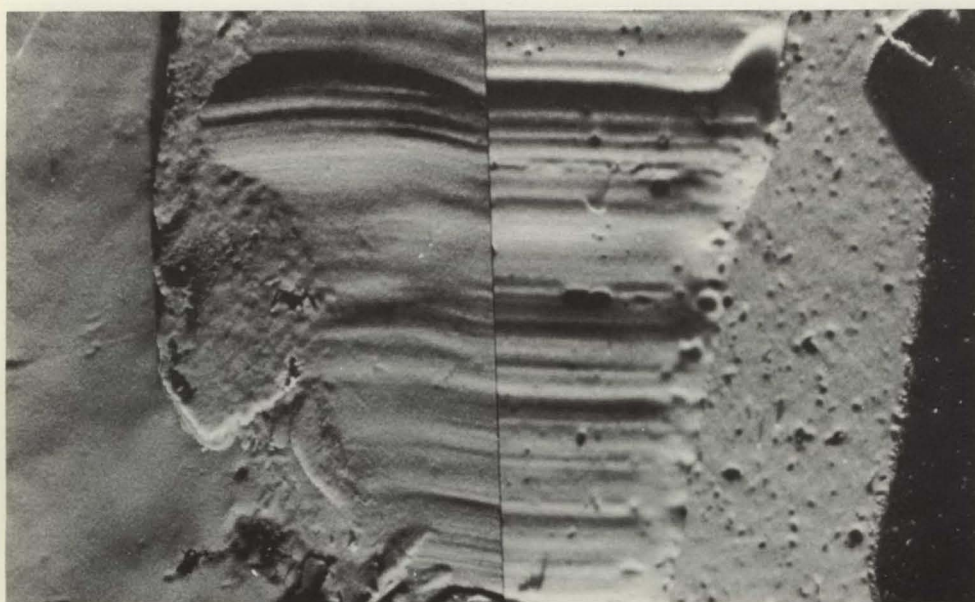
Col. George L. Halverson  
Director, Michigan State Police



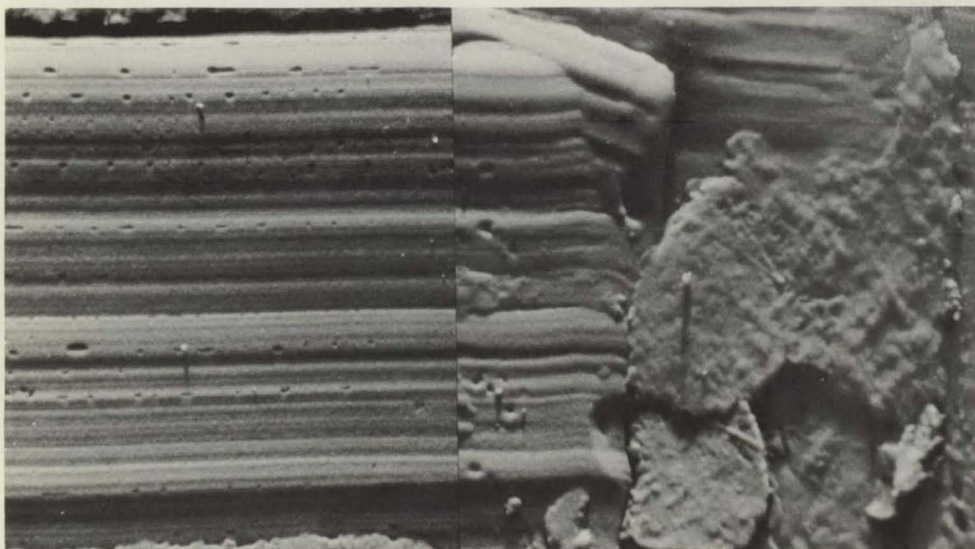




Evidence screwdriver found in possession of suspects.



Photomicrograph of cast impressions of evidence mark (left of centerline) with cast impressions of test marks made with sides 1 and 2 of tip of evidence screwdriver (right of centerline).





means of a microscopic examination in a laboratory.

### Photographing

Photographs of the toolmark should be taken in all cases prior to casting. A fingerprint camera produces a good workable image on both impressed and striated toolmarks. Best results have been obtained by using only one bank of bulbs. The use of a single bank provides an oblique crosslighting required to highlight fine-line detail.

Tests with the fingerprint camera have shown that each case will vary in regard to *f*-stop and exposure time. Excellent results have been obtained using a setting of *f*/8 and an exposure time of 2, 4, and 6 seconds. In instances where the evidence toolmark is exceptionally deep, it may be necessary to use *f*-stops *f*/11 or *f*/22 for greater depth of field. However, if the *f*-stop is increased, the exposure time must also be increased.

The fingerprint camera should be situated so that a series of photographs are taken first with the bank of lights that are nearest the toolmark and perpendicular to the striae in the toolmark. The camera should then be rotated 180 degrees so that the bank

the mark is ready for casting. Much has been written on various media for use in casting toolmarks. The substance that has met with best results in the Michigan State Police laboratories is cellulose acetate butyrate, which is readily available at various chemical companies. It has shown to be effective in the reproduction of fine-line striae in toolmarks, and it remains in a solid form until heated. For best results in casting, cut a piece of the substance with a knife, larger in area than the toolmark to be cast, apply a flame to the end which

*"There have been numerous cases where suspects have been apprehended, and the tools in their possession were identified with a prior burglary."*

will be used for the cast, and heat until it begins to flow. Place the liquid portion in contact with the mark to be cast, allow it to cool for approximately 2 minutes, and then remove it from the toolmark. If a mistake is made, simply reheat the substance and reuse it.

If possible, three casts should be taken of each evidence mark. The investigator should mark on the opposite end of the cast his initials, the

*"A fingerprint camera produces a good workable image on both impressed and striated toolmarks."*

of lights is furthest away from the toolmark still perpendicular to the mark and exposure time bracketed at 2, 4, and 6 seconds. It is not necessary to use a scale when photographing with the fingerprint camera because the camera photographs at a one-to-one scale. The film pack should then be sent to the laboratory for processing.

### Casting

After the photographing of the evidence toolmark has been completed,

date, time, and the complaint number. The cast should then be placed in an individual evidence container marked with the location where the cast was taken, e.g., upper portion of safe door, lower right window casing, etc. The evidence container should also be marked with the initials of the investigator, the date, time, and the complaint number. This will aid the investigator in identifying the cast and evidence container in court.

Practice on the part of the investigator in casting will instill confidence

in this technique. An investigator should not feel that if he does not have the evidence tool or a suspect in custody photographing and casting of toolmarks are insignificant. There have been numerous cases where suspects have been apprehended, and the tools in their possession were identified with a prior burglary.

Excellent results can be obtained in the laboratory if, prior to microscopic examination, the laboratory technician ignites a small strip of magnesium ribbon and passes the cast through the smoke of the burning rib-

bon. This will eliminate the translucent effect of the cast. The use of gray fingerprint powder lightly dusted onto the cast has also met with great success.

### Conclusion

In a recent case, a detective from one of our State police posts contacted the laboratory and requested assistance in photographing and casting toolmarks at the scene of a motel burglary. The author went to the scene where photographs and casts were taken of the evidence toolmarks. Subsequently, a positive identification was made with the evidence cast and test marks from a screwdriver recovered from a suspect and submitted to the laboratory for comparison purposes. This case met with success because the investigator possessed the knowledge and ability to realize the value of toolmarks as evidence.

As in this instance, a familiarization with techniques involved in photographing and casting evidence toolmarks could result in an increase in burglary convictions and a reduction in losses suffered by property owners.



*The Metropolitan Correctional Center's "aim is to provide a more humane atmosphere and to help alleviate the pretrial tension and anxiety. . . ."*

# Metropolitan Correctional Center

By

ANITA TATUM

Administrative Assistant to the  
Warden  
Metropolitan Correctional Center  
San Diego, Calif.





**D**edication ceremonies were held for the new Metropolitan Correctional Center in San Diego, Calif., on November 15, 1974. This center was the first of three such Bureau of Prisons facilities to be built in the United States. The others are located in Chicago, Ill., and New York City.

The Metropolitan Correctional Center, as one of 44 Bureau of Prisons facilities, operates under bureauwide policy guidelines. However, as its functions are almost totally different from the older, more established institutions, the first year of its operation was spent revising and updating guidelines to meet its specific needs.

The concept of the center is to provide the following services for the courts:

1. Pretrial detention—a place to house those individuals arrested, but not yet tried, for an offense;

2. Short-term commitments of 6 months or less—this includes those offenders sentenced to 6 months or less and those serving the last 6 months of a longer sentence with a release destination in the San Diego area; and

3. Diagnostics and observation—psychiatric evaluations, counseling, evaluations for the courts, and prerelease planning are among areas covered.

Crisis intervention has played a major role at the center. Many of those arrested and committed here are facing incarceration for the first time. Even though some may be found innocent and released, they still must go through the traumatic experience of confinement and court proceedings. Educational and recreational programs are offered, and television is provided to help maintain and enhance community awareness.

The San Diego facility is equal to a 22-story building and stands 267 feet



Warden J. D. Williams

above street level. The overall floor space amounts to approximately 240,000 square feet. It was built with-

out the standard quantities of concrete and steel, which not only takes away from the traditional jail appearance but saved approximately \$2 million in construction costs. The facility was built at a cost of approximately \$14 million.

The below-grade portion is comprised of the service areas, such as the laundry, food service department, storeroom, and mechanical services department. The food service system is a completely new concept in the Bureau of Prisons. All of the food is prepared in the master kitchen, plated, and refrigerated. It is sent to each floor, based on actual inmate count, three times daily and reheated in microwave ovens.

The first floor is made up of the lobby area and administrative offices.

The main lobby of the Metropolitan Correctional Center.







The interior of a typical cell.

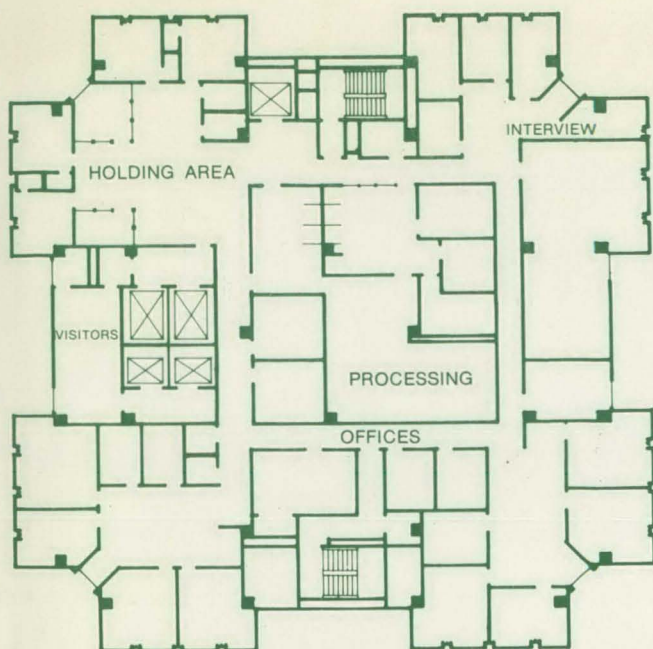


Area outside individual cells.

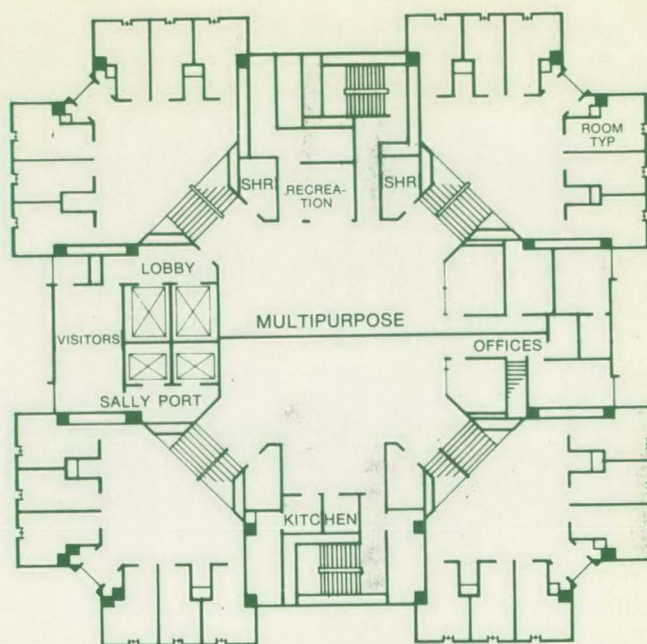


Outdoor recreational area.





Admissions processing area.



Maximum security and community treatment center.

The control center is also located on this floor and provides security monitoring for the entire institution. Closed-circuit television monitors are used on all floors, in the visiting rooms as well as in the elevator lobby areas. This enables the control center officer to supervise all traffic—inmate, visitor, and employee—throughout the building.

The second floor includes the data, records, and receiving unit, where all inmates are processed into the facility, including fingerprinting and photographing. They are issued institution

available.

The third floor houses the institution hospital and the juvenile unit. The hospital is staffed on a 24-hour-a-day basis. Sick call is scheduled daily and emergency cases are handled whenever they arise. The total capacity for inpatients is 13, however, the inmates receive medication and treatment in their housing units whenever possible. The medical department is capable of providing a full range of services, including X-rays, laboratory tests, and dental examinations and treatment. A detoxification unit is also

on each floor and the inmate does not have to be moved from this area except for court appearance or outdoor recreation. Three floors are set up for dormitory-style living, and the rest are individual room units. The center was designed to house a total of 505 inmates.

An outdoor recreational area is located on the roof of the facility where volleyball, handball, and basketball are among the activities available.

Religious services are provided through use of closed-circuit television. This gives the chaplains more time for individual counseling on the floors.

A pedestrian tunnel, for transporting inmates to and from court, will connect the facility with the new Federal courthouse now under construction across the street.

The Bureau of Prisons regards this facility as an important advance in the development of detention centers. Through design and operation, its aim is to provide a more humane atmosphere and to help alleviate the pretrial tension and anxiety so often associated with facilities of this nature.

***“Closed-circuit television monitors are used on all floors. . . .”***

clothing and designated for housing to one of the living units. The record office maintains the master files of all inmates, and a separate property room holds the inmate's personal belongings during their incarceration here. A computerized booking system is in operation and is somewhat unique to the Bureau of Prisons. Computer terminals are set up at strategic points in the institution so that information on any particular inmate is readily

available. Only those cases requiring surgery and/or specialized treatment are referred for outside hospitalization.

Floors 4 through 12 are inmate housing units. Each floor consists of a common area and two split-level living areas, totaling 48 rooms on each floor. The building was designed around a decentralized concept, whereby, visiting, recreation, feeding, and treatment programs are provided for



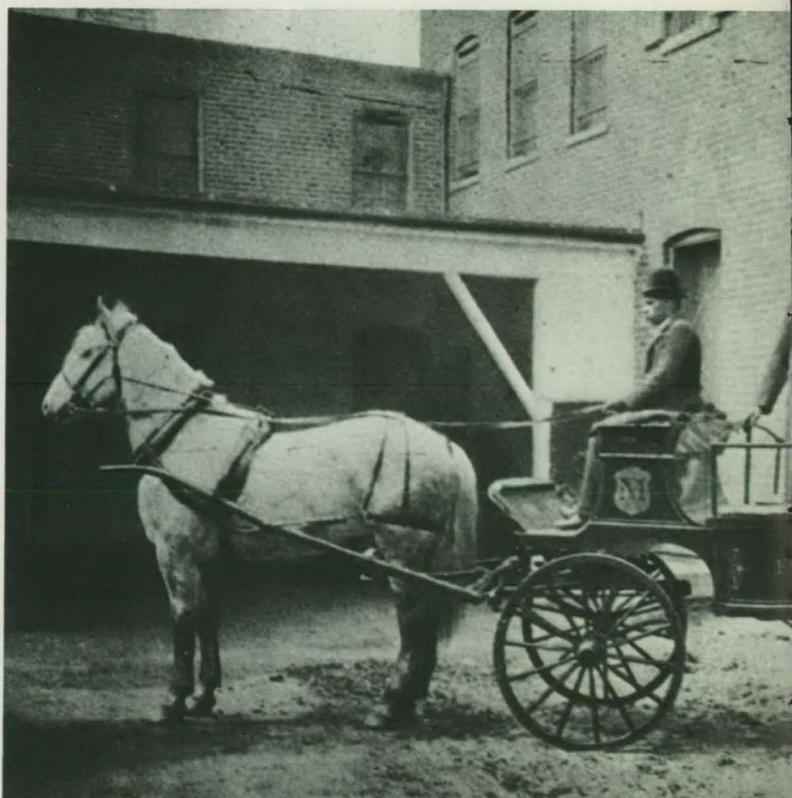
# **Historic Guardians of Our Nation's Capital**

By  
**GEORGE R. WILSON\***

Supervisor  
Firearms Identification Section  
Metropolitan Police Department  
Washington, D.C.



\*Mr. Wilson has been a member of the Metropolitan Police Department (MPD) for over 23 years as a patrolman, detective sergeant, and firearms examiner. He has a deep personal interest in police history, particularly pertaining to the MPD, and has done considerable research in this regard.





*"Founded 115 years ago, the MPD's [Metropolitan Police Department] past has been closely intertwined with many remarkable events which have had a profound impact on the course of our Nation's history."*

Activities commemorating significant events and developments in our country's history will occur across this land during the Bicentennial Year. As our Nation's capital, Washington, D.C., will be a focal point for these Bicentennial activities, and millions of touring Americans, as well as foreign visitors and dignitaries, are expected to visit this beautiful city in 1976.

The Metropolitan Police Department (MPD) has the unique distinction of being the Capital City's major law enforcement agency. It will shoulder the burden of law enforcement responsibilities attendant to these celebrations in Washington; however, assignments of this magnitude and significance are not new to the MPD. Founded 115 years ago, the MPD's past has been closely intertwined with many remarkable events which have had a profound impact on the course of our Nation's history.

### **Early Police Efforts**

Acts of Congress in 1790 and 1791 authorized the establishment of an area, to be called the District of Columbia, which was to be our new National Capital. It was comprised of portions of land ceded to the Federal Government by the States of Virginia and Maryland. Initially, constables appointed by these two States performed some law enforcement duties in District areas located on their respective sides of the Potomac River. Congress convened in the District for the first time in 1800.

In 1802, when the original charter of Washington was approved, police authority was centralized, and power

**CITY OF WASHINGTON**

**ABLE BODIED MEN!**

**JOIN THE**  
**WASHINGTON**  
**POLICE**

\*\*\*\*\*

☛ Promote Law and Order  
☛ Excellent Pay and Advancement  
☛ Finest Horses and Equipment

\*\*\*\*\*

**IMMEDIATE OPENINGS!**

**A P P L Y N O W**

☛ AT POLICE HEADQUARTERS ☛

OCTOBER 12, 1861

MPD recruitment poster—1861.

was granted to establish patrols, impose fines, and initiate inspection and licensing procedures. Although there was ample authority for constituting the night watches and patrols, this force remained quite small for many years. In fact, it was not until 40 years later that a regular night watch was established, when Congress provided for an auxiliary watch for the protection of public and private property in the city of Washington.

This auxiliary watch consisted of a captain and 15 policemen. They only served at night and were paid from funds of the U.S. Treasury. The headquarters of the watch was established in a guardhouse located in the main business area. Persons arrested were locked up overnight and then taken before the magistrate before 9 o'clock the next morning.

Rules adopted for the watch provided that in case of fire, riot, or dis-







Chief of Police Maurice J. Cullinane

orderly assemblage, a report was to be made to the captain of the watch. The rules were also very definite as to a watch member's sobriety, and a single instance of intoxication was justification for the immediate removal of the offender.

### ***Civil War Years***

It is difficult for us to fully realize the extent of the tumultuous conditions that existed in the Nation's Capital in mid-1861. The country was in the first months of a terrible fraternal war. At the conflict's outbreak, the military advantage was with the South. In view of this, the Capital City was in constant danger of being attacked and overrun by soldiers of the Confederacy. To thwart such a potential, forts were eventually erected and manned in a ring around the entire District. With the vast military buildup, thousands of troops poured into the District and numerous camps were established in the nearby Virginia and Maryland countrysides. For over 5 miles along the Maryland side of the Potomac River alone, there were continuous Army encampments. One observer commented that not far from the Army encampments there was a tent and shack city which, for the most part, represented

"the longest and busiest brothel in the world." Hordes of unsavory characters descended upon the Federal city—crooks, gamblers, prostitutes, pickpockets, and thugs.

In Washington, every available building had been converted into a barracks, warehouse, or hospital. The number of Government employees increased tenfold with more coming into the city daily. Each sought to find a room to live in and food to sustain life.

The movement of the staggering volume of supplies needed to support the civilians and the Army in and about Washington kept all roads leading to the city clogged day and night. Livestock were driven into the city where they grazed at various sites until slaughtering time. The best grazing areas were the fields just south of the White House and around the half-finished Washington Monument.

### ***Metropolitan Police Department Established***

Observing this vast influx, build-up, and confusion, President Abraham Lincoln recognized that the night watch was inadequate for coping with it and that the District of Columbia was in desperate need of a regular police force. Upon his recommendation, Congress approved an act on August 6, 1861, creating the Metropolitan Police Department. However, even after Congress established this department, President Lincoln refused to let the matter drop at that. On August 13, 1861, he personally requested Zenas C. Robbins, Esq., a member of the newly created Board of Metropolitan Police Commissioners, to take the first railroad train to New York and, upon arrival, to thoroughly familiarize himself with the features of the New York Police System and the experiences of its leadership. The New York Police System had been modeled after the famous Metropoli-

tan Police of London. This latter force was then recognized as the world's most outstanding police organization. It was upon the results of Mr. Robbins' study of the New York Police System that the Metropolitan Police Department of the District of Columbia was modeled.

In September 1861, William B. Webb was appointed the first superintendent of police of the District of Columbia. At that time, the authorized strength of this force consisted of a superintendent, 10 sergeants, and a sufficient number of patrolmen as might be necessary, but not to exceed 150. Up to 10 precincts were authorized.

### ***Applicant Selection***

Upon assuming office, the new superintendent began the task of investigating and qualifying applicants for the authorized complement. Although speed was essential, finding good men was equally important. This was no easy task, however, as two opposing armies were also seeking to press into service all able-bodied men available.

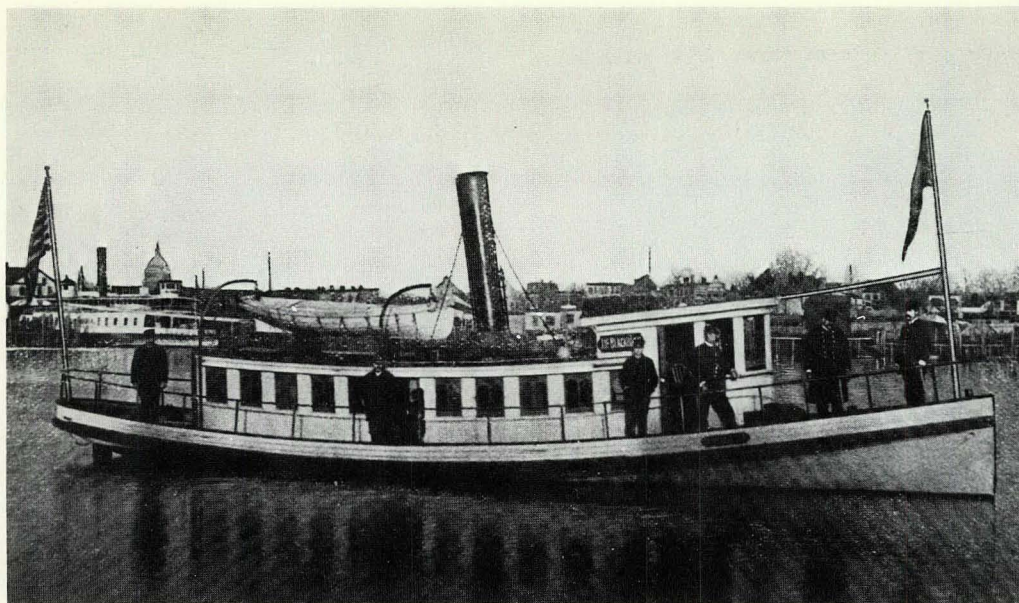
A police applicant had to meet several prerequisites. He had to be a U.S. citizen, able to read and write the English language, a resident of the District of Columbia for 2 years, and never have been convicted of a crime. Each also had to stand at least 5 feet 6 inches tall, be between 25 and 45 years of age, in good health, of sound mind, and possessing good character and an upright reputation. Superintendent Webb made it his policy to interview each candidate personally, working an average of 20 hours a day during this process. Local doctors volunteered to give the required physical examinations to applicants, but from all reports, these seem to have been rather perfunctory in nature.

The superintendent of police's sal-









The "Joe Blackburn," an 87-foot police patrol boat purchased in 1886 for Potomac River harbor policing in the District of Columbia.

sin or assassins were at time unknown. At a later hour, it became currently reported J. W. Booth was the person who shot the President.

"The excitement was great throughout the precinct and feeling deep but the people were orderly and quiet. The whole force were immediately put on duty by order of Superintendent Richards and were vigilant in the discharge of their duty. The sad intelligence was received by them with feelings of deep regret and an unbound feeling was manifested to avenge the death of their beloved Chief Magistrate. The gloom that overshadowed the Nation by the sad occurrence deeply affected the whole force and brought forth many heartfelt sympathies for the Nation's loss."

### ***Apprehension of Assassin of President Garfield***

In 1881, the Metropolitan Police Department was once again involved

in a tragic event of major national significance. The morning of July 2, 1881, was clear and warm and there was nothing to indicate that a great crime was about to be committed. A carriage bearing President James A. Garfield and Secretary of State James G. Blaine stopped at the Baltimore and Potomac Railroad Depot on B Street in the District. The President and the Secretary walked slowly up the steps leading to the waiting room and were about to enter the large reception area of the main depot when two shots were suddenly fired in rapid succession. The target, President Garfield, fell, mortally wounded. The assassin swiftly made his way out to his waiting carriage; however, he was immediately seized by Pvt. Patrick Kearney of the Metropolitan Police Force.

After suffering for several weeks, President Garfield died on September 19, 1881, in New Jersey. The assassin, Charles J. Guiteau, admitted shooting the President, was subsequently convicted and, thereafter, executed for this crime at the District of Columbia jail on June 30, 1882.

### ***Other Developments***

The dawn of the twentieth century saw the Metropolitan Police Department making steady progress, particularly in the field of improving working conditions for all personnel. Shorter working hours, increased pay, and the furnishing of uniforms by the department rather than by members increased morale and efficiency.

In 1881, the first women were appointed to serve as matrons and, in 1918, three policewomen were recruited to form the nucleus of the Women's Bureau.

In the old days a rookie became street-wise by walking a beat with an older, more knowledgeable patrolman. However, time and experience dictated the necessity of a formal training period for recruits. Consequently, in 1930, the department's first police training school was established, offering a 3-month course of instruction. Initially, instruction was given almost entirely by members of the department, but the program was later expanded to include various outside experts from many fields.

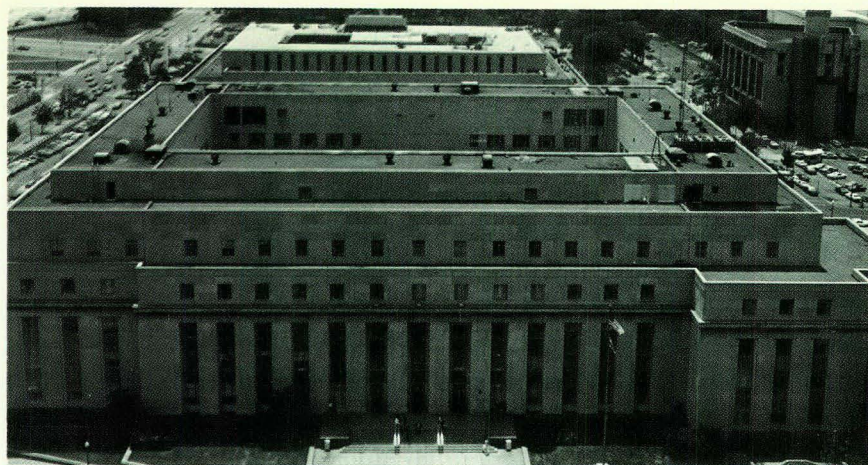
The policeman of 1861 would be amazed at the modern-day Metropoli-



tan Police Department. He would marvel at the mere existence of police helicopters, motorcycle units, police dogs, high-speed boats, and the use of computers and sophisticated communications equipment in fighting crime. Moreover, the growth of our Nation's Capital and the Metropolitan Police Department itself would be astonishing to the less than 200 member force of 1861.

Today the police command totals 4,550 members. Of these, 336 are females who perform the same duties as their male counterparts. Just seeing a female performing patrol duties would certainly have raised the eyebrows of an 1861 police officer.

The contemporary Metropolitan Police Department has an annual budget of almost \$91 million. Organizationally, the department is divided into four bureaus: (1) field operations, (2) administrative services, (3) technical services, and (4) inspectional services. The Field Opera-



Current headquarters for the Metropolitan Police Department, Washington, D.C.

tions Bureau includes patrol, criminal investigations, traffic, youth, and special operations divisions. Among Patrol Division elements are the Harbor Police. This unit patrols the Potomac River harbor areas of Washington, utilizing three cabin cruisers, four Boston Whalers, and three row-boats.

The MPD officer's role today may include participation in a variety of assignments. These could range from overseeing mass demonstrations, to escorting visiting dignitaries, to patrolling or handling crowds along the presidential inauguration route or to directing tourists to national monuments or cherry blossom festivities along the Tidal Basin.

Our overview of some highlights in the history of the Metropolitan Police Department brings us once again to 1976, a time when the department faces the challenge of helping millions of visitors, as well as Washington residents themselves, enjoy our Nation's Bicentennial Celebration in their Capital City. We are confident that when the history of 1976 is recorded, it will reflect that, as in our past, we met this challenge also—successfully and admirably.

Structure utilized as police headquarters until mid-1893.



#### FOOTNOTE

<sup>1</sup> Initial news accounts reported that Clarence Seward and Frederick Seward, the nephew and son, respectively, of Secretary of State William H. Seward, were seriously injured by one of the conspirators on the same evening as the Lincoln assassination. Clarence Seward was an orphan raised as an adopted son by Secretary Seward. Actually, these first reports were inaccurate as it was later learned that the persons injured at the Seward residence included the Secretary himself and his sons, Frederick, who received serious wounds, and Augustus, whose wounds were superficial. All three Swards recovered from injuries inflicted during this incident. The account reflected in the arrest book must have been based on early erroneous reports in this regard. (FBI)



# TURN OF THE CENTURY POLICEMAN



Patrick Creagh (1860–1914)

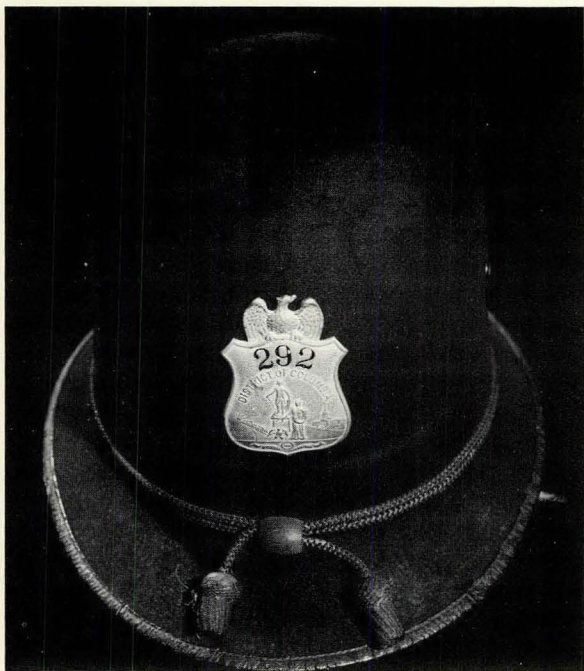
Immigrant  
Indian Fighter  
Cavalry Trumpeter  
Naturalized Citizen  
Mounted Policeman

The pictured police equipment, accouterments, and materials were used by Metropolitan Police Department (MPD) Officer Patrick Creagh, Badge #292, during his 25 years of service as a District of Columbia policeman, from 1889 to 1914. MPD records reflect that Officer Creagh was born in Manchester, England, in 1860, enlisted in the U.S. Army December 17, 1883, and was assigned as a trumpeter with Troop "D," 6th Regiment, U.S. Cavalry, during Indian warfare in the Southwest. Reportedly, his Army service included duty with Generals Crook and Miles in the Apache Indian Campaign. He was honorably discharged at Fort Stanton, N. Mex., 5 years from the date of enlistment and became a naturalized U.S. citizen within a month thereafter.

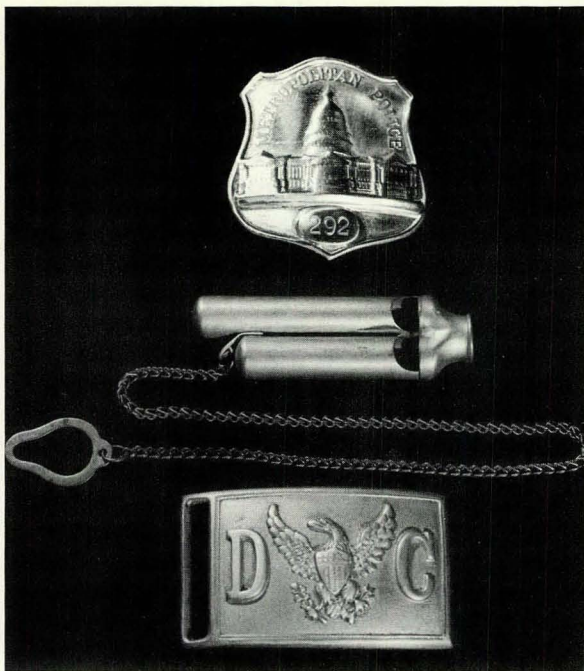
On July 1, 1889, Creagh was appointed an officer of the Metropolitan Police Department, Washington, D.C., and, approximately 10 years later, was assigned duty as a mounted policeman. He died on September 26, 1914, while still an active member of the MPD.

The pictured police items he utilized were recently found packaged together in the attic of a relative. They now form part of a Bicentennial display in the main lobby of the Metropolitan Police Department.



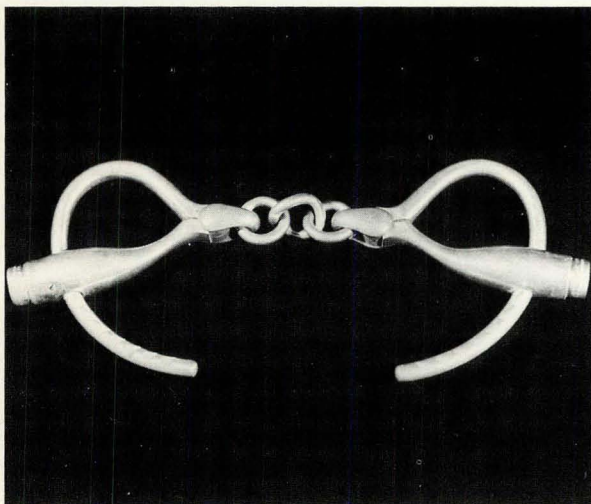


Policeman's Helmet.



Officer Creagh's Badge, Whistle, and Belt Buckle.

Handcuffs.



Revolver.





## Developments in the Law of Expunction of Arrest Record Entries

By  
**ROBERT C. BLUNT**  
Special Agent  
Federal Bureau of  
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Washington, D.C.

### PART I

**T**he practice of fingerprinting individuals charged with crime has been accepted as routine police procedure for many years.<sup>1</sup> The fingerprinting of arrestees has as its purpose the positive identification of the individual under arrest and has, in many instances, aided in the apprehension of fugitives from justice.<sup>2</sup> The fingerprinting of individuals lodged in jails and confined to prison serves as an infallible means of identifying the prisoner and has thwarted attempts by prisoners to walk to freedom on the strength of another man's identification papers.<sup>3</sup>

There can be no doubt that the uniform practice of fingerprinting those charged with crime has aided law enforcement authorities immeasurably in their highest duty—the protection of the vast majority of law abiding citizens from the depredations of the few who place themselves above the law. Styles may change;

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

physical appearances may be altered dramatically, through artifice or otherwise; but fingerprints remain the same.<sup>4</sup> As in the children's stories, the leopard may attempt to hide his spots and the wolf may wrap himself in a lambskin, but neither can eradicate the telltale sign their paw marks provide those trained in reading them.

While not debasing the utility of

using fingerprint records to positively identify arrestees and convicts and the value such records have in capturing fugitives, there are cases which challenge the value these records serve following the acquittal or dismissal of charges against the arrestee.<sup>5</sup>

Those arguing in favor of expunction following acquittal or dismissal of charges point to a variety of misfortunes which can befall the subject of an arrest fingerprint record even though the record itself proclaims that, for one reason or another, the subject of the record was not convicted on the charges.<sup>6</sup> Such records, they say, may curtail employment opportunities,<sup>7</sup> subject the individual to heightened police scrutiny,<sup>8</sup> cause denial of parole,<sup>9</sup> or be relied upon in setting bail following a subsequent arrest.<sup>10</sup> In a more basic sense, it is urged that retention of arrest fingerprint records in these circumstances infringes upon a citizen's right to privacy,<sup>11</sup> the "right to be let alone."<sup>12</sup>



As in many areas of the law, the decisions considering the question of retaining arrest fingerprint records following dismissal or acquittal involve, for the most part,<sup>13</sup> a balancing of the equities on a case-by-case basis.<sup>14</sup> The tilt of this legal balance beam, for or against retention, is determined by the myriad of circumstances which will be encountered when all the cases in this area are considered. There are, however, certain factors which have been recurrent and which may have determinative value in forecasting the direction the balance beam will follow in a particular case.

### Not All Records Included

It must be noted that the records under discussion here are arrest fingerprint records. This includes the fingerprint cards themselves and a compilation of arrest information derived from the arrest fingerprint cards, for example, an FBI Identification Record. Not being considered are booking records containing a narrative of the alleged offense, complaints or informations filed against the accused, or court records other than dispositive information. We are concerned with the legality of retaining what has been described as "neutral identification data"<sup>15</sup> following the nonconviction or other release of the subject of the data on the charges which led to his being fingerprinted.

### Cases Favoring Retention

The earliest cases denying expunction opted in favor of retention on the theory that it was the duty of the police to protect society; therefore, the police should be granted broad discretion in the choice of methods employed to discharge that duty.<sup>16</sup> Among the methods chosen was the fingerprinting of arrestees and the re-

tention of the fingerprints, regardless of disposition, for the purposes of later identification in subsequent, and perhaps similar, crimes.

In *Fernicola v. Kennan*,<sup>17</sup> the subject had been charged with assault and battery. The charges were subsequently dismissed by the grand jury, and Fernicola filed an action seeking an order compelling the police to surrender his arrest fingerprints, photographs, and body measurements. In denying relief, the court noted that being fingerprinted is, like being arrested, a humiliation to which an individual may be submitted to for the benefit of society, and that the police are justified in retaining such records in certain cases after an acquittal or failure of the grand jury to indict.

Commenting that a grand jury might dismiss a charge because it is trivial, or that a trial jury must often acquit a guilty person because the evidence does not establish guilt be-

**“. . . fingerprinting is a burden which a citizen may have to endure in order that the community may enjoy the benefits which are a consequence of effective law enforcement.”**

yond a reasonable doubt, the court went on to state:

“In every large community are men who have never been convicted of an indictable offense but whose associations and manner of life are such that the police feel reasonably assured that such a one, unless he turn over a new leaf, will eventually be guilty of a serious crime.”<sup>18</sup>

The characterization of post-arrest fingerprinting as a burden which must be endured for the common good was stated earlier in the Federal courts in the case of *United States v. Kelly*.<sup>19</sup> Taking notice that fingerprinting was

known to be a very certain means of identifying people, the court went on to state that such means of identifying people were “. . . especially important in a time when increased population and vast aggregations of people in urban centers [had] rendered the notoriety of the individual in the community no longer a ready means of identification.”<sup>20</sup> *Fernicola*<sup>21</sup> and *Kelly*<sup>22</sup> are representative of a rationale that holds:

- A. The police have a duty to protect law abiding citizens;
- B. Unless the methods the police employ to fulfill this duty are clearly abusive, the courts should not attempt to substitute their discretion for that of the police;
- C. Fingerprinting has proven to be very reliable as a law enforcement aid;
- D. Fingerprinting is not inherently abusive; and
- E. Therefore, fingerprinting is a burden which a citizen may have to endure in order that the community may enjoy the benefits which are a consequence of effective law enforcement.

A second line of cases, in some respects contemporaneous with those cited above, turns on the hesitancy of the courts to assume a legislative function.

In *Purdy v. Mulkey*,<sup>23</sup> the plaintiff had been arrested while a juvenile, tried as an adult, pleaded guilty to the charges, and had been placed on probation with the court deferring adjudication of guilt; 8 years after the expiration of his probation, the plaintiff obtained a trial court order compelling the sheriff to expunge the plaintiff's arrest records. On appeal, the trial court order was reversed. The appellate court held that, while there was a statute authorizing the



sheriff to fingerprint those charged with crime, there was no statute providing for the expunging of arrest records in the event of acquittal, dismissal of the charges, or in the event of probation. The appellate court in commenting on the allegation that continued existence of records had already resulted in the plaintiff being denied a job with a particular employer held:

"... the elimination of the records [in this case] would serve to satisfy the questionable policy or desire of a prospective employer. . . . Those objects or results would not constitute adequate grounds at law or in equity to overcome the public interest involved."<sup>24</sup>

On appeal, the Florida Supreme Court affirmed the appellate decision. The Supreme Court decision placed the expunging of arrest records squarely in the hands of the legislature.

"There is no statute on the subject of return or destruction of fingerprints or photographs of adults who have been accused of crime regardless of the determination of the charges. Whether such a statute should be enacted is a matter residing principally within the legislative domain where the lawmakers would carefully consider the magnitude of the task of returning fingerprints and photographs, classification according to the offense, type of demand by the offender, and other problems attendant requiring the particularity of a statute."<sup>25</sup>

In *Rogers v. Slaughter*,<sup>26</sup> the defendant had been convicted in State court on misdemeanor charges. Following the conviction, he sought relief in the U.S. District Court on grounds that his conviction had been ob-

tained without his having been advised of his right to counsel per *Argersinger v. Hamlin*.<sup>27</sup> The Federal court declared the State conviction unconstitutional and ordered the local authorities to expunge any record of the defendant's arrest, trial, and conviction.

On appeal, the U.S. Court of Appeals held that the District Court had gone too far in ordering the expunction of official public records in that this remedy, in the absence of a statute, gave the defendant more relief than he would have been entitled to if he had been acquitted. The Circuit Court decision commented that the judicial editing of history is likely to produce a greater harm than that sought to be corrected.<sup>28</sup>

In *United States v. Dooley*,<sup>29</sup> a Federal court refused to order the expunction of the arrest record of a man who had been acquitted. The court decided it was without power to order expunction in the absence of a Federal statute authorizing such action even though the court was of the opinion that the arrest record of one who is acquitted of the charge has no legitimate law enforcement significance. The court felt that such records along with records memorializing dismissed, abandoned, or withdrawn charges were no more than "gutter rumors"<sup>30</sup> having no value when weighed in the measure against any standard of constitutional fairness to which the individual is entitled.

The third line of cases denying expungement in the normal situation following acquittal or dismissal takes more cognizance of the concepts of fairness which troubled the *Dooley*<sup>31</sup> court. These decisions hold that the courts, in discharging their equity powers, can order expunction if the value to the Government of retaining the records is overborne by the amount of harm continued retention has caused or is likely to cause the indi-

vidual. These cases are representative of the weight of authority in this area which is that acquittal or dismissal of the charges standing alone does not automatically warrant the expunction of an arrest record.<sup>32</sup>

In *United States v. Linn*,<sup>33</sup> the U.S. Circuit Court of Appeals in affirming a Federal District Court order denying the expunction of the arrest record

**"Each case must stand on 'its own two feet,' and the courts will balance the equities between the Government and the individual arguing against continued retention."**

of a man who had been acquitted following a jury trial held:

"... the power to expunge an arrest record is a narrow one, and should not be routinely used whenever a criminal prosecution ends in an acquittal, but should be reserved for the unusual or extreme case."<sup>34</sup>

Each case must stand on "its own two feet,"<sup>35</sup> and the courts will balance the equities between the Government and the individual arguing against continued retention. If an acquittal or dismissal standing alone will not require expunction, what factors will cause the courts to opt in favor of expunction?

The factors most often cited arise in situations where the arrest itself was unlawful,<sup>36</sup> or, if lawful, represented harassing action by the police.<sup>37</sup> Arrest records have been expunged if the statute under which the arrestee was prosecuted was itself unconstitutional,<sup>38</sup> or there was evidence that the authorities were using the records improperly.<sup>39</sup> Improper use has been found where the police had placed the records in a "rogue's gallery" open to inspection by the general public,<sup>40</sup> or had made the record available to those



not normally authorized to receive such information.<sup>41</sup>

### Cases Where Expunction Was Ordered

Very few cases, in the absence of a statute requiring expunction, have held that arrest records must be purged when the charges are dismissed or the subject is acquitted. There are decisions, however, which, while falling short of granting automatic expunction, have placed the burden on the authorities to show that there are strong needs for continued retention.

In *Eddy v. Moore*,<sup>42</sup> a Washington State Appellate Court held that the statutes governing what was to be done with fingerprints and photographs upon acquittal were too limited in their scope and were, therefore, constitutionally defective. The *Eddy* court held that the State, following an acquittal, has the burden of showing that there are compelling reasons justifying retention.

In *Davidson v. Dill*,<sup>43</sup> the Colorado Supreme Court, in reversing and remanding a lower court order denying expunction, said quoting *Eddy v. Moore*, 487 P. 2d 211 (Wash. App. 1971):

"We have now reached the point where our experience with the requirements of a free society demands the existence of a right to privacy in the fingerprints and photographs of an accused who has been acquitted, to be at least placed in the balance, against the claim of the State for a need for their retention."<sup>44</sup>

In *United States v. Hudson*,<sup>45</sup> the court ordered the arrest record of a man, who had been charged with second-degree murder, expunged after later investigation showed that the alleged victim had committed suicide. The *Hudson* decision is important in that the court was of the opinion that

existence of an arrest record *would* place the subject of the record under a host of disabilities in his dealings with the police or potential employers. Most courts take the more restrained view that the continued existence of arrest records and their easy availability to those outside law enforcement circles *can* or *may* be detrimental to the subject of the records.

There is evidence that individuals with arrest records are more likely to be denied employment than those who have never been arrested.<sup>46</sup> It has also been said that the subject of an arrest is more likely to be denied employment even if the records shows that he was acquitted of the charges.<sup>47</sup> The rationale behind denying employment may be that if an individual has been arrested once, no matter the result, he is more likely to be arrested again.<sup>48</sup> This can become a self-fulfilling prophecy in which an individual once arrested, but acquitted, is denied employment and, thereafter, turns to crime as a means to get some money.<sup>49</sup>

### (Continued Next Month)

#### FOOTNOTES

- <sup>1</sup> *United States v. Kelly*, 55 F. 2d 67 (2d Cir. 1932).
- <sup>2</sup> *Roesch v. Ferber*, 48 N.J. Super. 231, 137 A. 2d 61 (1957).
- <sup>3</sup> *Id.* 137 A. 2d 61 at 66.
- <sup>4</sup> *United States v. Laub Baking Co.*, 283 F. Supp. 217 (N.D. Ohio 1968).
- <sup>5</sup> *United States v. Kalish*, 271 F. Supp. 968 (D. Puerto Rico 1967).
- <sup>6</sup> President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, 75 (1967).
- <sup>7</sup> Comment, *Guilt by Record*, 1 Cal. W. L. Rev. 126 (1965).
- <sup>8</sup> W. LaFave, *Arrest*, 287-288 (1965).
- <sup>9</sup> Committee to Investigate the Effects of Police Arrest Records on Unemployment in the District of Columbia, Report 9 (1967) [The Duncan Report].
- <sup>10</sup> *Russell v. United States*, 402 F. 2d 185 (D.C. Cir. 1968).
- <sup>11</sup> *Davidson v. Dill*, 180 Col. 123, 503 P. 2d 157, 161 (1972).
- <sup>12</sup> *Olmstead v. United States*, 277 U.S. 438, 478 (1928).
- <sup>13</sup> Little weighing of the equities would be occasioned if, for example, it was discovered, following an arrest, that no crime had in fact been committed. See *United States v. Hudson*, D.C. Super. Ct. (Feb. 19, 1975).
- <sup>14</sup> *United States v. Rosen*, 343 F. Supp. 804 (S.D.N.Y. 1972).
- <sup>15</sup> Comment, *Retention and Dissemination of Arrest Records: Judicial Response*, 38 U. Chi. L. Rev. 850 (1971). See Title 28, Code of Federal Regulations,

Section 16.31, which defines an FBI Identification Record as a listing of fingerprints submitted to and retained by the FBI in connection with arrests and, in certain instances, fingerprints submitted in connection with employment, naturalization, or military service. The identification record includes the name of the agency or institution which submitted the fingerprints to the FBI. If the fingerprints submitted to the FBI concern a criminal offense, the identification record includes the date arrested or received, arrest charge information, and disposition data concerning the arrest if known to the FBI. All such data included in an identification record are obtained from the contributing local, State, and Federal agencies. The FBI Identification Division is not the source of such data reflected on an identification record.

<sup>16</sup> *Hodgeman v. Olsen*, 86 Wash. 615, 150 P. 1122 (1915); *State ex rel. Mavity v. Tyndall*, 224 Ind. 364, 66 N.E. 2d 755 (1946) 225 Ind. 360, 74 N.E. 2d 914 (1947), appeal dismissed, 333 U.S. 834, reh. denied, 333 U.S. 858 (1948).

<sup>17</sup> *Fernicola v. Keenan*, 136 N.J. Eq. 9, 39 A. 2d 851 (1944).

<sup>18</sup> *Id.*

<sup>19</sup> 55 F. 2d 67 (2d Cir. 1932).

<sup>20</sup> *Id.* at 69.

<sup>21</sup> *Supra*, note 18.

<sup>22</sup> *Supra*, note 19.

<sup>23</sup> 228 So. 2d 132 (3 D.C.A. Fla. 1969), affirmed 234 So. 2d 108 (Fla. 1970).

<sup>24</sup> *Id.* at 138. The plaintiff's prospective employer, following the plaintiff's having admitted his arrest record, allegedly stated that the plaintiff would be hired if the record were expunged.

<sup>25</sup> *Mulkey v. Purdy*, 234 So. 2d 108 at 110 (1970).

<sup>26</sup> 469 F. 2d 1084 (5th Cir. 1972).

<sup>27</sup> 407 U.S. 25 (1972).

<sup>28</sup> *Supra*, note 26 at 1085.

<sup>29</sup> 364 F. Supp. 75 (E.D. Pa. 1973).

<sup>30</sup> *Id.* at 77. The Court's unfavorable attitude towards such records appears to be founded on the Court's belief that records of charges resulting in acquittal have no legitimate law enforcement value. This is not the usual view. See *United States v. Linn*, 513 F. 2d 925, 928 (1975).

<sup>31</sup> 364 F. Supp. 75 (E.D. Pa., 1973).

<sup>32</sup> *United States v. Rosen*, 343 F. Supp. 804 (S.D.N.Y. 1972).

<sup>33</sup> 513 F. 2d 925 (10th Cir. 1975).

<sup>34</sup> *Id.* at 927.

<sup>35</sup> *Id.*

<sup>36</sup> *Tatum v. Morton*, 386 F. Supp. 1308 (D.D.C. 1974).

<sup>37</sup> *Wheeler v. Goodman*, 306 F. Supp. 58 (W.D.N.C. 1969), vacated on other grounds, 401 U.S. 987 (1971).

<sup>38</sup> *Sevenson v. Duff*, 322 F. Supp. 4 (M.D. Fla. 1970).

<sup>39</sup> *Itzkovich v. Whitaker*, 115 La. 479, 39 So. 499 (1905).

<sup>40</sup> See *State ex rel. Mavity v. Tyndall*, *supra*, note 16.

<sup>41</sup> See generally *Carr v. Watkins*, 177 A. 2d 841 (Md. Ct. App. 1962), where records of noncriminal employment-related charges concerning an individual were furnished the individual's new employer by police officers 6 years after the individual had been exonerated in an administrative hearing.

<sup>42</sup> 5 Wash. App. 334, 487 P. 2d 211 (1971).

<sup>43</sup> 180 Colo. 123, 503 P. 2d 157 (1972).

<sup>44</sup> *Id.* 503 P. 2d 157 at 161.

<sup>45</sup> D.C. Super. Ct. (Feb. 19, 1975).

<sup>46</sup> Comment, *Retention and Dissemination of Arrest Records: Judicial Response*, 38 U. Chi. L. Rev. 850, 864 n. 79 (1971), and President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, 75 (1967).

<sup>47</sup> *Id.* at 865-866.

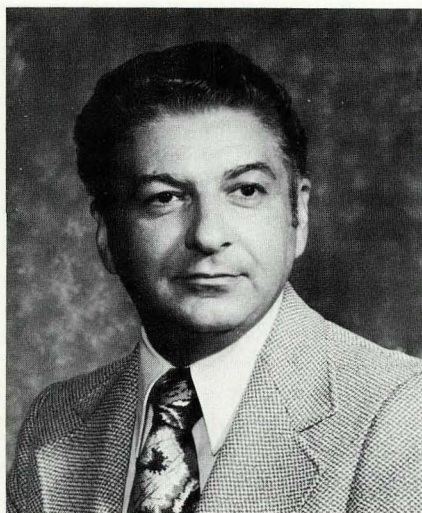
<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

(FBI)



# A STEP Toward Innovation



By  
**LEO F. CALLAHAN**  
Chief

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Fort Lauderdale, Fla.

*“STEP [Selective Traffic Enforcement Program] presented an opportunity to test the concept of using civilian paraprofessionals in accident investigations.”*

The city of Fort Lauderdale, Fla., located on the lower southeastern coast of the State, is the hub of a fast-growing metropolitan area. As in many other sections of the Nation, this rapid growth has in recent years brought a number of problems. One of its many expansion-related troubles was a rising motor vehicle accident



rate during the late 1960's and the early 1970's.

Then in June 1972, the Fort Lauderdale Police Department instituted a Selective Traffic Enforcement Program (STEP) designed to study the impact of various countermeasures on motor vehicle accident rates. Through a Federal grant from the National Highway Traffic Safety Administration (NHTSA), the department was awarded \$1 million for this 3-year experimental plan. Federal funding comprised approximately two-thirds of the amount, while equal State and city contributions accounted for the remainder.

STEP had two purposes: (1) to study the feasibility and cost of employing civilian aides as motor vehicle

accident investigators; and (2) to study the effect of certain countermeasures on motor vehicle accident rates at selected locations previously experiencing high accident rates.

### ***STEP Civilian Accident Investigators***

The use of civilians as aides in the investigation of motor vehicle accidents is, of course, not a new concept—it has long been a topic of interest and discussion among police officials. The promise of diverting additional man-hours to crime-related matters, together with the questionable need to use fully trained police officers on accident investigations, obviously makes the possibility an appealing one.

STEP presented an opportunity to test the concept of using civilian paraprofessionals in accident investigations.

Applicants between the ages of 19 and 54 years of age, with a high-school-level education, were tested and screened for these positions. A 200-hour training curriculum (one-third of that given to the department's regular officers) in accident investigation was provided to each aide. This program, which was developed by STEP management and the department's Training Division, was approved by the Florida Police Standards Board. The instructional program included investigations of serious accidents and fatalities and a familiarization with the complex

A civilian accident investigator at an accident scene uses a police-radio-equipped van which serves as a mobile office.





mathematical formulas involved in the work.

The salary paid to an aide was approximately \$3,000 per year less than that of a regular officer.

When STEP was first instituted, Florida State law permitted only sworn law enforcement officers to issue traffic citations. However, the law was amended in 1973 to allow a civilian paraprofessional accident investigator who has completed the 200 hours of training approved by the Police Standards Board to issue a traffic citation relative to an accident investigation. The aides cannot legally issue any other traffic citations.

These accident investigators are dispatched to accident scenes in vans equipped with police radios. These vans, which are actually mobile offices, allow the aides to seat all of the involved parties inside, in sheltered, air-conditioned comfort.

Success in the use of these civilian

accident investigators was indicated by the superior quality of the investi-

vestigators enabled the department to reallocate sworn officers into a newly

***"The hiring of civilian accident investigators enabled the department to reallocate sworn officers into a newly formed Selective Traffic Enforcement Task Force."***

gations, the formation of similar accident investigative units in other municipalities in the State, and current departmental plans to implement a paraprofessional unit to perform all traffic law enforcement functions, including the issuance of all traffic violation citations.

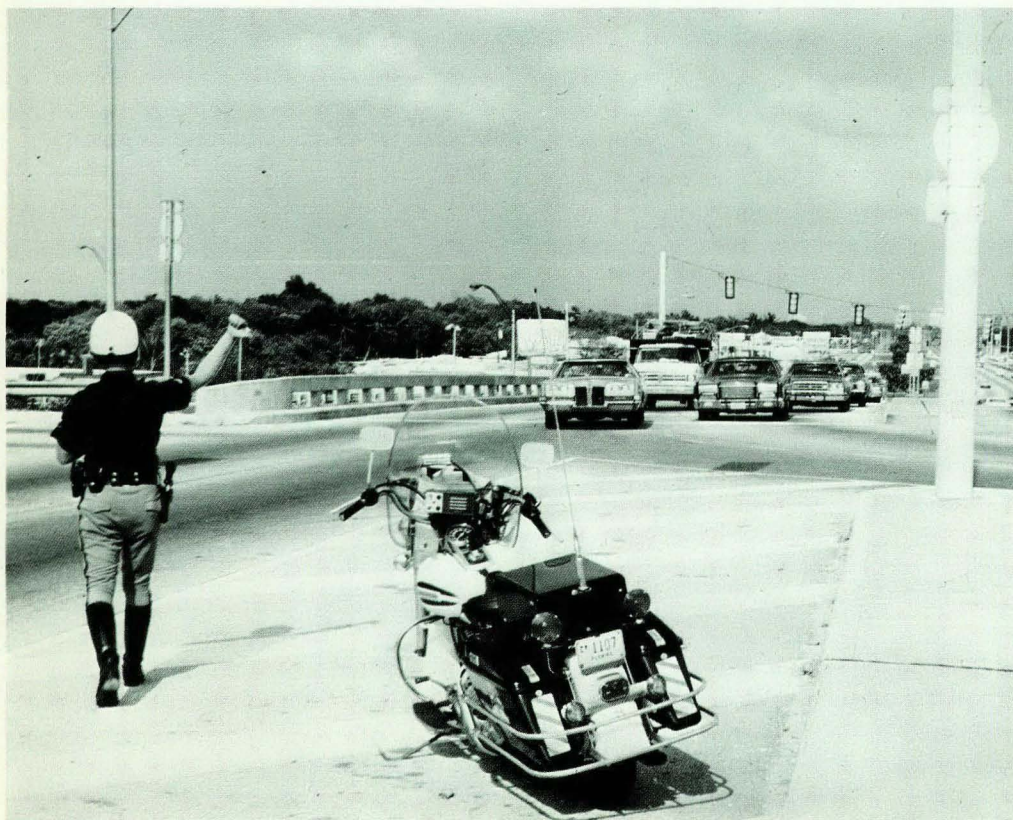
The impetus to use civilian paraprofessionals in accident investigations stemmed from two factors: (1) the need for additional police man-hours on crime-related matters; and (2) the apparent nationwide trend toward decriminalization of traffic laws.

#### **STEP Task Force**

The hiring of civilian accident in-

vestigators enabled the department to reallocate sworn officers into a newly formed Selective Traffic Enforcement Task Force. These police officers, all experienced traffic officers taken from the existing Traffic Division, were relieved of the duty of responding to calls, except in emergencies, and were given assignments at high-frequency accident locations.

These locations were selected according to accident rates during the years 1969 through 1972. Thirty-six high-frequency accident intersections were chosen for study. Nine STEP areas in the city were defined—each area encompassing 4 of the 36 intersections. It was determined that the 8-hour period having the most accidents was 11 a.m. to 7 p.m.—so the entire



**A STEP Task Force police officer performs a countermeasure at a high-frequency accident location.**



15-man task force was assigned to work those hours. Saturdays and Sundays were the two days experiencing the least number of accidents—so the task force had those days off.

At the time the officers were given assignments, they were briefed on the motor vehicle violations that were the leading causes of accidents at their

***“... certain locations which had been given heavy public information coverage experienced greater accident reductions than others.”***

locations. Their instructions were to use strict enforcement primarily against these violations. Because the 3-hour period of 3 p.m. to 6 p.m. was a relatively short timespan during which the bulk of accidents were occurring, officers were assigned “point” duty at the high-frequency accident locations during that period. They roamed their larger area of assignment during the other 5 hours of the shift.

Since all 9 STEP areas and 36 STEP intersections could not be patrolled at the same time, 2 of the 9 areas (8 intersections) were selected for initial operation beginning February 5, 1973. It was decided to work these two areas for a 6-month period and study the impact on accident experience.

Various countermeasures were employed by the officers in order to study the effects of each type of activity. In some cases, one officer was assigned to an intersection in a stationary mode, leaving only to apprehend a violator, then returning to his stationary and visible position. In another instance, one officer was assigned to an intersection in a moving mode, constantly crisscrossing the intersection. Three motorcycle officers—two moving, one stationary—working an intersection, radar operations close by the high-frequency accident locations, and random patrol were other counter-

measures to be evaluated. Close liaison was maintained with the city department of transportation to determine if engineering changes or improvements could lessen the number of accidents. This in itself was a separate countermeasure.

The first 6 months of operations resulted in dramatic decreases in acci-

dents at some locations, while others remained about the same or even increased. It was noted that certain locations which had been given heavy public information coverage experienced greater accident reductions than others.

The next phase of operations involved moving to two new areas and working them for 2-month periods. Each move was preceded by newspaper and radio coverage informing the public where the task force would be and what they would be doing.

Finally, the operations began rotating officers between STEP areas. An area was worked for a 3-week period,

then a move was made to another area for 3 weeks, etc. After the officers returned to the initial area, the process was repeated over and over from October 1974 until the grant expired June 30, 1975. The 3-week operation was established to study the effect on accidents in an area while it was being worked and after the officers vacated.

Although many aspects of the project remained to be studied and analyzed, initial raw data gathered by STEP management has indicated some significant decreases in accidents. It should, of course, be remembered that the project was designed to primarily test the effects of various countermeasures and, as such, was not directly concerned with accident reduction. From this perspective, an increase in accidents may be interpreted as serving a positive purpose by indicating the ineffectiveness of a certain countermeasure.

Final reports on the project have been submitted, and it is hoped that the information they contain will be useful to police agencies everywhere in respect to reducing motor vehicle accidents and using civilian paraprofessionals as accident investigators. ®

## **ANNUAL MURDERS MORE THAN DOUBLE U.S. BATTLE DEATHS IN NATION'S FIRST THREE MAJOR WARS**

The estimated 20,600 murders committed in the United States in 1974 are more than twice the total battle deaths of U.S. Armed Forces in our Nation's first three major wars. Department of Defense figures reveal Revolutionary War (1775-83) battle deaths as 4,435; War of 1812 (1812-15) as 2,260; and Mexican War (1846-48) as 1,733. Combined, these combat fatalities total 8,428.

The sum of murders committed through use of firearms across this land in 1974 is more than triple the total battle deaths of the Revolutionary War alone. Sixty-eight percent of the murders in this country in 1974 were caused by persons using firearms—54 percent involved handguns, 9 percent shotguns, and 5 percent rifles.



# WANTED BY THE FBI

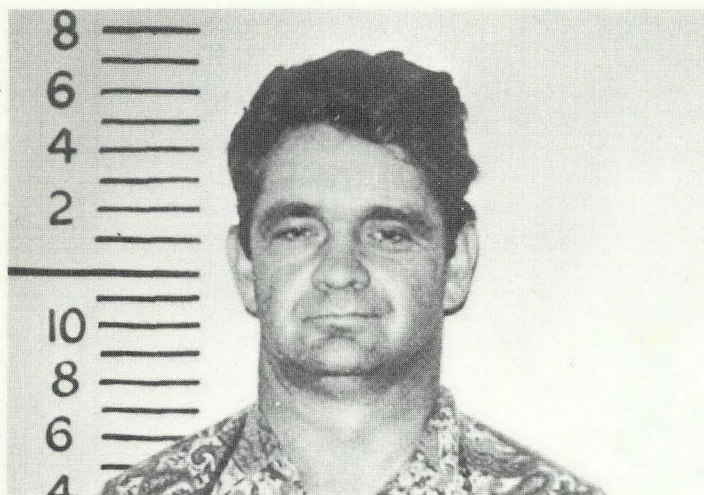


Photo taken 1972.

**OSCAR THEODORE WILLIAMS, also known as Oscar Theadore Williams, "Bud," Johnny Troy Wilson**

## Interstate Flight-Escape

Oscar Theodore Williams is being sought by the FBI for unlawful interstate flight to avoid prosecution for escape from a penal institution.

## The Crime

On July 21, 1965, Williams escaped from the Iron Mine Conservation Camp No. 7, California Department of Correction, Auburn, Calif., where he was serving a sentence for possession of firearms and armed robbery. Williams reportedly fled the State of California, and a Federal warrant for his arrest was issued on March 19, 1968, at Sacramento, Calif.

## Description

Age----- 47, born December 1, 1928, Blythe, Calif.  
Height----- 5 feet 5 inches to 5 feet 6 inches.  
Weight----- 165 pounds.  
Build----- Stocky.  
Hair----- Brown.  
Eyes----- Hazel.  
Complexion-- Dark.  
Race----- White.  
Nationality-- American.



Left Index Fingerprint.

## Scars and

Marks----- Vaccination scars on both arms, scars on left arm, appendectomy scar; tattoo: "O. T. W." on left arm.

Occupations-- Cab driver, fire fighter, heavy equipment operator, mechanic, miner, sawmill worker, service station attendant, truck driver, welder.

Social Security Nos. Used  
551-30-6733 528-72-6866  
FBI No.----- 4,718,354

## Fingerprint

classification:

I	31	W	I	I	I
O	32	W	O	M	I

NCIC classification:

PI PI PI PI PO DO PO PM PI 19

## Caution

Since Williams has been convicted of armed robbery and possession of firearms, he should be considered armed and extremely dangerous.

## Notify the FBI

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



**FOR CHANGE OF ADDRESS ONLY**  
(Not an Order Form)

**Complete this form and return to:**

**DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535**

NAME

TITLE

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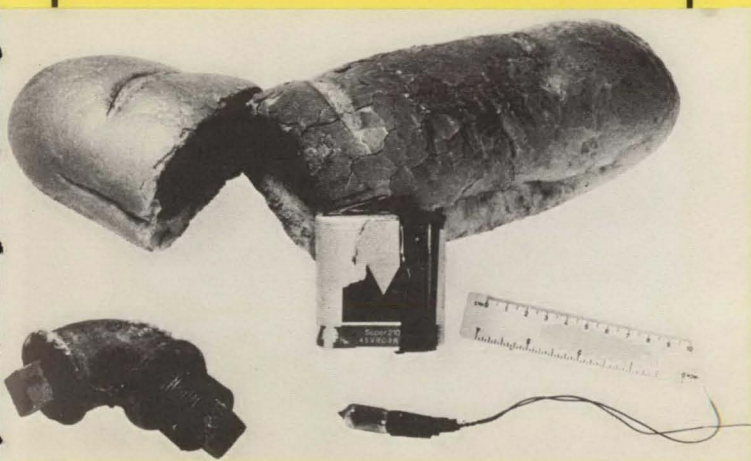
CITY

STATE

ZIP CODE

# Lethal Loaf of Bread

An improvised explosive device which has come to the attention of the FBI Bomb Data Program was placed in a particularly unusual container—a hollow loaf of bread. The loaf would have been inconspicuous in a garbage can or trash bin.





UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535

OFFICIAL BUSINESS

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JUS-432

THIRD CLASS

## QUESTIONABLE PATTERN



The questionable pattern illustrated at left is classified as a plain whorl with an outer tracing. However, the pattern appears to be rolled more widely than normal and discloses a loop formation with a third delta on the lower right side of the pattern. This formation would cause a reference search to be conducted as an accidental whorl.