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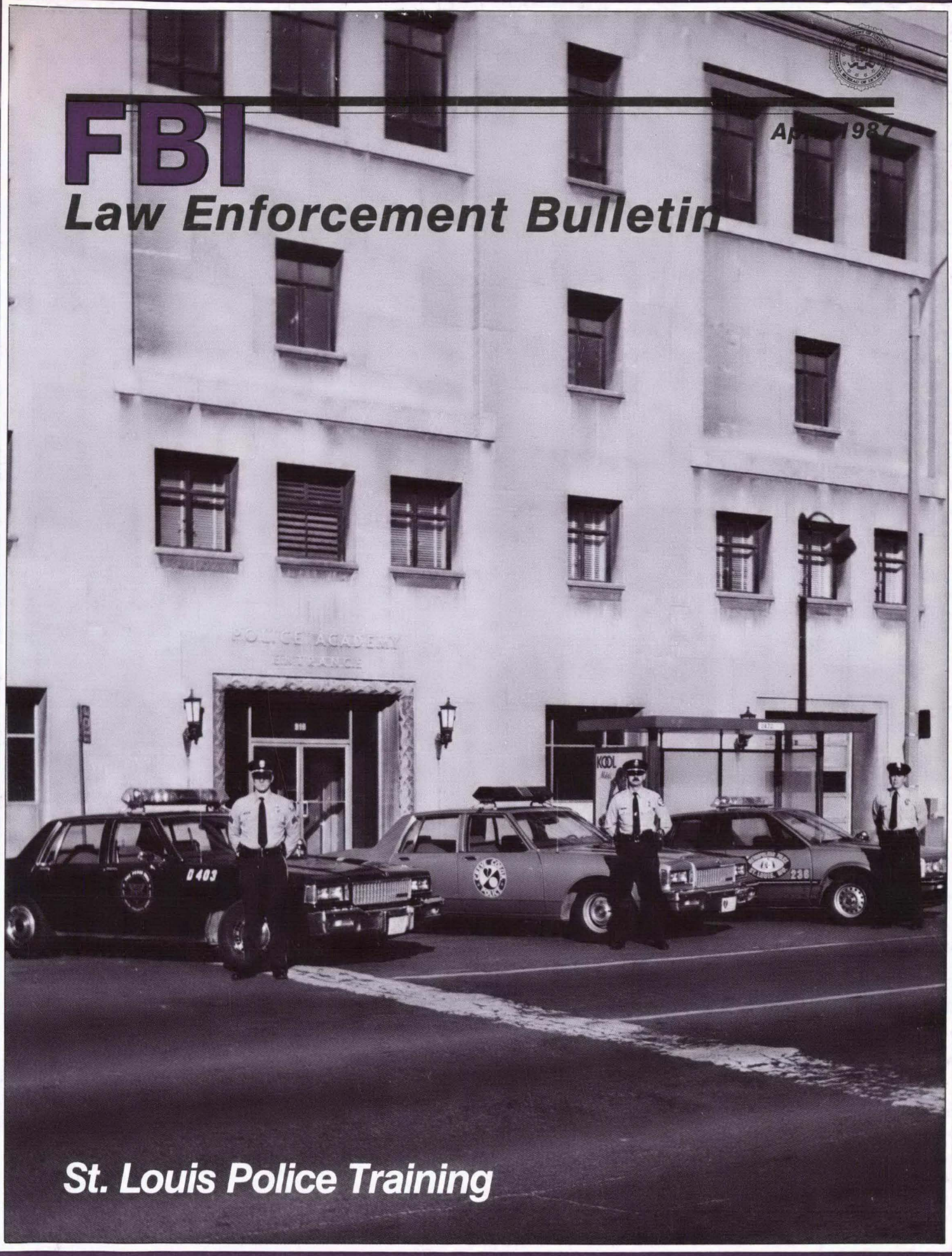

St. Louis Police Training

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Thank You

The newsletter *Crime Control Digest* announced "Outstanding Law Enforcement Publications" in its March 9, 1987, issue, including the *FBI Law Enforcement Bulletin.* The Bulletin staff noted in a reply to this recognition that "the real credit should go to the contributors because it is their cooperation that makes the Bulletin a professional journal—their ideas advance the progress of law enforcement toward professionalism." To all the Bulletin contributors over the years, thank you.

FBI

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The Cover:
The regionalization of police training is symbolic of the spirit of cooperation and commitment to excellence characteristic of the St. Louis Police Academy throughout its history. (See article p. 1.)

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St. Louis Police Training

A Long and Proud History and Today's Regional Concept

By
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and
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EDITOR'S NOTE: *Most police histories credit August Vollmer, the first police chief in Berkeley, CA, with originating formal police training in 1908–1916; some historians credit the Cincinnati, OH, Police Department with the first formal recruit training program in 1880. The following article, however, provides documentation that the St. Louis Police Department began its recruit training programs in 1869.*

From its inception to its regionalization, police trainig in the St. Louis area has been of the highest priority to police administrators. This has been the case from the start of the City of St. Louis' Police Department during the Civil War, through the formation of a county police department from the ashes of a problem-ridden sheriff's department almost a 100 years later, to the ultimate merging of the training efforts of those two proud institutions to produce the Independent Greater St. Louis Police Academy. Every effort has been made to make the training received by St. Louis area police officers equal to or better than that provided to any group of law enforcement professionals in the country. Foresight and commitment to excellence have been the hallmarks of the history of training in this metropolitan area. The current regional concept of training is but one of the qualities that has assured this by pooling the resources available into one central institution.

Police Training in the Metro St. Louis Area

The history of training in the St. Louis area dates back almost to the creation of the St. Louis Police Department, which was established by the Missouri Legislature on March 27, 1861. Chief William P. Penn, in his April 1, 1868, report to the Board of Police Commissioners, showed his concern for training with the recommendation:

> "... that a "School of the Policeman" be established, and every person appointed on the force, as well as the present members thereof, be subject to at least one month's careful instruction in relation to the duties he will be required to perform. The course of instruction should embrace a study of the rules and regulations adopted by the Board for the government of the force, such general orders of the Chief as apply to the duties of patrolmen, the penal ordinances of the City of St. Louis, and such portions of the law of the State as define crime and prescribe the mode of arrest and detention of prisoners....
>
> "During the time the policeman is engaged in this study he should also be instructed in the school of the soldier, the positions and movements to qualify him to take rank in the school of the company when placed on full duty, as well as the proper use of the baton, on established principles of the broadsword exercises."

Mr. Brockelsby

Colonel Scheetz

By 1869, training guidelines were a part of the Department Police Manual, which stated in part:

"I. All patrolmen hereafter appointed shall for the term of one month thereafter be formed into a class for instruction, which shall meet at the Central Station. They shall there be instructed for one hour each day by one of the Captains, concerning their powers, duties, and privileges, and also for the same length of time shall receive instruction from a Captain of the force. They shall be placed on beat for one tour of duty each night with a patrolman, so as to learn the practical mode of discharging patrol duty.

"II. They will receive full and systematic instruction and explanation in respect to the police law, the laws of the State, and the laws and ordinances of the City so far as they concern police duties, and also in the rules and regulations of the Police Department. They will receive such general and verbal instructions and explanations as shall tend to impress upon them an understanding of their powers and duties."

The next major change in the organization of the Academy did not come until December 1, 1911, when the Bureau of Efficiency was created. A Lieutenant assigned to the Bureau was placed in charge of the school. In a 1912 issue of the *Police Journal*, it was reported:

"One decade ago patrolmen were educated in the school of hard knocks. Today ... they are educated by learned instructors and lectured by able lawyers, doctors, judges, and others familiar with every line of police duty."

The Police Manual of 1913 illustrated the Department's expanded interest in training:

"School of Instruction. All probationary patrolmen appointed after the creation of the Bureau of Efficiency will be required to attend the School of Instruction for a period of 30 days.... They will be instructed in state laws, city ordinances, the rules and regulations of the Department and the various duties of a police officer, and will attend the courts for the purpose of becoming versed in the trial of criminal cases. Lectures will be delivered to them by the Department's medical staff on first aid to the injured and kindred subjects and by prominent attorneys on state laws, city ordinances, the preparation of evidence and other subjects. They will be thoroughly drilled in army tactics and target practice by the Drillmaster and given courses of physical training and exercises by one of the assistant surgeons and by a physical instructor, assigned to this work. At the expiration of 30 days, they must take an examination before being assigned to active police duty. Three months after being assigned to active police duty, they are required to pass, with an average percentage of at least 80, a second mental examination, to prepare for which they will be given a course of home study. One year after appointment, they will be given a final mental examination, which they must pass with an average of at least 80, to be eligible for promotion to the rank of patrolman...."

"(1) Drilling and Physical Training. The members of the force will be drilled, in the prescribed army tactics and in target practice, under the direction of the Drillmaster. The Department will be divided into companies, designated by

"It is in the consolidation of the training efforts of the two major St. Louis Police Departments that the commitment to police training is most clearly seen."

letter, according to army regulations; each company containing 100 men and eight sergeants. Eliminations for disabilities are made when necessary and the ranks replenished by new probationary officers.

"(2) Physical Training. The members of the force will receive physical training and athletic exercises under an assistant surgeon and a physical instructor especially qualified for this work. The Department gymnasium is equipped with running track, hand-ball court and other appliances for exercises and with lockers and shower baths. Grounds for outdoor athletic exercises are set aside for the use of the Department at the Mounted District Station in Forest Park, where a baseball diamond, a running track, bowling alleys, tennis and hand-ball courts are provided, a clubhouse will also be erected on these grounds."

By 1926, the school had grown to a curriculum that necessitated 4 weeks to complete. Two additional weeks were added within the next few years for a total of 6 full weeks of instruction. To provide adequate classroom space for training, the school was moved into the new garage and gymnasium building upon its completion in 1927. It remains in this building today.

During the 1940's, the Basic Training program was still 6 weeks long and on Saturdays, after a 5-day training schedule, recruits were assigned to a district. Instructors at the academy during this time were receiving training at the new FBI National Academy or at the Southern Police Institute.

As early as the mid-1940's, an active catalyst for training was at work in the Department. Lt. Curtis Brostron, an Assistant Inspector of Police and later Chief of Police, was vitally interested in training. In 1944, Lieutenant Brostron was sent to the FBI National Academy at Quantico, VA. As a result of this training, Lieutenant Brostron returned to St. Louis to further improve recruit and in-service training programs. Classrooms and curriculum were restructured at the academy to be more in line with the facilities and curriculums of the FBI program.

After Colonel Brostron became chief of police in October 1960, he appointed Roy E. Halladay as the first civilian director of the academy. When, in 1961, Mr. Halladay resigned to reassume his former position in the School of Police Administration at Michigan State University, he was succeeded by Mr. Victor G. Strecher for 6 years. Mr. Strecher again changed and lengthened the academy to 15 and then 16 weeks of training. Classes were moved to the National Guard Armory, while the academy building underwent extensive remodeling.

The search for a new Director ended with the selection in 1967 of Henry A. Fitzgibbon, Special Agent in Charge of the Administrative Division of the FBI's New York office. From 1942–1945, Mr. Fitzgibbon had been on the FBI's training staff at Quantico.

While this was going on in the City, the adjacent County of St. Louis had not been standing still, either. The county department, which was established in 1955 to replace an inept, and some thought corrupt, sheriff's department, quickly established its own training facility. In 1957 they offered a basic program that lasted 4 weeks. By 1963, that had been expanded to an 8-week program and included recruits from all of the many municipalities in the county as well. Here the seeds of regionalization were planted. In 1966, the Missouri legislature passed Statute 66.250 which established the St. Louis County prosecutor as the certifying entity for all police agencies in St. Louis County. It also established a minimum standard of 600 hours of instruction for the City and County of St. Louis, as well as Kansas City.

After passage of the "Omnibus Crime Control and Safe Streets Act" of 1968 and the establishment of the Law Enforcement Assistance Administration, Federal funds became available for training. A spirit of cooperation in the St. Louis area resulted in the formation of the Greater St. Louis Police Academy in 1969. This was, and continues today, a joint effort of the St. Louis and St. Louis County Police Boards of Police Commissioners and serves the City of St. Louis and the St. Louis County Police, as well as the 67 municipal departments within St. Louis County.

The Regional Concept of Police Training

It is in the consolidation of the training efforts of the two major St. Louis Police Departments that the commitment to police training is most clearly seen. The regionalization of training has resulted in some loss of control for the departments and a certain reduction in identity for new recruits. No longer is basic training a department activity. It is a regional activity somewhat separated from the direct influence of the recruits' departments. This perception of lessening of "ownership" was and is one of the biggest obstacles to the formation of a jointly operated regional academy. That it was attempted here, and that it succeeded where many others have failed, is a testimony to the quality of leadership of the various boards and directors who have controlled the destiny of the Greater St. Louis Police Academy.

The first Acting Director was Sgt. Paul Herman, now a Lieutenant and a member of the Board of Managers of

"Professional and personal relationships develop in the academy and in the administration of the academy which translate themselves to the work of the departments."

the Academy. In January of 1975, a civilian, Dr. Jack Seitzinger, now Director of Training of the Houston Police Department, assumed directorship of the Academy. Dr. Seitzinger remained in this position for 10 years. Of those who originally established the Greater St. Louis Police Academy, there are two members still active on the board, Col. G.H. Kleinknecht, Superintendent of the St. Louis County Police Department, and Lt. Paul Herman of the St. Louis Metropolitan Police Department.

These, and many others who influenced the growth of the Greater St. Louis Police Academy, saw a variety of advantages to a joint training effort which have, in the last of 17 years, proven true. These include, but are not limited to, the following:

1) The most obvious, and perhaps overriding, advantage is cost-effectiveness. The major costs of operating the academy are shared between the city and county police, with supplemental funding generated from the 67 municipal departments in St. Louis County. Much is saved in the elimination of unnecessary duplication of programming and staff. In fact, with shared budgeting, staffing "luxuries" can be enjoyed while still maintaining cost effectiveness. The Greater St. Louis Police Academy has both a full time planner/accountant and an educational technologist on staff. The planner/accountant greatly enhances the long range planning abilities of the academy, while keeping a close watch on how our expenditures are helping us meet the goals set. The educational technologist serves as the inhouse computer expert and as a consultant on issues relating to examinations, objectives and lesson plans in each block of basic training instruction. He also serves as the evaluation person for inhouse and guest instructors.

Police staff instructors and managers at the academy are carefully selected from and are paid by the St. Louis County and St. Louis Metropolitan Police Departments. Each department is equally represented on the staff of the academy. A screening and selection process acceptable to the academy director and the city chief and county superintendent of police is in place and functions well. Instructors spend from 3 to 5 years assigned to the academy.

In addition to savings in personnel and program costs, there are also significant savings resulting from volume purchasing, most noteably in the area of firearms training. There are significant cost reductions in the purchase of ammunition and targets in larger quantities.

2) While maintaining a responsible budget, it is still possible to provide adequate training to assigned staff through conferences and short courses conducted throughout the United States. In addition, because the staff is committed to the academy full-time, they can concentrate on further building their expertise to an extent impossible for instructors in many department-based academies. Therefore, the staff remains aware and abreast of the latest in technology, theory and application, as they apply to police training, making them valuable resources to the entire Metropolitan area.

3) The regional arrangement allows for careful selection of a broader range of programs utilizing a wide range of talent and experience available in the region. Because of the general revenue, the academy is able to provide approximately 70 seminars and workshops a year which are offered to all area officers. Again, because of the larger funding base, highly credible outside of courses, which would otherwise be beyond the means of individual department training budgets, can be brought in.

All program selection is based on a thorough assessment of training needs within the area. Our needs assessment is enhanced by the large number of respondents involved in this process. The evaluation data encompasses input from all area chiefs and training administrators who wish to participate, as well as from many officers who complete evaluations of each seminar and are queried for their input. As a result, area training divisions, chiefs, their staffs and police officers can have a significant impact on the Greater St. Louis Police Academy programs. The unique characteristics of each of the larger and smaller departments are carefully analyzed, both formally and informally, to insure as many needs are effectively met as possible.

4) Another advantage is the standardization of instruction throughout the metropolitan area. All departments participate in the same 632-hour Basic Training Program, and therefore, are provided identical theoretical and practical aspects of policing. Citizens can expect greater consistency among departments as each officer has received the same basic training. Firearms training, a major component of the academy in both recruit and inservice training, can be the most contemporary training available and can be consistently offered throughout the region. In addition, critical information relating to changes in the State law or Supreme Court decisions, such as *Garner* vs. *Tennessee,* can be routinely passed throughout the entire metropolitan area.

5) Commitment and cooperation between line officers and administrators is significantly enhanced through the regional academy. Professional

and personal relationships develop in the academy and in the administration of the academy which translate themselves to the work of the departments. These ties add to the informal resources of the department. The region, which tends to be factionalized by the many boundaries and jurisdictions, becomes a stronger political entity because of these closer interpersonal ties.

6) Outside agencies, such as the Federal Bureau of Investigation, which provides instructors and technical assistance for programs at the Greater St. Louis Police Academy, are not burdened to the degree that they would be if they were asked to provide these services to more than one academy in the metropolitan area.

Is there a down side to regional training? Of course there is. In 17 years of operating as a regional academy, some issues have surfaced that are very difficult to resolve.

Specific procedural uniqueness within a department, such as a computer-aided dispatching or a specific advanced technological approach to police reports, must be dealt with independently of the regional academy. Departmental policies and procedures, often times voluminous, must be passed along in similar fashion. If this information is not given in the evening hours while the recruit is participating in the Basic Training Program, it must be given in classes provided by the department after graduation. This approach can extend the basic training of the recruit several weeks after completion of the academy. In addition, some procedural differences are hard to resolve by academy staff. Despite efforts to minimize this, at times, the recruit will hear differing approaches to similar situations. This may actually be an advantage to the sharper or more experienced recruit, but tends to be confusing to the less giften class members. In addition, the Basic Training Program, by its nature, must be generic in its content and therefore cannot answer all questions raised by a recruit from a particular department. Some things must remain unresolved until the officer "hits the street."

There have been other problems, most of them minor, but none have proven to be insurmountable obstacles. All departments realize and accept their responsibilities pertaining to these issues and all weigh the irritations against the very tangible benefits of being a regional academy.

The Greater St. Louis Academy Today

Programs at the academy today are divided into three major categories: Basic, Special Programs (seminars), and Inservice Firearms Training. The staff is composed of St. Louis City and County police officers and supervisors, as well as civilian staff.

ORGANIZATION CHART

The academy continues to deal with difficult questions that every academy must deal with—problems such as facilities, curriculum, staffing, training needs, and evaluations. However, we deal with these problems as a team, drawing upon the enhanced resources offered by the regional organization behind us. The spirit of cooperation in the Greater St. Louis area appears firm and permeates the region. There is a great deal of pride in the history of training in St. Louis by all involved in the effort. Much has been learned and of course much remains to be learned. And yet, some things really don't change over time.

Chief Scheetz observes, "After reviewing the humble beginnings of our Department recorded on these pages—and after living and breathing law enforcement for the past 36 years—in spite of the technology and scientific average advances in law enforcement, it is obvious that the basic goal is still the same—to be the best."

Training at the academy will remain a planned, evolutionary process, one that will continue to effectively benefit the law enforcement officer of the St. Louis City and St. Louis County. We fully believe that this will be accomplished by a continued commitment to a regional approach to training, an approach which has stood the test of time in the St. Louis Metropolitan area.

FBI

Mandating Arrests for Domestic Violence

By
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EDITOR'S NOTE:

This article explains a new law enacted in the State of Washington and details implementation of the law by the Seattle Police Department. Readers of the Bulletin *are reminded that the issues discussed apply only to the State of Washington.*

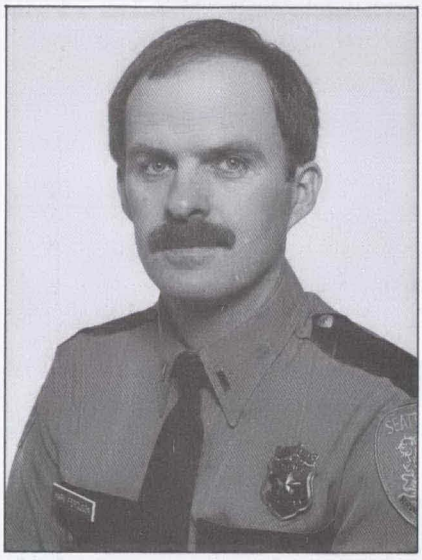
A neighbor of a young couple telephoned police to report a family disturbance. She told the 911 operator she could hear the man and woman shouting and objects being thrown. The responding officers arrived on the scene within minutes and found the couple still arguing. They separated the two and managed to calm the situation. They determined that the couple, though unmarried, had lived together for 2 years, separated for several months, and just recently, moved back in with each other. Within a few days, old problems had resurfaced and an argument developed. The woman became angry and began pulling the man's clothing from the closet. Enraged by this, he struck her across the face, causing the area around her eye to become red and swollen. He then went on a rampage shouting, knocking over a glass vase and house plants, and kicking the furniture.

After some emotional discussion with the officers and with each other, the man and woman both seemed to agree that the situation was now settled. The woman said she did not wish to press charges and told the officers they could leave. The officers, anticipating hostility when they informed the couple what was about to occur, called for their supervisor. The supervisor arrived, reviewed the circumstances, and told the officers to arrest the man and take him to jail. He explained to the couple that the Domestic Violence Prevention Act, just implemented that day throughout the State of Washington, MANDATED a physical arrest for the assault. When the woman insisted that she would not press charges, the supervisor informed her that he had no choice in the matter; the arrest would have to be made whether she agreed to assist with the prosecution or not.

The above incident, though fictional, is typical of family disturbances to which officers across the Nation respond daily. On September 1, 1984, law enforcement officers in the State of Washington handled such calls somewhat differently than they might have the day before. For the first time, a new law mandated an arrest for certain violations of its provisions. Although officers have always been "expected" to arrest for certain crimes, this law was the first in Washington to legally require an arrest, removing discretion to do so or not from the officer. Furthermore, civil liability was implied for an officer and police agency not making a mandated arrest.[1]

Discretionary Versus Mandatory Arrests

Although the Domestic Violence Prevention Act (DVPA), now codified as chapter 26.50 of the Revised Code of Washington, contains a number of provisions affecting law enforcement, one of the most significant is the requirement for mandatory arrests. In essence, a police officer is now legally obligated to make a physical arrest when probable cause exists to believe that a person has assaulted a member of his or her family or household within the previous 4 hours. The same requirement for mandatory arrest exists for violations of certain restraining, protection, and "no contact" court orders related to domestic violence. While the law implies civil liability for not making a mandated arrest, officers making such an arrest are protected criminally and civilly, as long as the arrest is made in good faith and without malice.[2]



Lieutenant Ferguson

Patrick S. Fitzsimons
Chief of Police

Understandably, many law enforcement officers and administrators resented this loss of arrest discretion in handling family disturbances. Mandatory arrests, many believed, were counter to an enlightened and prevailing theory that regards "crisis intervention" as the best way to handle such situations. They argued that couples already faced with various emotional and financial problems, often compounded by alcohol and drug abuse, do not need legal problems as well. This would seem especially true, they reasoned, when officers are informed at the scene that the victim—almost always the woman—will not assist in the prosecution of the man. Crowded jails and court dockets would be made only worse by such "unnecessary" arrests.

Some members of the legal community were concerned as well, viewing mandatory arrests as both a form of preventive detention and post-conviction punishment, imposed not by the courts (with procedural protection) but by the police.

Handling Family Disturbances—A Changing Philosophy

For many years, the police generally believed that handling family disturbances was one of their more hazardous duties. Recent studies, however, have refuted this, reporting that family disturbances "... are one of the least frequent types of incidents involved in police homicides."[3] Nevertheless, family disturbances often result in physical violence, and men who resort to violence against family members may have little reason not to do so against officers. Men whose lives are filled with complex problems are likely to resent officers—understandably regarded as outsiders—interfering in what is considered a personal matter. Since many family disturbances involve alcohol or drugs and many homes contain weapons, the possibility of injury to officers is not to be taken lightly.

Through the 1960's, the usual method of handling "family beefs" (as they were frequently called) was simply to separate the parties involved. If the woman had a mother, sister, or friend with whom she and any children could stay for a day or two, they were transported there. If not, the man was usually taken to a motel or downtown mission or simply sent away with a warning not to return before the next day. As long as officers were not called back to the same family disturbance during their shift, no further police action was taken. Officers simply assumed that in the future, they would once again be dispatched to the same location to handle another family disturbance. Arrests were not made because the woman would not testify against the man when the matter came to trial, or so it was widely assumed. On occasion, officers would be dispatched to handle a serious assault or even a homicide at a location where they had previously handled a family disturbance.

Cycle of Violence

The wide-spread belief that the woman would not testify had some basis in fact. Many women did not appear in court, and some who did asked the judge to drop the charges. What was not generally understood at the time was that a "cycle of violence" exists within most domestic violence situations.[4] By way of explanation, following an assault by her social partner, a woman would frequently ask officers to arrest him and would be willing to pros-

"The impetus behind mandatory arrests is the belief that the impact of arrest is needed to break the cycle of violence and that assaults behind closed doors are as wrong and unlawful as those committed in public."

ecute. The man, after being released from jail and perhaps feeling guilty for his actions, over the course of the next few weeks would be as accommodating as possible to the woman. She would begin to think that he had changed and would regret having had him arrested. Frequently, at about this same time, the court case would come to trial. The woman would decide not to testify because the man "was sorry for what he had done." After the charge was dismissed, the man, within a period of time, would resume his violent behavior and assault the woman again, completing the cycle of violence. The result, as the cycle continued, was not only to discourage arrest and prosecution but to increase the likelihood of further violence.

Crisis Intervention and Mandatory Reporting

In the 1970's, "crisis intervention" began to be taught in most police academies and soon became part of law enforcement inservice training throughout the Nation. This philosophy, still quite valid, holds that rather than continually responding to domestic situations having high probability of serious violence, and then doing little more than separating the parties, officers should act affirmatively to ameliorate such situations. Proponents contend that "the police are in a unique position of providing psychological first-aid and crisis intervention services. These services include, among others, the following: medical assistance, psychological support, control/direction, assessment/mediation, and referral/disposition."[5] Arrest is viewed as only one—and not necessarily the best—way of managing such situations. Implicit in this view is the notion that domestic disputes are better resolved through social intervention than by legal action.

Of some interest in this regard is a recent study reporting that the most common reason officers give for deciding to arrest in domestic disturbances is not the violence directed against the woman, but that directed against the officers. On the other hand, the most common reason officers give for not arresting in such situations is the "refusal of the victim to press charges."[6] The basis for this latter conclusion is now questionable, and at any rate, is being addressed by victim advocate programs and domestic violence training for police, at least in a number of States.

Beginning in 1979, the State of Washington made clear its objectives regarding domestic violence:

> "It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated, [and] ... that criminal laws be enforced without regard to whether the persons involved are or were married, cohabiting, or involved in a relationship."[7]

The concept of crisis intervention was taken a step further by passage of a law requiring mandatory reporting of all family disturbances handled by police. Officers are no longer permitted, after settling family disturbances, to simply make notations on their patrol log sheets as to what happened, but must fully investigate each incident and submit an offense report. Through this requirement, it is believed that those domestic situations likely to result in physical violence will be brought to the attention of crisis intervention professionals who can assist in resolving the conflict. In addition, the mandatory reporting law requires that law enforcement training "... stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim."[8] The 1979 law stopped short, however, of mandating any arrests. Officers and their supervisors, guided by departmental policy and procedures, were expected to exercise discretion in deciding which situations should result in arrest and which should not. Officers needed only to "... notify the victim of the victim's right to initiate a criminal proceeding ... [and] the importance of preserving evidence."[9]

Mandating Arrests: The Domestic Violence Prevention Act

Commendable progress was made between 1979 and 1984 regarding the police response to domestic violence. It became apparent, however, that it was not enough, especially when increased public awareness revealed domestic violence to be a much larger and more serious problem than previously thought.

In 1984, Washington joined a small but growing number of States taking a very firm position regarding domestic violence. While crisis intervention is still regarded as a valid method of dealing with domestic problems that have not yet resulted in physical violence, those that have, reasoned members of the State legislature, require more-intrusive intervention by law enforcement to insure that the violence does not continue.

The definition of domestic violence has been expanded from a small list of crimes to now include "...[p]hysical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members; or ...sexual assault of one family or household

member by another." Previously, the category of persons affected by the definition was limited to cohabitants living in a marital or semi-marital relationship. This has now been broadened to include "family or household members" and means "...spouses, former spouses, adult persons related by blood or marriage, persons residing together, or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time."[10]

Most importantly, the DVPA specifies that "a police officer SHALL ARREST and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that ...[t]he person within the preceding four hours has assaulted that person's spouse, former spouse, or other person with whom the person resides or has formerly resided."[11] The same requirement for mandatory physical arrest applies to violations of certain court orders related to domestic violence.

If the person who has committed the assault or violated the court order is not present upon the officers' arrival at the scene, the officers should make a good faith effort to locate the suspect within 4 hours following the assault, including notification of probable cause to arrest to other jurisdictions where the suspect may have fled. Should the wanted person flee to the private residence of another person, it might be necessary to obtain a search warrant to enter and make the arrest. Once the 4-hour period has passed, however, officers are not longer mandated to make the arrest and may use ordinary police discretion in deciding whether to arrest.

In addition, officers are now required to "...advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available."[12] This is accomplished by having the investigating officers hand each victim an information sheet that lists instructions for filing a criminal complaint, obtaining an "order for protection," and giving the number of a statewide, 24-hour, toll-free domestic violence hotline that provides local information concerning shelters and alternatives to domestic violence. "Orders for protection" may be issued to restrain abusers from further acts of abuse, direct the abuser to leave a household, prevent the abuser from entering the victim's residence, school, or place of employment, award custody and visitation rights of minor children, and restrain the abuser from interfering with minor children.[13]

The impetus behind mandatory arrests is the belief that the impact of arrest is needed to break the cycle of violence and that assaults behind closed doors are as wrong and unlawful as those committed in public.[14] Women who are unsure about assisting in the prosecution of their abusers receive counseling from victim advocates. Under certain circumstances, even women who refuse to prosecute may still have their abusers charged if other evidence exists to support a criminal complaint. For instance, if witnesses saw the abuser strike the woman, a conviction may result even without the testimony of the victim. Throughout the process, advocates provide close support for the women, many of whom would otherwise be economically and emotionally dependent on their abusers. Financial and emotional support needed to assist women in regaining independence is frequently available on a short-term basis through various shelters and social service agencies.

Results

Predictably, shock waves from the implementation of mandatory arrests were quickly felt. Domestic violence arrests in Seattle for the first 6 months of 1985 showed a 520-percent increase over the same period in 1984 (before implementation of the DVPA) and successful prosecutions increased by 300 percent.[15] The Seattle Police Department reported that "the total increased cost for domestic violence arrests during the first four months (after passage of the DVPA) was $265,594." Estimates submitted in 1984 for 1985 indicated that "the Department will incur costs of $645,000 ... directly attributable to the mandatory arrest provision of the Domestic Violence Prevention Act. In terms of manpower, nine more officers will be needed to meet the increased workload."[16]

Not only police departments but jails, courts, and social service agencies felt the strain of increased demands on personnel and resources. It also became apparent soon after implementation of the DVPA that a number of arrests, for various reasons, were being made unnecessarily. Frequently, when both a man and woman struck each other during an altercation, both were arrested and taken to jail, even though in the vast majority of such situations the man was the primary and overwhelming aggressor. One such incident, which became known as the "chicken-spitting case," illustrates the point. The situation involved a couple who began to argue while at the dinner table. The woman, upset over a telephone call that the man had received,

"... the mandatory arrest provision is now limited to persons 18 years and older...."

spat a piece of chicken at him and attempted to slap him with her open hand. He blocked the slap and pushed her over a chair, knocking her to the floor. He next stood over her and with his fist struck her on the face with such force that she required medical treatment at a hospital. Following investigation by the police, both the man and woman were arrested and booked in jail.[17] In the officers' view, both persons had committed assaults, and the new law not only mandated both arrests but might result in civil liability for the officers if they failed to make both arrests.

Strong supporters of the DVPA were disturbed over the number of mutual assault arrests and charged that officers were deliberately overreacting to the new law. They pointed out that the language of the new Washington law had been modeled after the Oregon Abuse Prevention Act and that the problem of double arrests had not occurred there. Legal researchers were able to determine that a difference in definitions of assault was the primary source of this problem. Whereas in Oregon, some injury must result to constitute an assault, in Washington only an "offensive touching" is required.

The double arrest problem was compounded by two other factors. First, in some departments, the training given officers concerning the new law stressed the liability for not making arrests and the protection in doing so. Without intending to, instructors may have engendered a "when in doubt—arrest" attitude among some officers, which may or may not have been envisioned by proponents of the new law and drafters of the legislation. Secondly, it is likely that a few officers, resenting their loss of discretion and the implicit disdain for their training and experience, went overboard in enforcing the law in an attempt to hoist its proponents on their own petards. One such officer explained his feelings this way: "Police were dealing with domestic violence long before it became popular. If the people who wrote the language in this law really think that every 'offensive' touching should result in arrest, and that officers should be held liable for not doing so, then we'll let them see what results."

In response to these problems, the Seattle Police Department published guidelines to insure that officers were able to distinguish criminal assaults mandating arrests from those physical actions reasonably believed to constitute self-defense, lack of capacity, force authorized by law, and de-minimis offenses.[18] In addition, legal advisers from the Seattle Police Department, attorneys from the city's law department, and drafters of the original legislation worked together to suggest modifications to the DVPA that would eliminate the problems encountered shortly after its implementation.

Amendments to the Law

In 1985, the State legislature passed several amendments to the DVPA. As a result, the 4-hour mandatory arrest provision is now limited to felony assaults, assaults resulting in injury (whether visible or not), and serious threats where a suspect by physical action causes another to reasonably fear death or imminent serious bodily injury. Arrests for noninjury assaults and nonserious threats are discretionary and no longer mandatory. When officers encounter mutual assault situations, they need arrest only the "primary physical aggressor," who may not necessarily be the "first" aggressor. In addition, the mandatory arrest provision is now limited to persons 18 years and older, settling some disagreement as to whether the original legislation required police to arrest, for instance, two brothers in their early teens who became involved in a shoving match.[19]

Conclusion

Joanne Tulonen, former director of the Family Violence Project, sums up her view of the impact of the DVPA as follows: "It is a law that sends a clear message that violence directed towards those you love is not appropriate ... *Most importantly, it is a law that is clearly working.*"[20]

It is likely that even those who originally disagreed with the DVPA law would now agree with the above statement. In particular, the amended law is working reasonably well for the police, who do best at providing what Egon Bittner, well-known author and police observer, refers to as "provisional solutions to long-range problems."[21] In an example having to do with suicide prevention, Mr. Bittner distinguishes the work of the police from that of clinical psychologists and psychiatrists: "Whereas the police have the serious, important, and complex task of stopping all incipient suicides, psychologists and psychiatrists have the equally serious, important, and complex task of eliminating the causes leading to suicide. One disarms the suicidal person at the moment of crisis; the other works over the long term to eliminate the reasons that the suicidal person arms him or herself in the first place."[22] In many respects this same reasoning can be applied to domestic violence.

The police are the most appropriate (and the only!) agency capable of responding to and handling family violence at the time it occurs; the long-term task of resolving or eliminating the

sources of conflict leading to domestic violence are better left to crisis intervention specialists. Mandatory arrests are proving to be an effective provisional solution to a long-range problem. FBI

Footnotes

[1]For a court decision where such civil liability has already been determined, *see Nearing* v. *Weaver,* 295 Oregon 702, 670 P. 2d 137 (1983).

[2]Revised Code of Washington (RCW), 1985 ed., secs. 10.31.100(7), 10.99.070, and 26.50.140.

[3]Gail A. Goolkasian, "Confronting Domestic Violence: A Guide for Criminal Justice Agencies," U.S. Department of Justice, National Institute of Justice publication (quoting FBI statistics), May 1986, p. 6.

[4]For an in-depth analysis of this cycle of violence theory, *see* Lenore B. Walker, *The Battered Woman* (New York: Harper and Row Publishers, Inc., 1979).

[5]Ronald Dolon, James Hendricks, and M. Steven Meagher, "Police Practices and Attitudes Toward Domestic Violence," *Journal of Police Science and Administration,* vol. 14, No. 3, September 1986, p. 187.

[6]Ibid, pp. 189–190.

[7]RCW 10.99.010.

[8]RCW 10.99.030(1).

[9]RCW 10.99.030(3a).

[10]RCW 10.99.020(1) and 26.50.010(1–2).

[11]RCW 10.31.100(2a–b), 1984 ed.

[12]RCW 10.99.030(4).

[13]RCW 10.99.030(4).

[14]The leading study in this regard suggests that arrests, regardless of court actions, may have a deterrent effect and favors a "presumption" but not "requirement" of arrests in all misdemeanor domestic assault cases. *See* Lawrence W. Sherman and Richard A. Berk, "The Specific Deterrent Effects of Arrest for Domestic Assault," *American Sociological Review,* April 1984, pp. 261–272. A topic for further research in this regard would be to determine if mandatory arrests are actually reducing family violence, and if so, whether it is because men are being less violent, women are reluctant to call the police, knowing that an arrest will result, or for other reasons.

[15]Joanne Tulonen, *Impact of the Domestic Violence Prevention Act,* Seattle City Attorney's Office, August 15, 1985, pp. 2 and 7. The increase in successful prosecutions was not due solely to the increase in the number of arrests but also because prosecution was out of the hands of the victims; almost all arrests resulted in at least one court appearance.

[16]Seattle Police Department 1984 Annual Report, p. 32.

[17]Seattle Police Department incident 84–371832.

[18]Seattle Police Department General Information Bulletin 84–191, p. 2

[19]RCW 10.31.100(2-b).

[20]Supra note 15, p. 3.

[21]Egon Bittner, "Emerging Police Issues," *Local Government Police Management,* 2d ed., ed. Bernard L. Garmire (Washington, D.C., 1982), p. 7.

[22]Ibid.

Book Review

Scientific Evidence in Criminal Cases, by Andre A. Moenssens, Fred E. Inbau, and James E. Starrs. 3d ed., The Foundation Press, Mineola, NY, $32.95, 805 pp.

Written primarily for prosecutors and defense attorneys in criminal trials to "obtain a concise understanding of the scope of expert investigations," this work is also addressed to all students in the criminal justice area. While this book is not a technical treatise for the specialist, it does give the expert an overview of the law in given scientific specialities.

Scientific Evidence begins with a discussion of the nature and purpose of expert testimony. The authors note that in today's world, "increasing specialization is being held out as a desirable means of solving difficult problems." Together "with the limitations which have been placed on traditional methods of interrogating criminal suspects," this means of problem solving necessitates the understanding of scientific evidence. This work covers chemical tests for intoxication; arson and explosive matters; firearms identification; forensic pathology; toxicology, chemistry, and serology; fingerprint identification; microanalysis; neutron activation analysis; questioned documents; photography (including video tape); spectrographic voice recognition; scientific detection of speeding; polygraph; "truth serum" and hypnosis; forensic dental identification; and casts, models, and maps.

Each chapter begins with a general discussion of the area covered, for example, "alcohol in the human body" and the various tests used in a given area. The evidentiary effects of the evidence gained by the various tests are discussed, with case citations, and each chapter ends with a bibliography of additional references, including some from this bulletin. Other references to the FBI and the FBI Laboratory are made throughout this work.

The authors are all professors of law (at the University of Richmond, Northwestern University, and George Washington University, respectively) and are all consultants in forensic science. Inbau, of course, was the first director of the Chicago Police Laboratory, which grew out of the Northwestern Crime Laboratory, this country's first. The authors note the need for this new edition of this work based on recent developments in forensics, such as bitemark evidence. Substitution of a new chapter on arson and explosives for the previous one on psychiatry helps maintain the book's emphasis on the physical sciences "rather than attempting the gargantuan leap into behavioral sciences." Also planned are annual supplements to keep this work current.

With an extremely detailed table of contents, a useful index, accurate analysis of scientific evidence available at this time, and legal import of this evidence, this volume is a most useful summary of forensics. It should be available not only to prosecutors and defense counsels but to law enforcement expert examiners; they will be aware of what counsel may raise in questioning.

SA Thomas J. Deakin, J.D.

Police Interviews of Sexually Abused Children

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There has been a significant increase in the reporting of child sexual abuse in the past 5 years. This does not appear to be as a result of an actual increase in the incidence of abuse, but rather as a result of an increased awareness of the problem. According to the Attorney General of the State of California, the sexual abuse of children within the family is the most hidden, least publicized form of child abuse. In spite of its taboo nature and the difficulty of detection, some researchers believe such abuse may be more common than physical abuse.[1]

While child sexual abuse has always been with us, recent attention has been focused on the issue because of major preschool cases across the country. This has resulted in new educational efforts aimed at school-aged children and more disclosures, particularly in preschool and preadolescent children. While it is difficult to talk to children at any age level about this subject, it is particularly difficult with the younger victims. The problem is compounded by the fact that the vast majority of the offenders are known to the victims, and it is apparent that new approaches are necessary for successful investigation of cases.

Recent statistics indicate that sexual abuse by strangers constitutes approximately 10 percent of the actual abuse.[2] More specifically, recent studies have shown that in cases of sexual abuse of a victim under 18 years of age, 47 percent occurs in the family (father and stepfathers comprise about 30 percent of this group), and 40 percent of the abuse is committed by those who are nonfamily members but who are known to the family.[3] The significance of these statistics is that in approximately 87 percent of the cases that police officers are going to have to deal with, there are going to be unusual psychological issues of which officers need to be aware.

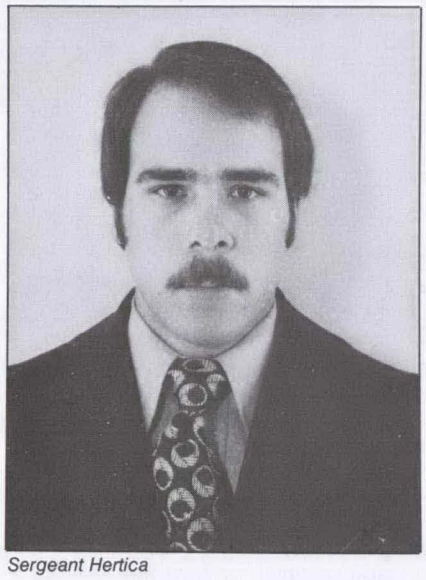
This article addresses some of these major psychological issues of significance to investigators, as well as specific interview strategies. However, by no means are these all the problems that will be encountered or all the approaches that can be used.

Roland Summit's "accommodation syndrome" is a compilation of theories which explain why victims of child sexual abuse often lie, change their stories, and even recant them.[4] The accommodation syndrome has five basic concepts. (While basically characteristic of a father-daughter incest model, it is also applicable to other intrafamilial situations, as well as some extrafamilial molestations.)

Secrecy—Children tend to be secretive about the abuse because they feel ashamed and guilty. When they do disclose, often their fears are realized by disbelief and loss of love from those who are important to them. Because most sexual abuse is committed by those within or close to the family system, this fear is often reinforced by threats.

Helplessness—The child feels powerless against the molester. Because of this, the child may feign being asleep or retreat into other psychological defenses. Since an "adult" will usually fight against unwanted or unsolicited sexual advances, the "adult" expectation is that a child will also. If she doesn't, it is often perceived that the child was seductive or solicited the advances. The child recognizes this and feels helpless.

Entrapment—The child believes she is bad for allowing herself to be in this type of situation. This may be compounded if there are siblings who are also in jeopardy of abuse because the child may assume a responsibility for their safety. If the molester is a parent



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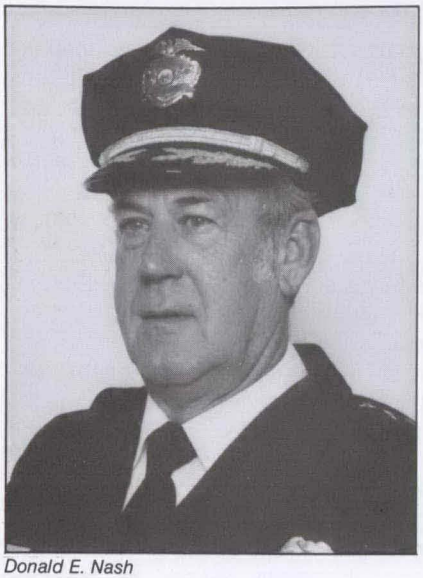

Donald E. Nash
Chief of Police

or other authority figure, the child may believe she has no place to go, so she feels trapped and internalizes feelings which, over a period of time, become "normal" for her.

Delayed, conflicting, and unconvincing disclosure—Disclosure usually occurs more as a result of a reaction to something rather than being a deliberate effort to seek help. In some cases, the disclosure comes about as a result of other internal family conflict. It may occur because the child is displaying socially unacceptable behavior (defiance, drugs, alcohol, runaway, shoplifting) and is being disciplined. Sometimes, this kind of disclosure is perceived as just an excuse for the unacceptable behavior. In other situations, the child may not display antisocial behavior, but in fact, may do just the opposite. She may appear to be well-adjusted and a high achiever. This can be an attempt to compensate for the problems at home. When there is a disclosure by either of these profiles of a victim, unless a trained and sensitized officer is dealing with the situation, it may be difficult to believe that a child would tolerate this type of abuse for so long without reporting it.

Retraction of complaint—After disclosure, it is not unusual for a child to retract her statement. Many of the things she fears may, in fact, have come true. The family may be fragmented; the child may be placed in a foster home; her father (or the offender) may abandon her; the system may treat her like a liar; and she will have to go through numerous uncomfortable interviews and medical procedures. All of these things are perceived by the child as negative and are thought to be worse than the abuse itself. It may seem safer to the child to retract the story and go back to the abusive situation.

Also having impact is the fact that the child may have already been through a similar experience which did not result in improving the situation. One study found that in 41 percent of the families evaluated, there was a history of previously documented sexual abuse.[5] If the child has already been through the system and is being reabused, she may be reluctant to be "victimized" by the system again.

The accommodation syndrome helps to explain many of the dynamics seen in child abuse cases. There are, however, several other issues of which officers should be aware. It has been stated that children have guilt and other similar feelings about their involvement in sexual activity. A major reason for this is that often they do not resist.

The first reason for this lack of resistance is because of the power structure of the relationship. In the case of intrafamilial abuse, the suspect holds a position of authority over the victim. Be it the father, uncle, or older brother, the victim has been taught to obey. In extrafamilial situations (not a stranger), the victim has usually been instructed by her parents to obey the caretaker (teacher, babysitter, scoutmaster, etc.) as she would her parents. Unless there is specific education in sexual abuse which, until recently, there has not been, the child will do as she has been taught—obey. This is very confusing to a young child.

Another situation which occurs is when the child is rewarded for her sexual activity. This can range from materialistic rewards to feelings of being a favored child with extra privileges to feeling loved. This does not necessarily mean that the child wants the sexual activity to occur. She may, however, accept that what she has to go through to stop the abuse is not worth it when she is being rewarded. Regardless of how

"...once the interview starts, there should be an initial phase of getting acquainted with the child and letting her get acquainted with you."

the victim feels about this issue, the activity is still unlawful.

One concept with which an officer should be familiar is dissociation. Dissociation is a psychological defense mechanism in abuse victims which will affect their ability to recall information, such as time frames, descriptions, and other relevant details.[6] A person who is victimized over a long period of time develops ways of minimizing the psychological trauma that is caused by the victimization. She is sometimes able to do this by, in effect, removing her mind from her body to a point where the victim does not believe the act is occurring to her. She has developed the ability to "dissociate" her mind from her body so that she is not mentally traumatized by the acts that are happening to her. The result of this is that details of the events or even the whole event may be lost to the victim. She is unable to recall details of the abuse, the description of the suspect, or the time frame in which the event occurred. This phenomenon also holds true for adults, particularly those who have been abused as children. When a rape victim is unable to recall pertinent details of her attack, this may be the cause.

According to hypnotists, victims who have dissociated may be able to recall the details of the abuse through hypnosis. The act did occur; the victim was there; the mind just went into a protective mode. Since the information is there, it may just be necessary to overcome the blockage in the mind, and hypnosis is one approach.

Another thing which may impact the child's disclosure is the fact that "the mother, who would normally be expected to protect the child, may purposely try to stay isolated from a problem of sexual abuse. She may be distant and uncommunicative or so disapproving of sexual matters that the child is afraid to speak out. Sometimes she is insecure and the potential loss of her husband and partner and the fear of scandal is so threatening that she cannot allow herself to believe or even suspect that her child is at risk. She may have been a victim of child abuse and rejection herself and may not trust her judgment or her right to challenge the male authority. Some mothers know of sexual abuse, but for whatever reasons, they 'look the other way.'"[7]

Compounding this problem may be the "parentification" of the child in a father-daughter situation.[8] While the mother is ignoring the situation, her other "motherly duties" may fall to the child who may then assume an added responsibility of keeping the family together. This feeling may inhibit the child from cooperating with the officer.

These are the major therapeutic considerations that officers should have knowledge of, because they may affect the disclosure of a victim of child sexual abuse. There is one more theory, however, that should be discussed because it may impact on the officers' questioning and understanding in these situations. This is called transference.

Transference is the transferring or projection of one person's feelings to another person. For example, an officer should not presume that the sexual contact that the suspect had with the victim hurt or was unpleasant because he believes that it should have been. It may not have been unpleasant, and if the officer approaches it from this perspective, it may make the questioning less than objective. Another example would be the transference of the feeling that the victim should hate the suspect for what he has done. The victim may have deep feelings for the suspect, especially if it is a family member. She may not like what the suspect did, but may still love him very much. Don't let personal feelings or beliefs interfere with an objective investigation.

Now that the issues relative to obtaining a disclosure have been discussed, recommendations will be made as to how to conduct the interview.

Interview

Prior to the interview, it is important to gather as much information as possible. The more you have, the more leverage you will have with the child. If the child believes that you already know what happened, she will usually talk to you more freely. To gather this information, the officer should begin with the person who made the first disclosure. This may be a teacher, therapist, or parent, among others. In addition to gathering information at this point, there may be references made to others who may be able to provide information. When practical, a follow up on all of this should be conducted before the interview.

The sex of the police officer conducting the interview is not as important as having an officer who is caring, sympathetic, and can relate to the child victim. It is preferable to have officers of both sexes available, in case the victim has a fear of a gender in general or the officer has a physical appearance similar to the abuser. More often than not, however, the child will open up to the police officer, regardless of sex, who the child trusts will believe her.

Thought should be given to the location of the interview. The following advice on the setting for a therapeutic interview, as presented by David Mrazek to therapists, has its application to the police interview.

"A primary consideration is to provide a setting in which a child can feel safe. Only after a sense of security is established can a child be expected to trust the examiner suffi-

ciently to be able to describe the events which took place as well as his or her emotional reactions to both the sexual relationship and its subsequent discovery and exposition. The setting for this evaluation should be private and provisions made to prevent interruptions. It is essential that at some point in the evaluation the child be seen alone to provide an opportunity to discuss sexual matters without censorship from either parent."[9]

Since in the majority of cases the suspect is known to the victim and may even be a family member or someone with the legitimate custodial privileges over the victim, the abuse may have occurred in or near the home. When this is the case, the interview should not take place in the home or any other place which may have a negative psychological significance to the child. A place where the child will feel safe should be chosen. More often than not, this place will be the police department.

Ideally, there should be a room set up for this type of interview. If there is not, a quiet place away from distractions and interruptions should be chosen. Hopefully, this will not be the traditional "sterile" police interview room designed to make people uncomfortable. Accessories that are necessary (anatomical dolls, paper, crayons, drawing, etc.) should be available. Since one of the fears that a child has is that other people will find out what happened, care should be taken that there are no other people around during the interview.

It is usually preferable to interview the child alone. This is because the interviewer may not be aware of what psychological stress may be placed on a child victim by having another family member present. All of the previously mentioned psychological problems may impact at this point. If, however, the child wants a particular advocate present during the interview, it should be allowed.

It is important to remember when interviewing a child that she does not have the same frames of reference that adults do. In terms of time, she will usually not be able to think in terms of months, days, etc. If this is the case, attempt to have her think in terms of specific events which may be important to her, e.g., birthday, Christmas, going to a special place, a TV show, etc. This approach will usually have more significance to her.

Another consideration is speaking in the child's language. Children may not be able to identify specific body parts by proper names or understand terms police officers and other adults use to describe people and things. While establishing rapport with the child, ask what terms she uses to describe certain things and then use those terms. It is important to the child that she believes that you believe what she is telling you. By talking to her at a language level she understands, it is much easier for the child to talk and trust you. Be careful, however, not to talk in a condescending manner.

With these concepts in mind, once the interview starts, there should be an initial phase of getting acquainted with the child and letting her get acquainted with you. You must build up a sense of trust, or it is likely that you will receive little information. Remember, an adult, or one who is perceived as an adult, is most often the abuser and there may be an inherent distrust of all adults. By taking the time to show the child that you are interested, care, and believe what she is disclosing, walls that have been previously built will be torn down.

Be direct with the child. When you are going to start talking about the molestation, start with something like, "Do you know why we are here today?" This will give you an assessment of which direction you are going to take and let the child know that it is time to start responding to you. At this time, the officer must make an assessment as to how the child is going to respond to the interview. Consideration should be given to talking in the third person (as if the child were talking about someone else), using puppets, anatomically correct dolls, and drawings. None of these techniques take the place of getting a direct disclosure from the child, but they may open doors which will allow you to begin the process which will later lead you to the necessary disclosure.

It may be helpful to start with the first abuse incident, rather than the last. The first events will likely be less traumatic, both in severity of the incident (fondling will usually precede the more traumatic events) and because they are further removed in time from what is going on now. Once the child has told you some of the earlier events and she realizes that you believe her and are not shocked or judgmental of them, it will be much easier to continue with the progression of events, which are likely to be more severe.

As the child is disclosing the facts of the abuse, the investigator should be understanding and supportive. It may help to get the child over the rough spots by stating, "I know how hard this is because other children have told me that it is." This may make the child believe that you have a good understanding of what she is experiencing.

Finally, be aware of the child's attention span and realize that you may not get all of the information that you are looking for in one interview. As the age of the child decreases, so does the attention span and the effective length of time that you have with the victim.

"One specific thing that can be done is to walk the child through the courtroom process."

Don't push too hard or the child may lose confidence in you. Remember, the child needs to feel the strength, support, and protection of the interviewer, which can only be experienced by the child if it is indeed felt by the interviewer.

After the disclosure, if the case is going to be prosecuted, the victim is going to experience several more processes that may cause stress. These may include further disclosures, medical examinations, testimony in court, and placement. Since the officer may be the first person in the "system" to establish rapport with the victim, it is helpful if the officer acquaints the child with what is going to happen. This does not mean that the officer has to explain things like specific medical procedures, but should generally tell the child what is going to happen and reassure her that she is going to be supported throughout the process. It is helpful if the officer accompanies the child to the hospital and through any other segments of the system, if possible. Since the case is totally dependent on the child's testimony, it is important that she not be frightened to the point that she will not follow through. Remember the reasons a child may want to retract her story.

One specific thing that can be done is to walk the child through the courtroom process. The physical courtroom is overwhelming to the child simply because it is unknown to her. Take some time with the victim and acquaint her with the courtroom. Walk her through an empty courtroom; let her sit on the stand or at the prosecutor's table and ask some questions; and introduce her to a judge, if it is possible. This will make the child more comfortable and ultimately make her a better witness.

Also, consider that a child will have a fear that by testifying in court, people who she knows will find out what happened to her. Reassure the victim that newspapers are prohibited from printing minor's names. The information about her identity is not released to the public.

Now that there have been some suggestions made as to how to conduct an interview, here are some cautions:

Don't interview victims is front of other victims or witnesses. It may taint their statement.

Don't assume that you are obtaining all the information: Children are sensitive about certain details and acts, and it may take very extensive interviewing to get it.

Don't ask leading questions. This will be hard at times, but let the child tell the story in her own words and then ask clarifying questions. Don't interrupt, but guide the direction of the statement if the child starts wandering.

Don't ask questions that reflect on the child's feelings of guilt. She already feels bad enough, and a question like "Why did you wait so long to tell somebody about this?" will make the child feel worse and cause her to distrust you.

Don't tell the child not to feel guilty or that she shouldn't cry. Let the child be herself and express her emotions. Be understanding.

Don't push the child too hard or expect to get all of the information in one session. Be patient.

Conclusion

Police officers generally have good interviewing techniques developed over many years of talking to and questioning countless people. Those officers who work with juveniles may refine these abilities even further because of the nature of their assignment. It is important for them to recognize, however, that we are in a new era of interviewing juvenile sexual abuse victims. Even though we have significant expertise in this area, there are other professionals who can contribute significantly. The therapeutic community is one of these.

In the past, there has been resistance to therapists, which this author believes is due to different professional goals. Their goal is to provide therapy to help the child. To do so, they must learn the child's "secret," and asking leading questions is often the only way to elicit this information. Police officers also need to know the "secret" to put together a legal case, but they must obtain this information in a manner that will meet legal standards.

While the goals may be different, they are the same in the respect that all are trying to protect the child. Though different, they need not be mutually exclusive. Police officers should be aware of and use therapeutic interviewing techniques when appropriate, and the therapeutic community can also learn from police techniques. Always remember the beneficiaries of all our efforts are our children.

FBI

Footnotes

[1]Crime Prevention Center, Office of the Attorney General of California, *Child Abuse Prevention Handbook,* 1983, p. 10.

[2]Diana Russell, "The Incidence and Prevalence of Intrafamilial and Extrafamilial Sexual Abuse of Female Children," *Child Abuse and Neglect,* vol. 7, 1983.

[3]"Adolescent Sex Offenders-Vermont, 1984," *Morbidity and Mortality Weekly Report,* December 1985, p. 177–193; ibid.

[4]Roland Summit, "Accommodation Syndrome," *Journal of Child Abuse and Neglect,* vol. 7, 1983, pp. 177–193.

[5]David Mrazek, *Sexually Abused Children and Their Families,* chap. 11, eds. Patricia Mrazek and C. Henry Korin (Perganon Press, 1981), p. 151.

[6]Denise Gelinas, "The Persisting Negative Effects of Incest," *Psychiatry,* vol. 46, November 1983, pp. 313–328.

[7]Supra note 1, p. 11.

[8]Supra note 6, p. 319.

[9]Supra note 5, p. 145.

Motive-Based Offender Profiles of Arson and Fire-Related Crimes

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In the Washington, DC, metropolitan area, investigators from the Prince George's County, MD, Fire Department (PGFD) periodically meet with specialists from the FBI's National Center for the Analysis of Violent Crime (NCAVC). The subject of these conferences concerns a timely research project into the motivation of persons involved in fire-related crimes.

The study is based on the analysis of data from 1,016 interviews of juveniles and adults arrested for arson and fire-related crimes, primarily during the years 1980 through 1984, by the PGFD's Fire Investigations Division. The offenses include 504 arrests for arson, 303 for malicious false alarms, 159 for violations in bombing/explosives/fireworks laws, and 50 for miscellaneous fire-related offenses. NCAVC researchers consider this the largest-existing comprehensive data base of interviews for arson and related offenses.

The overall purpose of this computer-assisted analysis was to create and promote the use of motive-based offender profiles of individuals who commit incendiary and fire-related crimes. Specifically, the study identifies and develops a statistically significant offender profile based on the motive for the crime as determined by experienced PGFD fire investigators.

Historically, the earliest large-scale scientific study detailing the motives of arsonists, published in 1951, used 1,145 subjects,[1] while the most recent, in 1984, studied 225 adults.[2] Prior research on arsonists and fire-related criminal offenders, including that conducted by the FBI, failed to address completely the broad issues confronting modern law enforcement. Of primary concern are the efforts to provide logical, motive-based investigative leads for incendiary crimes. Furthermore, even though several common motives for arson exist, recent criminal justice literature taken from FBI studies repeatedly cites the profiles of the pyromaniac and professional arsonist.[3]

For purposes of this and previous FBI studies on firesetters and fire-related offenders, a motive is cited as an inner drive or impulse that is the cause, reason, or incentive that induces or prompts a specific behavior.[4] For legal purposes, the motive is often helpful in

"The overall purpose of this computer-assisted analysis was to create and promote the use of motive-based offender profiles of individuals who commit incendiary and fire-related crimes."

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explaining why an offender committed his or her crime.

To compound the problem, scientific literature and research on arsonists have been conducted largely from the forensic psychiatry viewpoint.[5] Many researchers do not necessarily assess the crime from the law enforcement perspective. They may have limited access to full adult and juvenile criminal data bases and case files, and they rely on the interviews of the offenders as being correct. They do this without the capabilities and time to validate the information through followup investigations. Other researchers have cited that methodological difficulties, with small sample sizes of interviews and skewed data bases, may also bias the previous studies.[6]

Therefore, fire and law enforcement communities have taken upon themselves the task of conducting their own independent research into violent incendiary crimes. One of the primary missions of the NCAVC is to participate in and perform such independent research, as well as to provide various academic and technical assistance otherwise unavailable to these agencies.[7]

Research Methods

Since 1977, the PGFD Fire Prevention Bureau's investigators have conducted their own research into the backgrounds of violent offenders by interviewing juveniles and adults arrested for arson and related offenses. These offenses include malicious false alarms, bomb threats, bombings, and even cross burnings. A PGFD fire investigator designed and implemented a code-for-computer interview research instrument to aid in the motivation study.

In 1985, the FBI's Technical Services Division keypunched the PGFD arrest interviews, which allowed NCAVC researchers in Quantico, VA, to then analyze the data.[8] This analysis approach safeguarded the confidentiality of the offender data.

Findings

The 1,016 offenders interviewed most frequently targeted five types of properties—residential properties (44%), educational properties (31%), fields/forests (10%), other structures (10%), and vehicles (6%). Revenge and excitement-motivated offenders predominantly targeted residential properties (26%), while vandals selected educational facilities (29%).

Table 1 lists the characteristic profile variables studied in this analysis, arranged by their logical categories of victimology, demographics, socioeconomics, alcohol/drug abuse and criminal history, and behavioral characteristics. Table 2 displays six categories of reported motives for these incidents, which include specific subcategories, with their relative percentages.

In the order of their occurrence, this study reports these arson and related crime motives as vandalism (49%), excitement (25%), revenge (14%), other (8%), crime concealment (2%), and profit (1%). Tables 3 depicts the cross-tabulations of the profile characteristics versus the six categories of reported motives.

After cross-tabulating the data and performing a chi-square analysis, the researchers of this study observed a statistical significance in these categories of reported motives. Their analyses indicate that relationships exist between the various profile characteristics and the reported motives. Table 3 shows the summary statistical analysis,

TABLE 1—Categories of Data Variables Studied

Category	Variable
Victimology	Targeted Property
	Time of Day
	Day of Week
	Season of Year
	Method of Operation
Demographic	Age in Years
	Sex
	Race
	Formal Education
	Occupational Status
Socioeconomic	Marital Status
	Type of Housing Resides
	Living with Whom
	Socioeconomic Status
Alcohol/Drug Usage and Criminal History	Alcohol/Drug Usage
	Prior Police/Fire Record
	Case Disposition
Behavioral	Presence at Fire Scene
	Distance from Residence
	Accompanied at Offense
	Post-Offense Presence at Scene
	Social Attitudes Professed

including the number of degrees of freedom and probability of the results being more than a chance occurrence.

Offender Profiles

As previously mentioned, the researchers aggregated the reported motives according to their local categories of victimology, demographics, socioeconomics, alcohol/drug abuse and criminal history, and behavioral characteristics. Based on these groupings, they have made the following observations on the motive-based offender profiles.

Vandalism

Juveniles (96%) most often committed vandalism-motivated crimes. Individuals in this category lived primarily in lower middle class homes (47%) with both parents (63%). Their crimes occurred during the morning (34%) and afternoon (56%) hours on the weekdays (89%) of the school year, with minimal activity reported during the summer months (14%). These young criminals most frequently ignited fires with materials on hand (46%), followed by causing malicious false alarms (25%) and violating various bombing/explosive/fireworks laws (19%).

The offenders interviewed did not report using alcohol or drugs; yet, some already had contact or were arrested by fire or police officials (29%). Many lived within 1 mile of the crime scene (51%), and a majority reported being accompanied by one or more individuals (73%) at the time of the offense. A large minority remained at the crime scene (41%).

Excitement

Mostly juveniles (69%) committed arson and fire-related crimes merely for the excitement. Offenders in this category no longer lived with both parents (55%). These offenders caused false alarms (50%) and ignited fires with materials on hand (32%) during the afternoon (42%) and evening (33%) hours. A majority denied using alcohol or drugs (69%); yet, a large minority had prior contact or arrests by fire or police officials (47%). These offenders often lived within 1 mile from the crime scene (72%) and most often committed the crime while alone (53%). The post-offense behavior of many excitement-motivated offenders showed that they remained at the crime scene (62%).

Revenge

Adults made up a large majority (81%) of the revenge-motivated offenders, with approximately one-half of them single (53%). Females also formed a significant part of this offender group (28%). Most of the offenders, who did not live with both their natural parents (75%), planned their revenge, targeting residential properties (72%). The revenge-motivated offender chose afternoon, evening, and early morning hours (91%) during the weekends (50%—Friday, Saturday, and Sunday) in the fall and winter months (61%). They most frequently ignited fires with materials on hand (50%) or flammable liquids (17%) and caused or reported malicious false alarms (20%).

"[The] FBI/PGFD research study ... provides new insights into the motive-based profile approach."

Slightly over one-half of these offenders (55%) used alcohol, drugs, or both prior to or during the offense. Most offenders had prior contact or arrests by the fire or police authorities (69%) and lived within 1 mile of the crime scene (63%). Most of these revenge-motivated offenders acted alone (64%), and many offenders left the crime scene, never to return (42%).

Other Motives

This study contains only limited interview data on the arrest of offenders motivated by crime concealment and profit. However, we included the results here since the overall analysis demonstrated statistical significance when these motives were grouped together. Also, casual observations can also be made from this limited data.

The 18 offenders motivated by crime concealment were predominantly single (78%), adult (72%) males (72%) of marginal or less income (56%) who used arson and related crimes to conceal other offenses. A large number of them started fires with materials on hand (67%). Most of these events occurred during the evening or early morning hours (94%) during the summer or fall season of the year (78%).

While concealing crimes, a majority of the offenders were under the influence of alcohol and/or drugs when committing the arson or fire-related offense (78%). All of the crime concealers had prior contact or arrests by fire or police officials (100%), and most lived more than 1 mile from the crime scene (67%). One or more persons accompanied half of the offenders at the time of the offense, and a majority stayed away from the crime scene (67%).

The 11 offenders concerned with profit motives were predominantly juveniles (64%), all of whom committed their offenses during the evening or morning hours, on weekdays, and in the winter, spring, or summer months.

TABLE 2—Categories of Motives Studied

Motive	Specific Category	Subtotal N (Pct.)	Total N (Pct.)
Vandalism	Vandalism—General	364 (73)	
	Children Playing with Fire	89 (18)	
	Peer Pressure	44 (9)	
	Harassment of Fire Dept.	5 (1)	
			502 (49)
Excitement	Thrill Seeker	122 (47)	
	Attention Seeker	110 (43)	
	Fire Fighter Wanting Action	18 (7)	
	Sexual Perversion	4 (2)	
	Pyromania	2 (1)	
	Heroic Fire Fighter	2 (1)	
			258 (25)
Revenge	Revenge—General	56 (39)	
	Revenge—Relationship Problem	54 (37)	
	Harassment of Victim	28 (19)	
	Jealousy	6 (4)	
	Terrorism	1 (1)	
			145 (14)
Crime Concealment	Coverup—Breaking and Entering	13 (72)	
	Coverup—Murder	4 (22)	
	Coverup—Other Crime	1 (6)	
			18 (2)
Profit	Monetary Gain—For Hire	6 (55)	
	Monetary Gain—Insurance Fraud	5 (45)	
			11 (1)
Other	All Other Motives	27 (33)	
	Undetermined Motives	55 (67)	
			82 (8)
			1016

They almost always (91%) used either flammable liquids, bombs, fireworks, or explosives in their incendiary crimes. A majority lived with both natural parents (55%) in marginal to upper income households (91%). A majority of these profit-motivated offenders had past contact or arrest by the authorities (55%), and a minority used drugs or alcohol prior to or while committing the crime (27%). Many lived more than 1 mile from the scene of the crime (73%) and acted with someone else (73%). As for post-offense behavior, a little over one-half of the offenders left the crime scene and never returned (55%).

Discussion

In 1980, researchers from the FBI's Behavioral Science Services (formerly the Behavioral Science Unit) published a study of the common characteristics of offenders to aid in profiling arsonists.[9] Our FBI/PGFD research study not only highlights these common characteristics but also provides new insights into the motive-based profile approach.

While past FBI studies have consistently shown that arson and related-crime offenders tend to be young, the PGFD data base further discriminates the age of offenders according to their motives for committing these various types of crimes. For example, they found generally that juveniles commit excitement crimes and vandalism, while adults tend to commit revenge and crime concealment offenses.

Some firesetters also report false alarms or bomb threats. In the PGFD data base, false alarms constitute the primary method of operation for excitement (50%) and the secondary cause of vandalism (25%) offenses. The study found that arson is a compulsive crime. For all motives, except profit, the offenders frequently used materials on hand to set their fires.

Males make up the majority of arson and fire-related offenders; however, the NCAVC researchers are beginning to study female offenders.[10] They are particularly interested in the frequency of female offenders (28%) that emerged from the PGFD data base in revenge-motivated crimes.

Race does not appear to be a correlate with arson and fire-related motives. However, the researchers intend to conduct additional research to determine what specific correlations occur in victim-offender relationships.

General research conducted by the FBI indicates that the use of alcohol and/or drugs appears to loosen an offender's inhibitions at the crime scene. The PGFD data base provides some support to this observation, with particular note to the revenge-motivated

"... generally ... juveniles commit excitement crimes and vandalism, while adults tend to commit revenge and crime concealment offenses."

crimes. Furthermore, previous studies may not have reflected the recent influx of drugs into our society.

The PGFD data base documents the offenders' prior contact with fire or police authorities. This observation underscores the importance of automated and complete records systems, as well as the desirability of joint cooperation among agencies.

Researchers raised the important issue of the distance an offender resides from the crime scene. The PGFD data base demonstrates that the offender often lives close to the crime scene, sometimes less than a mile away.

In the past, police and fire officials believed the majority of arson and related offenses to be solitary crimes—that most offenders committed these crimes alone. However, the PGFD data base disproves this broad assumption. Often, one or more participants or observers accompanied the offenders to the crime scene. This observation may explain the peer pressures associated with juveniles. It may also provide the incentive to look for other witnesses or defendants in what authorities initially consider a solitary crime.

This study also demonstrates the importance of documenting and photographing crowds at crime scenes. A large minority of the offenders admitted to either remaining at the crime scene or returning to it later. These actions may depict the conscious effort of the offenders to critique the fire suppression or investigation or to return to destroy or remove crucial physical evidence from the scene.

Future Research Plans

The FBI/PGFD team plans future joint research to address questions on the demographics of fire-related crimes. A study of the demographics

TABLE 3—Results of the Chi Square Analysis Grouped by Vandalism, Excitement, Revenge, and All Other Motives

Observed Category Variable	Vandalism	Excitement	Revenge	Conceal Crime	Profit	Others	Chi Square	Degrees of Freedom	Probability of Chance
Targeted Property							401.9	12	0.0000
Residential	141	159	104	5	2	41			
Educational	293	15			7	3			
Other Structural	15	38	16	5		11			
Fields and Forests	37	37	5	3	1	18			
Mobile and Vehicles	16	9	20	5	1	9			
Time of Day							286.7	9	0.0000
0000–0559	18	28	44	12	2	22			
0600–1159	168	35	13		7	7			
1200–1759	282	109	35	1		27			
1800–2359	34	86	53	5	2	26			
Day of Week							94.0	18	0.0000
Sunday	25	45	36	1		10			
Monday	72	34	12	4	2	21			
Tuesday	81	40	22	3	3	8			
Wednesday	115	33	21	6	1	7			
Thursday	92	42	15		4	13			
Friday	87	30	23	2	1	13			
Saturday	30	34	14	2		10			
Undetermined			2						
Season of Year							35.3	9	0.0002
Spring (Mar-May)	170	61	29	2	4	16			
Summer (Jun-Aug)	72	54	27	8	2	23			
Fall (Sep-Nov)	149	66	46	6		28			
Winter (Dec-Feb)	111	77	43	2	5	15			
Method of Operation							116.3	12	0.0000
Material on Hand	233	82	72	12	1	41			
Flammable Liquid	15	10	24	5	3	6			
Bomb/Explsve/Fireworks	95	30	16	1	7	10			
Malicious False Alarm	125	128	29			21			
Other	34	8	4			4			
Age in Years							404.7	3	0.0000
Juvenile	484	178	27	5	7	36			
Adult	18	80	118	13	4	46			
Sex							392.9	6	0.0000
Male	136	200	91	13	4	60			
Female	21	14	40			9			
Not Reported	345	44	14	5	7	13			
Race							318.2	6	0.0000
White	63	126	63	11	3	45			
Black	89	87	67	4	4	22			
Other & Not Reported	350	45	15	3	4	15			
Formal Education							217.1	9	0.0000
0-6 Years	156	78	6	3		18			
7-9 Years	235	71	22	6	6	14			
10+ Years	98	89	78	3	4	35			
Not Reported	13	20	39	6	1	15			
Occupational Status							368.5	6	0.0000
Unemployed	16	30	45	10	2	26			
Employed	11	46	67	3	2	19			
Not Working & Undet.	475	182	33	5	7	37			

Notes: 1. Based upon the alpha calculated for a Type I error rate, the probability of one false rejection of the null out of the 21 Chi Square tests performed in 66 percent.

Observed Category Variable	Vandalism	Excitement	Revenge	Conceal Crime	Profit	Others	Chi Square	Degrees of Freedom	Probability of Chance
Marital Status							235.3	6	0.0000
Single	489	243	77	14	8	67			
Married		4	22	1	2	5			
Separated, Divorced, Other, and Undet.	13	11	46	3	1	10			
Type of Housing Resides							26.8	6	0.0004
Single Family	324	154	85	10	11	47			
Multi-Family	172	83	48	5		30			
Other or None	6	21	12	3		5			
Living with Whom							241.5	9	0.0000
Father and Mother	317	117	36	5	6	38			
Father or Mother	148	85	19		2	13			
Relatives	14	19	16	5	1	5			
Spouse/Alone/Other	23	37	74	8	2	26			
Socioeconomic Status							81.7	12	0.0000
Poverty/Marginal	140	71	62	10	5	35			
Lower Middle	234	86	34	2	4	16			
Middle	99	74	35	2		21			
Upper Middle/High	13	23	6		1	4			
Undetermined	16	4	8	4	1	6			
Alcohol/Drug Usage							402.6	6	0.0000
Not Used	155	179	30			27			
Alcohol and/or Drugs	22	46	79	14	3	32			
Undetermined	325	33	36	4	8	23			
Prior Police/Fire Record							107.3	6	0.0000
Police or Fire Contact	87	89	78	12	3	31			
Police or Fire Arrest	60	32	22	6	3	13			
None or Undetermined	355	137	45		5	38			
Disposition							287.3	9	0.0000
Intake Closure	226	41	6	2	4	10			
Conviction	7	36	37	6	2	9			
Closed or Exceptional	139	53	4			22			
Other or Undetermined	130	128	98	10	5	41			
Distance from Residence							32.7	3	0.0000
Less than 1 Mile	258	187	92	6	3	55			
Greater than 1 Mile	244	71	53	12	8	27			
Accompanied at Offense							145.5	6	0.0000
Alone	129	136	93	9	3	47			
With Others	365	115	46	9	8	31			
Undetermined	8	7	6			4			
Post-Offense Presence at Scene							167.9	9	0.0000
Did Not Leave	204	159	55	5	4	63			
Returned Later	3	6	13	1	1	1			
Did Not Return	285	52	61	12	6	12			
Undetermined	10	41	16			6			
Social Attitudes Professed							236.4	12	0.0000
Self: *Others:*									
Likes Likes	112	112	49	7		34			
Likes Dislikes	7	19	25	1		4			
Dislikes Likes		19	2	1	1	2			
Dislikes Dislikes	3	19	12	3	2	12			
Undetermined	380	89	57	6	8	30			

2. For purposes of calculation, the above tables were collapsed to four motive categories of vandalism, excitement, revenge, and all others.

could compare urban growth, housing, and land use patterns. For example, studies on the geography of violent crimes cite the micro-and macro-level analyses of arson as it relates to theories on urban morphology.[11] Previous research into the geographic patterns of arson fires in Prince George's County has demonstrated temporal (time-of-day, day-of-week, etc.) relationships within their fire incident data.[12]

Both the FBI and PGFD plan to continue updating and refining this study because, as with other research endeavors, new knowledge generates even more unanswered questions. They plan to address these and other questions in future joint FBI/PGFD research efforts.

FBI

Footnotes

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Emergency Searches of Premises

(Conclusion)

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

Part one of this article examined the circumstances under which law enforcement officers may legally search premises without a warrant in response to a perceived threat to life. This part considers the requirements for lawful warrantless searches of premises by officers responding to perceived dangers of escape by criminals or destruction or removal of evidence.

DANGER OF ESCAPE OR DESTRUCTION OF EVIDENCE EMERGENCY

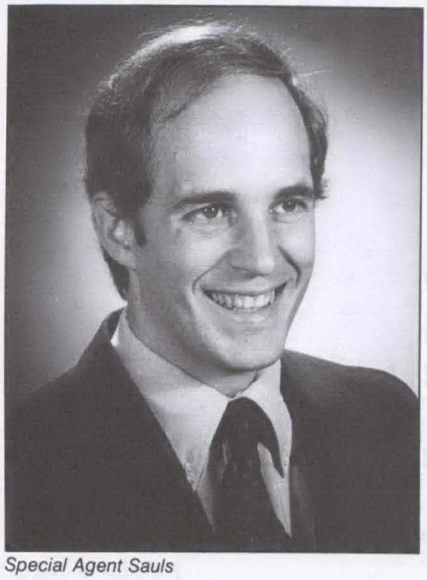
In addition to danger to life, the U.S. Supreme Court has recognized two other emergency situations confronted by law enforcement as embodying exigent circumstances sufficient to justify warrantless searches and seizures. They are danger of escape[67] and danger of destruction or removal of evidence.[68] Although society clearly has an interest in preventing the escape of criminals and in preserving evidence necessary to the judicial process, this interest is obviously a lesser one than the paramount interest of preserving life. As a consequence, courts have required a greater factual justification for warrantless searches and seizures of premises based upon perceived danger of escape or destruction of evidence.[69]

An officer who has made a warrantless search of premises to prevent escape or the destruction of evidence must be prepared to demonstrate factually each of the following: (1) That there was probable cause to believe at the time of the search that the criminal sought or evidence of the crime was located in the place searched;[70] (2) that there was probable cause to believe an emergency threat of escape or destruction of evidence existed at the time of the search;[71] (3) that the officer had no prior opportunity to obtain a warrant authorizing the search;[72] and (4) that the action taken was no greater than necessary to eliminate the threat of escape or destruction of evidence.[73]

Because of the requirement that the action taken by officers be no greater than necessary to eliminate the threat of escape or destruction of evidence, most emergency searches of premises based upon these threats will be searches for persons. An officer seeking to prevent the escape of a criminal will search the premises for that person. An officer seeking to prevent the destruction of evidence will search the premises for persons who pose a threat to the evidence. Once these persons are located and controlled (or their absence established), the emergency is generally ended, and where a continued search is envisioned, application should be made for a search warrant.[74] The remainder of this article will examine in detail the necessary factual justification for warrantless searches of premises based upon perceived danger of escape or destruction of evidence.

Probability That a Criminal or Evidence of Crime is Inside Premises

Before an officer searches premises without a warrant for a criminal to prevent his escape, he must know facts



Special Agent Sauls

that would cause a reasonable person to concluded that it is probably true that: (1) A crime has been committed, (2) the person to be arrested committed the crime, and (3) the criminal is presently in the premises to be searched.[75] In short, the first requirement of an emergency search of premises to prevent escape is probable cause to arrest plus probable cause that the person to be arrested is inside.

In *Payton* v. *New York*,[76] New York detectives developed probable cause to arrest Payton for murder on January 14, 1970, and proceeded to his residence to arrest him the next morning. Upon arrival, officers noted music and light coming from Payton's apartment, even though there was no response to their knock. Forcing their way in, they did not find Payton, but did find evidence of the murder in plain view. The admissibility of this evidence depended upon the legality of the officers' entry.[77]

The officers' probable cause to arrest was conceded. The lights and music playing in his apartment were indicative of Payton's presence in the apartment, even though there was no response to the officers' knocks. The officers arguably satisfied the first requirement for a valid emergency search to prevent escape. Unfortunately, they presented no facts indicating exigent circumstances, an immediate need to make a warrantless entry to prevent escape or destruction of evidence.[78] As a consequence, the warrantless entry under the circumstances presented was held by the U.S. Supreme Court to be improper.

Payton demonstrates that both probable cause to arrest and to believe the person sought is in the premises are necessary elements but that these facts standing alone are insufficient to justify a warrantless search.[79]

An officer making a warrantless search of premises to prevent the destruction of evidence must know, as a first step, facts that would cause a reasonable person to conclude: (1) That a crime has been committed, (2) that evidence of the crime exists, and (3) that the evidence presently exists in the place to be searched.[80] He needs probable cause to search the premises for evidence. Again, these facts, standing alone, are not enough.

In *Vale* v. *Louisiana*,[81] the U.S. Supreme Court considered another warrantless search of premises. In *Vale*, officers observed Vale coming out of his house in response to a car horn. After a brief, close conversation with the driver, Vale reentered his residence and reappeared a short time later. Looking cautiously up and down the street, he returned to the car and leaned inside. Based upon these actions and other knowledge the officers had of Vale, they concluded a narcotics transaction had taken place. This belief was reinforced upon the officers' approach when they recognized the driver of the car as a person they knew to be addicted to narcotics, and when he, on seeing the police, hurriedly placed something in his mouth. Vale was arrested outside his house, and a warrantless search of the interior revealed a quantity of narcotics.

Armed with the above-stated facts prior to entry, the officers had probable cause to search Vale's residence.[82] But, because they failed to show facts that the evidence was in danger of removal or destruction, they had no jurisdiction to perform the search without a warrant.[83] Probable cause to search is

"Where physical circumstances make it impossible to maintain the status quo while a warrant is sought, a warrantless entry of premises may be proper to prevent escape."

just the first requirement.

Probability of Flight or Destruction of Evidence

Flight

An officer in possession of facts amounting to probable cause to search needs additional facts establishing the probability of an emergency threat of escape or destruction of evidence before he may lawfully search without a warrant. To justify a warrantless search to prevent escape, he must present facts establishing the probability that the person to be arrested would have escaped if time had been taken to obtain a warrant.[84] A variety of circumstances may provide such facts.

A person in a public place who flees into premises to elude arrest for a recently committed crime evidences his likelihood of escape. This law enforcement circumstance is sometimes referred to as *"hot pursuit."* For example, in *United States* v. *Martinez-Gonzales,*[85] drug enforcement agents developed probable cause to believe a certain apartment was a cocaine "stash pad." An unidentified Hispanic male was described to them as having been one of the persons who leased the apartment. Having information that cocaine had recently been delivered to the apartment, the agents kept the location under surveillance while a search warrant was being sought. Seeing a person matching the description of the Hispanic male standing outside the open doorway of the apartment, the agents approached him, identifying themselves as police. The male (later identified as Martinez-Gonzalez) looked frightened and ran into the apartment. The agents entered the apartment and arrested Martinez-Gonzales in the process of flushing bags of cocaine down the toilet. The U.S. Court of Appeals for the Second Circuit validated the warrantless entry to prevent escape, stating "the agents were justified in entering the apartment to prevent Martinez's retreat from 'thwart[ing] an otherwise proper arrest.' "[86]

Officers who have probable cause to arrest a person inside premises and who know that, despite their efforts to the contrary,that person has *knowledge of their presence* and intent to arrest, possess facts indicating the person may flee before a warrant may be obtained. In *United States* v. *Moore,*[87] drug enforcement agents purchased cocaine from a man named Hazzard, arrested him, and developed probable cause that Moore was Hazzard's source. The agents were also aware that a short time earlier, Moore had seemed apprehensive about officers discovering her illegal activities. They also knew she was presently in an apartment inside the building outside of which they had just arrested Hazzard. In addition, Moore was expecting Hazzard to promptly return to her apartment with the proceeds of his drug sale. The U.S. Court of Appeals for the First Circuit held these facts "sufficient to establish a substantial risk that the subject would flee ...,"[88] justifying an immediate warrantless entry of her apartment to effect her arrest.

Where *physical circumstances* make it impossible to maintain the status quo while a warrant is sought, a warrantless entry of premises may be proper to prevent escape.[89] For example, if officers reasonably believe the person to be arrested is about to depart from a place which has too many avenues of escape to allow it to be secured, a warrantless entry is justified. In *United States* v. *Blasco,*[90] officers were conducting a surveillance of an estate on Big Pine Key in the Florida Keys, investigating suspected importation of marijuana. The estate was isolated and bordered by water on two sides, a canal to the south, and the Spanish Harbor Channel to the west. During the evening, the officers developed probable cause that marijuana bales were being offloaded on the estate dock from at least two boats in an operation involving at least six people. During surveillance, the officers detained a person they believed was engaged in countersurveillance and were concerned that his continuing absence might tip off the criminals to the law enforcement presence. Six officers entered the estate, while others sealed off land avenues of escape. The officers arrested 23 persons in and around the estate house and seized approximately 15 tons of marijuana.

The U.S. Court of Appeals for the 11th Circuit, in approving the warrantless entry, stated, "[t]he inherent mobility of the boats that the officers heard and the impossibility of controlling traffic in the canal and the Spanish Harbor Channel compel us to conclude that exigent circumstances to proceed without a warrant existed in this case. There was an imminent danger of flight or escape by the individuals involved."[91]

A second component of establishing the existence of an emergency threat of escape is showing that *the crime* involved is a sufficiently serious one. The fourth amendment prohibits unreasonable searches, and a warrantless entry of premises to prevent the escape of the perpetrator of a very minor crime (a parking violation, for example) is regarded as unreasonable.

In *Welsh* v.*Wisconsin,*[92] the U.S. Supreme Court stated, "It is difficult to conceive of a warrantless home arrest that would not be unreasonable under

the Fourth Amendment when the underlying offense is extremely minor."[93] Welsh was arrested in his bedroom for first-offense driving while intoxicated (in Wisconsin a noncriminal offense for which no imprisonment is possible). He had walked home after having been involved in a traffic accident a short distance from his residence. The government sought to justify his warrantless arrest based upon danger of escape and destruction of evidence (the elimination by his liver of the alcohol in Welsh's blood). The Court found the warrantless arrest under the circumstances to be a violation of the fourth amendment. In explaining this action, the Court noted the need for a "sense of proportion. Whether there is reasonable necessity for a search without waiting to obtain a warrant certainly depends somewhat upon the gravity of the offense...."[94] Consequently, an officer seeking to arrest a person for an offense that is not punishable by some incarceration may not make a warrantless entry of a home to effect the arrest, even if facts present suggest a danger of escape or destruction of evidence.

Destruction of Evidence

To justify a warrantless search of premises to prevent the destruction or removal of evidence, an officer must present facts establishing the probability that the evidence would have been destroyed or removed if time had been taken to obtain a warrant.[95] Again, a variety of circumstances may provide the necessary facts. These include circumstances suggesting a *motive* to destroy or remove evidence (such as sudden realization that law enforcement officers are closing in), coupled with evidence that is susceptible to destruction or removal.

In *United States* v. *Santana,*[96] police officers developed information that Santana was in possession of marked currency that had just been used to purchase heroin in Santana's residence. Officers went to Santana's house and saw her standing in the doorway holding a brown paper bag in her hand. The officers, who were 15 feet from Santana, identified themselves as police officers. Santana retreated into the house, and the officers followed, arresting her and seizing heroin that had fallen from the bag.

The U.S. Supreme Court held that at the beginning of the chase (when she was in her doorway), Santana was in a public place where she could be legally arrested without a warrant.[97] The Court approved the warrantless entry of Santana's home for the purpose of preventing the destruction of evidence, stating "[o]nce Santana saw the police, there was a ... realistic expectation that any delay would result in the destruction of evidence."[98] Had the officers waited outside while a warrant was obtained, the marked money, evidence readily destroyed, would likely have gone up in smoke.

A similar threat of destruction or removal of evidence was present in *United States* v. *Allison.*[99] In *Allison,* a person arrested for sale of heroin told officers he had been staying in a certain motel room with another man, that the man had narcotics, a gun, and money in the motel room, and that if the officers did not act quickly the man, who was present at the first subject's arrest, would beat the officers back to the room, get his drugs, and leave town. The officers went to the motel, verified as much of the man's story as possible, and went to the room. A light in the bathroom caused them to fear a person was inside, despite no response to their knocking. The officers entered the room and searched it for persons. They found no one but discovered heroin in plain view. The second man, Allison, was arrested later. In approving the warrantless search, the U.S. Court of Appeals for the D.C. Circuit stated that "the police were placed on notice of an immediate threat that [Allison] would remove or destroy the narcotics."[100] This threat was factual support for their prompt warrantless action.

As where the warrantless entry is to prevent escape, officers who enter without a warrant to prevent destruction of evidence must be prepared to show *the crime* involved was not a minor one. Again, the standard of seriousness applied by the U.S. Supreme Court in *Welsh* v. *Wisconsin*[101] was the potential of incarceration. If no incarceration is possible for the offense under investigation, a warrantless search of premises to present the destruction of evidence will likely be an unreasonable one.

No Prior Opportunity to Obtain a Warrant

The third requirement that must be met to justify a warrantless search of premises based upon an emergency threat of danger of escape or destruction of evidence is a showing that the officers performing the warrantless search had no prior opportunity to obtain a warrant. Courts making inquiry in this regard generally consider three factors: (1) The length of time between establishing probable cause to search and discovering the emergency circumstances;[102] (2) whether after discovering the pending emergency there is sufficient time to obtain a warrant before the probable escape or destruction of evidence will occur;[103] and (3) whether the officers intentionally created the emergency circumstances requiring warrantless action.[104]

"... it is necessary to show that the action taken to neutralize the emergency was no greater than necessary to accomplish that purpose."

If officers are allowed to postpone acting on probable cause until emergency circumstances allow them to act without a warrant, the protection of citizens by the warrant requirement will be needlessly weakened. Thus, where officers develop probable cause to search a residence for narcotics on Monday and fail to act on that information until Thursday, when they perform a warrantless search based upon information they receive that day indicating the drugs are about to be removed, the warrantless search will likely be deemed unreasonable, despite the sudden danger of removal of the evidence.

If the probable cause to search is developed closer in time to the discovery of the emergency circumstances, there is greater justification for the failure to obtain a warrant. For example, in *United States* v. *Cuaron,*[105] drug enforcement agents were in the process of making a series of undercover buys of cocaine from an individual and were hoping to discover his source of supply through surveillance of the dealer's movements between transactions. The dealer was to obtain a pound of cocaine from his source, meet the agents to make the sale, take the proceeds of the sale back to his source, and return with an additional pound. Agents were able to follow the dealer discretely to the home of his source, Cuaron, when he picked up the first pound, and placed the house under surveillance. Upon delivery of the pound of cocaine, the agents began the process of obtaining a search warrant. This occurred about an hour before a warrantless search of the house was performed (the warrant was obtained 5 hours after the application process began).

When the dealer delivered the pound of cocaine, he was arrested and therefore unable to make his expected return to Cuaron with the proceeds of the sale. Based upon the fact that the dealer would not return as planned, coupled with Cuaron's reported extreme apprehensiveness and the observation of several people coming to the house and leaving a short time later, agents became concerned that Cuaron would destroy or dispose of all his cocaine before the search warrant could be obtained. A warrantless search to secure the house was performed, during which Cuaron was discovered flushing cocaine down the toilet.

The U.S. Court of Appeals for the 10th Circuit, evaluating the reasonableness of this warrantless search, compared the time lapse between the discovery of a threat of destruction or removal of evidence (using the time of the dealer's arrest plus the half hour it would have taken him to return to Cuaron's house) with the length of time it would take to obtain a warrant (since Federal agents were involved in this investigation, the court considered the length of time necessary to obtain a telephonic search warrant, the fastest option available in the Federal system).[106] The court held that the warrantless entry 55 minutes after the arrest of the dealer was reasonable.[107]

In addition to requiring prompt application for a warrant where possible, courts also require that officers not intentionally trigger the emergency in an effort to justify their warrantless action. If the status quo can be maintained without intervention until the warrant is obtained, that is what is required. For example, officers with probable cause to search a residence for a person to be arrested may not knock on the door and announce their identity and then claim the occupants' knowledge of their presence created a danger of escape and the immediate need to enter.[108] If they have no facts to suggest "exigent circumstances" before announcing their presence to the persons inside, they should discretely stand by while a warrant is obtained. Likewise, officers planning a controlled delivery of narcotics at a specific time and place cannot wait for the emergency threat of escape created by an announcement of their identity and intent to arrest. If it is their intent to make a nonconsensual entry and time allows, they are required before the transaction to apply for a warrant.[109]

Action Taken No Greater Than Necessary to Eliminate Threat

Finally, it is necessary to show that the action taken to neutralize the emergency was no greater than necessary to accomplish that purpose. The presence of valid justification to perform an emergency search does not necessarily support a search as broad in scope as one authorized by a search warrant, and generally, only a search for persons and a securing of the scene is allowed. In *United States* v. *Anderson,*[110] responding to a complaint that Anderson had assaulted another man with a sawed-off shotgun, officers went to Anderson's room in a rooming house. They found the door to the room open and observed Anderson, who had become aware of their presence, reaching for a shotgun. They entered the room, arrested Anderson, and seized the shotgun and two shotgun shells. The U.S. Court of Appeals for the D.C. Circuit held that this warrantless entry and seizure was justified based upon exigent circumstances.[111]

After Anderson was removed from the room, officers proceeded to conduct a thorough search of the room, during

which they located a shotgun barrel stock that had been trimmed from a shotgun during the sawing-off process. This stock was introduced at Anderson's trial. The court of appeals reversed Anderson's conviction, concluding that the search that located the stock had been conducted after the emergency had been resolved.[112] Once he was arrested and removed from the room, Anderson presented no danger to the officers remaining on the scene nor did he present a threat of escape or destruction of evidence. Having eliminated the threat, the officers had no legal justification for a continued warrantless search.

Even though a continued warrantless search is not allowed, officers believing evidence of crime is present will certainly want to protect that evidence. The need of law enforcement officers to prevent others from entering a place to be searched to prevent destruction or removal of evidence pending arrival of a warrant has been judicially recognized.[113] Where, after the emergency is resolved by removal of the persons presenting the threat, officers have probable cause to further search the premises and a search warrant is being sought, officers remaining on the scene may maintain the status quo by restricting access to the place to be searched.[114] Action taken to accomplish this end should be no greater than necessary, and if possible, the premises should be secured from the outside.[115]

Most emergency searches of premises will be searches to locate and control persons, to prevent their escape, and to prevent these persons from destroying evidence. Under certain circumstances, however, nothing short of an immediate search for evidence will maintain the status quo. Removing all persons from a house believed to contain evidence will not serve to preserve that evidence from destruction if the threat of destruction is rising flood waters. Similarly, certain evidence is destroyed over short periods of time by natural processes.[116] Immediate seizure and preservation of the evidence is justified under such circumstances.[117] Also, where information providing clues to the whereabouts of an escaping person is probably present, an immediate search may be justified to prevent the escape.[118] Again, all requirements for a valid emergency search must be satisfied, including limiting the search and seizure to only what action is required to resolve the emergency.

SUMMARY

Returning to the hypothetical situation presented at the beginning of part one of this article, the officers have detained a suspected bank robber outside a residence. They suspect his accomplice is inside and conduct a prompt, warrantless search of the house. To justify this warrantless search based upon a perceived emergency threat of escape or destruction of evidence, the officers must be prepared to show that at the time of the search, they knew: (1) Facts that established probable cause to search the house for the accomplice or evidence of the crime; (2) facts that established probable cause to believe an emergency threat of escape or destruction of evidence existed; (3) that there was no prior opportunity to obtain a warrant; and (4) that their action was no greater than necessary to eliminate the threat of escape or destruction of evidence.

Evaluating the facts presented, it is clear that the third requirement has been satisfied. The search occurred within minutes of the robbery. There was no prior opportunity to obtain a warrant. The existence of facts to satisfy the other requirements is less certain.

It is arguable that there is probable cause to search the residence for evidence of the robbery. The suspected robber, who matches the description given by the victim and who is found a short time after the crime near where it was committed, is on the doorstep of the house. He also no longer has the loot or his gun on his person. Additional facts (such as evidence the suspected robber lives in or otherwise has access to the residence) would be helpful, but are not stated. The facts present may amount to probable cause, but perhaps they do not. In a close case such as this, it is especially advantageous to have the issue of probable cause determined by a neutral, detached magistrate during the search warrant application process.

Facts suggesting the accomplice is probably inside the house are more scarce. In the case presented, however, the officers will not prevail, even if they are determined to have probable cause to search. The officers know insufficient facts to establish a probable emergency threat of escape or destruction of evidence. There is no sign that anyone is in the residence who may escape or destroy evidence. Neither do they know facts suggesting that there is evidence within that will lead to the accomplice. Absent facts

suggesting such an emergency, the officers should secure the residence from the outside and make application for a search warrant. If there is no emergency, a search of the residence may not be made without a warrant (absent a valid consent). The officers need additional facts, or a warrant, before they proceed.

CONCLUSION

This article has set out the requirements for emergency searches of premises based upon threats to life and threats of escape or destruction of evidence. Because the requirements differ depending upon the class of emergency threat involved, it is essential that officers evaluating the lawfulness of a proper emergency search determine which class of threat is present. Once that determination is made, the appropriate standard may be applied to the facts known. If a warrantless search is necessary, clear awareness of the threat involved will also facilitate limitation of the search to that action necessary to eliminate the threat.

The details of emergencies the future will bring cannot be known. A structured plan of response, however, is possible. Knowledge of the legal requirements for lawful warrantless searches in response to threat to life on the one hand, and a threat of escape or destruction of evidence on the other, will prepare officers to make correct judgments when stress is high and time is short.

FBI

Footnotes

[67]*See United States* v. *Santana*, 427 U.S. 38 (1976). *See also Warden* v. *Hayden*, *supra* note 12.

[68]*See Schmerber* v. *California*, 384 U.S. 757 (1966). *See also Vale* v. *Louisiana*, 399 U.S. 30 (1970) and *United States* v. *Santana*, *supra* note 67.

[69]*Compare United States* v. *Blasco*, 702 F.2d 1315 (11th Cir. 1983), *cert. denied sub. nom. Galvan* v. *United States*, 104 S.Ct. 275 (1983), with *Irizarry* v. *United States*, *supra* note 40.

[70]*See Payton* v. *New York*, 445 U.S. 573 (1980). *See also Schmerber* v. *California*, *supra* note 68.

[71]*See Schmerber* v. *California*, *supra* note 68. *See also Cupp* v. *Murphy*, 412 U.S. 291 (1973).

[72]*See Steagald* v. *United States*, 451 U.S. 204 (1981).

[73]*See Arkansas* v. *Sanders*, *supra* note 6. *See also Mincey* v. *Arizona*, *supra* note 14.

[74]*Id.*

[75]*See Payton* v. *New York*, *supra* note 70.

[76]*Id.*

[77]*Id.*

[78]*Id.* at 583.

[79]*Payton* requires that absent exigent circumstances or consent, officers obtain an arrest warrant before entering a person's residence to arrest him. *Steagald* v. *United States*, *supra* note 72, requires a search warrant, absent exigent circumstances or consent, to enter the premises of someone other than the arrestee to make an arrest. Since this article concerns warrantless searches, no distinction is made regarding whether it is an arrest warrant or a search warrant that is *not* needed in emergency circumstances. For an excellent discussion of *Payton* and *Steagald*, see Johnson, "Emergency Entries to Arrest: Developments Since *Payton*," *FBI Law Enforcement Bulletin*, vol. 54, No. 6, June 1985, pp. 25–31.

[80]*Zurcher* v. *Stanford Daily*, 436 U.S. 547, 556–557 n.6 (1978), quoting Comment, 28 *U. Chi. L. Rev.* 664, 687 (1961).

[81]399 U.S. 30 (1970).

[82]*Id.* at 37 (Black, J., dissenting).

[83]*Id.* at 34.

[84]*See Steagald* v. *United States*, *supra* note 72.

[85]686 F.2d 93 (2d Cir. 1982).

[86]*Id.* at 102.

[87]790 F.2d 13 (1st Cir. 1986).

[88]*Id.* at 16.

[89]*See, e.g., United States* v. *Acevedo*, 627 F.2d 68 (7th Cir. 1980).

[90]*Supra* note 69.

[91]*Id.* at 1326.

[92]466 U.S. 740 (1984).

[93]*Id.* at 753.

[94]*Id.* at 751, quoting *McDonald* v. *United States*, 335 U.S. 451, 459 (1948).

[95]*See Vale* v. *Louisiana*, *supra* note 68.

[96]*Supra* note 67.

[97]*Id.* at 42.

[98]*Id.* at 43.

[99]639 F.2d 792 (D.C. Cir. 1980).

[100]*Id.* at 794.

[101]*Supra* note 92.

[102]*See e.g., United States* v. *Robertson*, 606 F.2d 853 (9th Cir. 1979).

[103]*Id.*

[104]*United States* v. *Scheffer*, 463 F.2d 567 (5th Cir. 1972), *cert. denied*, 409 U.S. 984 (1972).

[105]*United States* v. *Cuaron*, 700 F.2d 582 (5th Cir. 1983).

[106]Officers are required to seek a telephonic search warrant only where emergency circumstances exist.

[107]*United States* v. *Cuaron*, *supra* note 105, at 590.

[108]*Cf. People* v. *Klimek*, 427 N.E.2d 598 (Ill. App. 2d Dist. 1981).

[109]*See United States* v. *Scheffer*, *supra* note 104.

[110]533 F.2d 1210 (D.C. Cir. 1976).

[111]*Id.*at 1214.

[112]*Id.*at 1216.

[113]*See Segura* v. *United States*, 468 U.S. 796 (1984). *See also Mincey* v. *Arizona*, *supra* note 14.

[114]*Id.*

[115]*See Segura* v. *United States*, *supra* note 113, at 811 (Opinion of Burger, C.J.) and 821, 822 (Stevens, J., dissenting).

[116]*See Mincey* v. *Arizona*, *supra* note 14, at 406 (Rehnquist, J., concurring and dissenting), noting the claim by the State that certain evidence, such as fresh blood, required immediate examination.

[117]*Schmerber* v. *California*, *supra* note 68.

[118]*Cf. United States* v. *Robinson*, 533 F.2d 578 (D.C. Cir. 1976), *cert. denied*, 96 S.Ct. 432 (1976).

WANTED BY THE FBI

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

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

Photographs taken 1969

Silas Trim Bissell,

also known as "Trim." W; born 4–27–42; Grand Rapids, MI; 5′10″–5′11″; 130–135 lbs; sldr bld; brn hair; grn eyes; med comp; occ-teacher;
scars and marks: Appendectomy scar; remarks: May wear sideburns and beard. Wanted by FBI for CONSPIRACY; DESTRUCTION OF GOVERNMENT PROPERTY; NATIONAL FIREARMS ACT.

NCIC Classification:

24TT121816205609160 9

Fingerprint Classification:

24 L 1 T OO 16 Ref: R
L 1 R IIO R

I.O. 4401

FBI No. 820 593 G

Caution

Bissell reportedly has been associated with persons who advocate use of explosives and may have acquired firearms. Consider dangerous.

Right index fingerprint

Photographs taken 1964 and 1967

Vasile Suceveanu,

W; born 5–7–41; Romania; 5′10″; 145 lbs; sldr bld; lt brn hair; hzl eyes; fair comp; occ-coal miner, electrician, farm worker, porter. Wanted by FBI for INTERSTATE FLIGHT-MURDER.

NCIC Classification

POPO16PIPO19PMPIPIPI

Fingerprint Classification:

16 O 28 W OOI
L 24 W MII

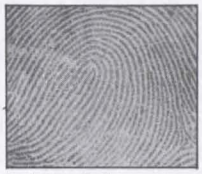
I.O. 4331

Social Security Number Used: 097–40–3917

FBI No. 407 684 G

Caution

Suceveanu is being sought for murder by handguns committed during a holdup. He reportedly stated that he will not be taken alive. Consider extremely dangerous.



Left thumb fingerprint

Photographs taken 1979 and 1981

Gregory Tarkenton,

B; born 7–30–60; Philadelphia, PA; 5′7″–5′11″; 150 lbs; med bld; blk hair; brn eyes; med comp; occ-store clerk, business manager; scars and marks: Scar on corner of left eye; remarks: Tarkenton is reported to be a devout Muslim.
Wanted by FBI for INTERSTATE FLIGHT-MURDER; ESCAPE.

NCIC Classification:

09121010070810101009

Fingerprint Classification:

9 S 1 U OII 7
S 1 U OII

I.O. 5021

Social Security Number Used: 163–54–0825

FBI No. 915 266 T8

Caution

Tarkenton, who is being sought as a prison escapee, was at the time of escape serving a life sentence for murder, wherein the victim was decapitated with a machete. Tarkenton should be considered armed, extremely dangerous, and an escape risk. Narcotics user.

Right thumb fingerprint

WANTED BY THE FBI

Photographs taken 1968 and 1969

George Ernesto Lopez,

also known as Lyon Bonny, Juan Gomez, John Martin Solano.
W; born 12–5–49; New Orleans, LA; 5′9″–5′10″; 145–155 lbs; med bld; blk hair; brn eyes; med comp; occ-laborer.
Wanted by FBI for INTERSTATE FLIGHT-MURDER; ASSAULT WITH INTENT TO COMMIT MURDER; BURGLARY.

NCIC Classification
DOPO18COPO160413PODI

Fingerprint Classification:

18 O 26 W OOO Ref: 18
M 22 U IOO 22

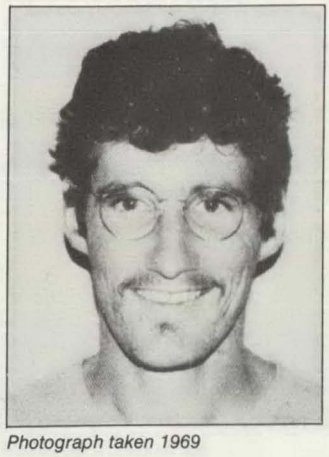
I.O. 4352

FBI No. 527 954 G

Caution

Lopez should be considered armed and dangerous.

Right thumb fingerprint



Photograph taken 1969

Leo Frederick Burt,

W; born 4–18–48; Darby, PA (not supported by birth records); 5′11″–6′; 185 lbs; musc bld; brn hair; hzl eyes; med comp; occ-laborer, watchman;
remarks: Reportedly wears mustache and beard, hair worn long in back.
Wanted by FBI for SABOTAGE; DESTRUCTION OF GOVERNMENT PROPERTY; CONSPIRACY.

NCIC Classification
PO540909121155TT0514

Fingerprint Classification:

4 O 1 R 12
S 17 Rt

I.O. 4399

Social Security Number Used: 189–40–9409

FBI No. 506 563 H

Caution

Burt is being sought in connection with the destruction by explosives of a building in which one person was killed and several injured. Consider dangerous.

Right index fingerprint

Photographs taken 1985

James Wesley Dyess,

also known as James Dyess, James W. Dyess, James Nobles, "Monkey."
B; born 6-10-56; Laurel, MS; 6′; 190 lbs; musc bld; blk hair; brn eyes; dark comp; occ-laborer, oil field worker, truck driver; scars and marks: Scars on forehead, in both eyebrow areas, on left arm, left elbow, and abdomen; tattoo of heart on left forearm; remarks: Reportedly a heavy drinker and frequents gay bars.
Wanted by FBI for INTERSTATE FLIGHT-MURDER.

NCIC Classification:
DO1415PM15DIPIPIPI16

Fingerprint Classification:

14 O 15 U 00M 15
I 20 W III

I.O. 5016

Social Security Numbers Used: 587–90–8905; 587–90–9005

FBI No. 692 593 T2

Caution

Dyess, an escapee from custody, is being sought in connection with burglary of a residence and the subsequent shooting murders of the two occupants. Dyess has carried a handgun in the past and should be considered armed, extremely dangerous, and an escape risk. FBI TOP TEN FUGITIVE

Left thumb fingerprint

Interesting Pattern

The classification of this pattern was described by one of the FBI's more experienced examiners as being a central pocket loop whorl, outer tracing, with definite "have a nice day" overtones. Note the humorous smiling face appearing in the central focal area of this impression and see if you agree.

Change of Address

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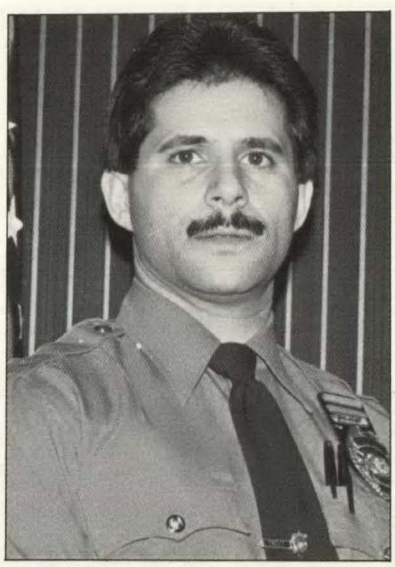
The Bulletin Notes

Patrolman George Menendez of the Hazlet Police Department, Hazlet, NJ, used his training in CPR to save a life. On January 1, 1986, he responded to a call that a man had a heart attack while working at a gasoline station. Patrolman Menendez administered CPR until the man resumed breathing on his own. The Bulletin is pleased to join Patrolman Menendez's superiors in the Hazlet Police Department in commending his lifesaving action.



Patrolman Menendez